

Draft BBC Editorial Guidelines

For public consultation

7 October – 24 December 2009

SECTION 1: THE BBC'S EDITORIAL VALUES

- 1.1 Introduction
- 1.2 Editorial Values
- 1.3 BBC Charter and Agreement

1.1 INTRODUCTION

Audiences are at the heart of everything we do.

We are committed to giving them high quality, original and at times challenging output. Creativity is the lifeblood of our organisation.

Equally, we must give our audiences content made to the highest editorial and ethical standards. Their trust depends on it.

We must therefore balance our presumption of freedom of expression with our responsibilities, for example to respect privacy, to be fair, to avoid unjustifiable offence and to provide appropriate protection for our audiences from harm¹

We seek to uphold the BBC's Editorial Values in all we do. They embody our freedoms and responsibilities and, like the Editorial Guidelines, apply to all our content, whether it is made by the BBC itself or by an independent company working for the BBC, and whether it is made for radio, television, online, mobile devices, interactive services or the printed word. What follows are challenging requirements, but they are essential to everything we do.

1.2 EDITORIAL VALUES

1.2.1 Trust

Trust is the foundation of the BBC: we are independent, impartial and honest. We are committed to achieving the highest standards of due accuracy and impartiality and strive to avoid knowingly and materially misleading our audiences.

1.2.2 Truth and Accuracy

We seek to establish the truth of what has happened and are committed to achieving due accuracy in all our output. Accuracy is not simply a matter of getting facts right; when necessary, we will weigh relevant facts and information to get at the truth. Our output, as appropriate to its subject and nature, will be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We will strive to be honest and open about what we don't know and avoid unfounded speculation.

¹ The Human Rights Act 1998 recognises the right to freedom of expression, which includes the audience's right to receive creative material, information and ideas without interference, subject to restrictions in law. It also recognises the right to private and family life and to freedom of thought, conscience and religion.

1.2.3 Impartiality and Diversity of Opinion

Impartiality lies at the core of the BBC's commitment to its audiences. We will reflect a breadth and diversity of opinion across our output as a whole, over an appropriate period, so that no significant strand of thought is knowingly unreflected or under represented. We will do all we can to ensure that 'controversial subjects'² are treated with due impartiality. We will be fair and open-minded when examining evidence and weighing material facts.

1.2.4 Editorial Integrity and Independence

The BBC is independent of outside interests and arrangements that could undermine our editorial integrity. Our audiences should be confident that our decisions are not influenced by outside interests, political or commercial pressures, or any personal interests.

1.2.5 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 innovative and challenging content with our responsibility to protect the vulnerable from harm and avoid unjustifiable offence. We will be sensitive to, and keep in touch with, generally accepted standards as well as our audiences' expectations of our content, particularly in relation to the protection of children.

1.2.6 Serving the Public Interest

We seek to report stories of significance to our audiences. We will be rigorous in establishing the truth 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 others who are accountable, and provide a comprehensive forum for public debate.

1.2.7 Fairness

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

1.2.8 Privacy

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

1.2.9 Children

We will always seek to safeguard the welfare of children and young people who contribute to and feature in our content, wherever in the world we operate. We will

² See Section 4 Impartiality and Diversity of Opinion: Controversial Subjects

preserve their right to speak out and participate, while ensuring their dignity and their physical and emotional welfare is protected during the making and broadcast of our output. Content which might be unsuitable for children will be scheduled appropriately.

1.2.10 Transparency

We will be transparent about the nature and provenance of the content we offer online. Where appropriate, we will identify who has created it and will use labelling to help online users make informed decisions about the suitability of content for themselves and their children.

1.2.11 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 relationship with them. We will be open in acknowledging mistakes when they are made and encourage a culture of willingness to learn from them.

1.3 BBC CHARTER AND AGREEMENT

1.3.1 The BBC's Editorial Values, and the Editorial Guidelines, are rooted in the Royal Charter and the Agreement.

The Royal Charter guarantees the editorial independence of the BBC and sets out its Public Purposes³. These are defined as:

- sustaining citizenship and civil society
- promoting education and learning
- stimulating creativity and cultural excellence
- representing the UK, its nations, regions and communities
- bringing the UK to the world and the world to the UK
- in promoting its other purposes, helping to deliver to the public the benefit of emerging communications technologies and services and, in addition, taking a leading role in the switchover to digital television.

1.3.2 The Agreement accompanying the BBC's Charter specifies that we should do all we can 'to ensure that controversial subjects are treated with due accuracy and impartiality'⁴ in our news services and other output dealing with matters of public policy or political or industrial controversy. It also states that our output is forbidden from expressing the opinion of the BBC on current affairs or matters of public policy, other than broadcasting or the provision of online services. The Accuracy,

³ Section 4 Royal Charter for the Continuance of the British Broadcasting Corporation, September 2006

⁴ Paragraph 44 Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture Media and Sport and the British Broadcasting Corporation, July 2006

Impartiality and Politics, Public Policy and Polls sections of the Editorial Guidelines incorporate the BBC Trust's code as required under Paragraph 44 (5) of the Agreement, giving guidance as to the rules to be observed in connection with Paragraphs 44 (1) to 44 (4) of the Agreement.

1.3.3 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 editorial integrity and independence, the BBC has drawn up its own guidelines on standards for advertising and sponsorship for its commercial television and online services.

SECTION 2: USING THE GUIDELINES

- 2.1 Introduction
- 2.2 Roles and Responsibilities
- 2.3 Principles and Practices
- 2.4 Editorial Justification
- 2.5 Guidance
- 2.6 Other Sources of Advice

2.1 INTRODUCTION

The BBC Editorial Guidelines apply to all of our content whoever creates or makes it and wherever and however it is received. They set out the standards expected of everyone making or presenting the BBC's output. They will help anyone, in-house or independent, public service or commercial, to deal with difficult editorial issues, meet the expectations of the audience, and produce distinctive and challenging content to the highest ethical and editorial standards.

As well as representing the values and standards of the BBC, the Editorial Guidelines reflect the relevant provisions of the Ofcom Broadcasting Code⁵. Content or output (terms used interchangeably throughout) meeting the standards in the Guidelines will also meet the regulatory requirements when completing the BBC's compulsory compliance process.

The Guidelines are commissioned and approved by the BBC Trust. They are published, available to the public, and used as the basis for the consideration of complaints about BBC output. They are part of what makes the BBC distinctive.

Any proposal to step outside the Editorial Guidelines must be editorially justified. It must be discussed and agreed in advance with a senior editorial figure or, for independents, with the commissioning editor. Director Editorial Policy and Standards must also be consulted.

2.2 ROLES AND RESPONSIBILITIES

Editorial Responsibility

2.2.1 Editorial responsibility in the BBC rests with the editorial chain of management from programme or content producer, whether in-house or independent, through to Divisional Director, and to the BBC's Director General, who is the Editor in Chief.

Content Producers and their Managers

2.2.2 Knowledge of the Guidelines is an essential professional skill, and everyone who makes the BBC's content is contractually required to familiarise themselves with them and work within them.

2.2.3 When applying the Guidelines, individual content producers are expected to make the necessary judgements in many areas, but some issues require careful

⁵ See Section 19, Accountability, and Ofcom Broadcasting Code

consideration at a higher level. The Guidelines therefore advise, and sometimes require, reference to more senior editorial figures, Editorial Policy or experts elsewhere in the BBC such as Programme Legal Advice.

2.2.4 Editors and managers must be prepared to discuss areas of concern and ready to offer guidance. They must support producers and other staff in the editorial management of their content, including the effective supervision of on-air talent.

Referrals

2.2.5 Referrals lie at the heart of the BBC's editorial process and are a source of its strength. No one involved in the making or presenting of our output should hesitate to refer editorial dilemmas.

The more important or contentious the issue, the higher the referral needs to be. Divisional lists naming the individuals for each referral identified in the Editorial Guidelines are available via the Editorial Policy website. It is your responsibility to be aware of who you should refer to in your Division.

2.2.6 The Editorial Guidelines specify a number of Mandatory Referrals. These may be to senior editorial figures within the output division, Editorial Policy or, on occasion, other areas of the BBC.

Mandatory Referrals are part of the BBC's editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.

The Mandatory Referrals are summarised at the start of each section of the Guidelines. However they must be read in the context of the relevant cross-referenced Practices to be fully understood.

2.2.7 In the Nations and the English Regions the relevant Director or Controller must be informed of any issue that is a Mandatory Referral to Director Editorial Policy and Standards.

2.2.8 Any significant breach of the editorial standards in the Guidelines, such as unforeseen events in a live broadcast, should be referred promptly to an appropriate senior editorial figure.

Editorial Policy

2.2.9 The Editorial Policy team, led by Director Editorial Policy and Standards, gives advice on how to work within the Guidelines at every stage of the production process of every type of content. The earlier potentially contentious content is referred the better. Advice is available 24 hours a day.

Editorial Policy is also responsible for writing these Editorial Guidelines, and other guidance designed to ensure BBC content is made to the highest editorial standards. In addition to the Referrals specified in each section, Editorial Policy should normally be consulted on queries on how to interpret or apply the Editorial Guidelines.

Editorial Compliance

2.2.10 Compliance responsibility in the BBC lies in output teams, together with editorial responsibility. The Editorial Guidelines, referrals and advice from Editorial Policy can inform the judgements that are essential to the editorial compliance of BBC output. Legal advice may also be necessary.

(See Section 2 Using the Editorial Guidelines: Other Sources of Advice)

It is a fundamental requirement of the compulsory compliance process that all pre-recorded content must be watched or listened to in full by the producer and a senior editorial figure prior to broadcast. No pre-recorded programme may be broadcast without a completed compliance form, or equivalent. Only a limited number of exceptions are allowable, and must be cleared in advance by the relevant Divisional Director.

Advice on the compliance process is available from the Heads of Editorial Standards and/or Compliance Managers in each output Division.

2.3 PRINCIPLES AND PRACTICES

2.3.1 The Principles are the standards that all BBC output must meet, regardless of who makes it or where in the world it is broadcast. (Note that the term 'broadcast' is used throughout the Guidelines to refer to the publishing of content by any means and on any platform – including television, radio, online, in print, or any other method of delivery).

The Practices, which follow the Principles in each section, are based on the best practice of generations of programme makers; they are a framework for the considered editorial judgements needed when making our output.

The Practices help meet the relevant editorial values and the Principles. Some of the Practices are obligatory to ensure the BBC meets its legal and regulatory requirements. Others are advisory rather than obligatory. In all normal circumstances, they should be followed as well.

There may be circumstances in which a decision not to follow an advisory practice might be justified and might not constitute a breach of the relevant Principle. Anyone intending not to follow an advisory Practice should seek advice in advance from Director Editorial Policy and Standards.

2.4 EDITORIAL JUSTIFICATION

2.4.1 The concept of editorial justification recurs throughout the Editorial Guidelines and is central to the application of our values and standards.

It is a judgement on the particular circumstances of each case, balancing the editorial purposes of our output or actions with their impact on others.

(See Section 1 The BBC's Editorial Values: Introduction)

2.5 GUIDANCE

2.5.1 The Editorial Guidelines are supplemented by further guidance, written by Editorial Policy as required and published on the BBC Editorial Guidelines website. The guidance contains further explanation of the themes and policies in the Guidelines and offers practical advice both on their application and on a range of common issues.

Where further guidance was available at the time of the original publication of this edition of the Editorial Guidelines, it is referenced alongside the relevant Practices. However, new guidance is issued and updated as needs arise. Editorial Policy's regular newsletter advises those involved in content production for the BBC when guidance has been issued or revised. It can be subscribed to on the Editorial Guidelines website.

2.6 OTHER SOURCES OF ADVICE

BBC Lawyers

2.6.1 Broadcasting is the subject of many different laws ranging from defamation and contempt to obscenity, privacy, incitement and health and safety. Legal problems may arise not just with what we broadcast but with how we create our content, so appropriate legal advice should be taken in good time. Those making content in-house should approach the Programme Legal Advice department directly.

Independent producers may refer legal questions through their commissioning executive (who will discuss them with Programme Legal Advice) but should not hesitate to take independent legal advice. There are some areas where this is essential.

The BBC has a separate Principal Solicitor, Scotland, who can advise on Scots law issues.

2.6.2 When considering the issues raised by the Editorial Guidelines it is often necessary to distinguish between the law on the one hand, and broadcast regulation and the BBC's ethics on the other. There may be occasions when content is sufficiently legally safe to broadcast, but still raises regulatory or reputational risks for the BBC, such as 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.

2.6.3 Any decision to proceed with a programme despite legal advice must be referred to the most senior editorial level in the relevant Division and Director Editorial Policy and Standards.

(See Section 18: The Law)

Nations and Regions

2.6.4 There are different political cultures and structures in the UK, and different national and regional sensitivities, which we should respect and reflect. There are

differences in the powers of the UK Parliament at Westminster, the Scottish Parliament and the assemblies of Wales and Northern Ireland. There are also significant differences in the legal systems in the Nations, as well as in the provision of, for example, education, health and social services.

2.6.5 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 Director Northern Ireland. Similarly, content producers outside Scotland and Wales should inform the director 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.

Other Specialists

2.6.6 The BBC has specialists in many subjects who may be able to help those making content for the BBC achieve the highest editorial standards. Such specialists 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 the Natural History Unit.

BBC Fair Trading Guidelines

2.6.7 The BBC Editorial Guidelines are concerned with editorial issues and any references to commercial products and organisations in our content. 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.

BBC Occupational Risk Management

2.6.8 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.

SECTION 3: ACCURACY

3.1 Introduction

3.2 Principles

3.3 Mandatory Referrals

3.4 Practices

Gathering Material

Finding Contributors

Note-taking

Avoiding Misleading Audiences

Managing Online Content

Checking Programmes

Correcting Mistakes

3.1 INTRODUCTION

The BBC is committed to achieving due accuracy. This commitment is fundamental to our reputation and the trust of audiences, which is the foundation of the BBC. It is also a requirement under the BBC Agreement, which states “The BBC must do all it can to ensure that controversial subjects are treated with due accuracy...in all relevant output”⁶.

The term ‘due’ means that the accuracy must be adequate and appropriate to the output, taking account of the subject and nature of the content, the likely audience expectation and any signposting that may influence that expectation.

‘Relevant output’ is content that consists of news or deals with matters of public policy or of political or industrial controversy⁷.

(See Section 4 Impartiality and Diversity of Opinion)

We strive to achieve due accuracy in all our output but its requirements may vary. The due accuracy required of, for example, drama, entertainment and comedy, will not usually be the same as for factual content. The requirements may even vary within a genre, so the due accuracy required of factual content may differ depending on whether it is, for example, factual entertainment, historical documentary, current affairs or news.

Accuracy is not simply a matter of getting facts right. If an issue is controversial, relevant opinions as well as facts may need to be considered. When necessary, all the relevant facts and information should also be weighed to get at the truth.

Where appropriate to the output, we should:

- gather material using first hand sources wherever possible;

⁶ Paragraph 44 (1) Broadcasting: An Agreement Between Her Majesty’s Secretary of State for Culture Media and Sport and the British Broadcasting Corporation, July 2006

⁷ Paragraph 44 (8) Broadcasting: An Agreement Between Her Majesty’s Secretary of State for Culture Media and Sport and the British Broadcasting Corporation, July 2006

- check and cross check facts;
- validate the authenticity of documentary evidence and digital material;
- corroborate claims and allegations made by contributors wherever possible.

In news and current affairs content, achieving due accuracy is more important than speed.

3.2 PRINCIPLES

3.2.1 The BBC must do all it can to ensure that ‘controversial subjects’⁸ are treated with due accuracy in all ‘relevant output’.

3.2.2 All BBC output, as appropriate to its subject and nature, 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. Claims, allegations, material facts and other content that cannot be corroborated should normally be attributed.

3.2.3 The BBC must not knowingly and materially mislead its audiences. We should not distort known facts, present invented material as fact or otherwise undermine our audiences’ trust in our content.

3.2.4 We should normally acknowledge serious factual errors and correct them quickly, clearly and appropriately.

3.3 MANDATORY REFERRALS

(Mandatory Referrals are part of the BBC’s editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy

3.3.1 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 Director Editorial Policy and Standards and Programme Legal Advice.

Other Referrals

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

3.3.3 Any proposal to use an internet resource (such as a chat room, message board or social networking group) to find contributors must also be referred to the relevant divisional representative or, for independents, to the commissioning editor.

⁸ See Section 4 Impartiality and Diversity of Opinion: Controversial Subjects

3.4 PRACTICES

Gathering Material

3.4.1 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.

(See Section 3 Accuracy: Note Taking)

We should record our research 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, as soon as possible afterwards.

3.4.2 In all our content we must check and verify information, facts and documents, where required to achieve due accuracy. If we have been unable to verify material sufficiently, we should say so and attribute the information.

(See Section 4 Impartiality: Where BBC Content or the BBC is the Story)

3.4.3 There are separate considerations for user generated content. We should not automatically assume that the material is accurate and should take reasonable steps, depending on how it is to be used and if necessary to achieve due accuracy, to seek verification. We must take special care over how we use any material that we suspect has been supplied by a member of a lobby group or organisation with a vested interest in the story, rather than a disinterested bystander.

We should carefully scrutinise and, if necessary to achieve due accuracy, corroborate eyewitness accounts submitted by email before using them, for example by talking to eyewitnesses on the phone.

We should ensure that user generated content is clearly identified as such.

3.4.4 Particular care is required when researching on the internet or using material from websites. Even normally reliable sources of information on the web may not always be accurate. We should also be alert to the possibility of hoax websites; the most convincing material on the web may not be what it seems. It may be necessary to check who is running the website or confirm with an individual or organisation that the material is genuine.

Material from Third Parties

3.4.5 Material supplied by third parties needs to be treated with appropriate caution, taking account of the reputation of the source.

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 news agency.

We should only use other 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.

3.4.6 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 reluctant to use video and audio news releases or other similar material. We do not normally use any extracts from such releases if we are capable of gathering the material ourselves. The editorial significance of the material, rather than simply its impact, must be considered before it is used. If it is editorially justified to use it then we must explain the circumstances and clearly label the source of the material in our output.

Finding Contributors

3.4.7 We should make checks to establish the credentials of our contributors and to avoid being “hoaxed”. The nature of these checks should be appropriate to the nature and significance of their contribution, the content 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 output. 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 that 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.

(See Section 6, Fairness: Contributors and Informed Consent)

3.4.8 We should not use agencies that 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 all appropriate checks must be carried out on any information or contacts they supply.

Appealing for Contributors

3.4.9 We should only appeal for contributors to factual and factual entertainment programmes as a last resort when other appropriate research methods have been exhausted. When we do use advertisements 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”. Appropriate checks should be made to screen out unsuitable or untruthful applicants.

We should not use third party websites that help people wanting to appear in the media, except when seeking contestants or audiences for entertainment programmes. Even then all appropriate checks should be made to screen out unsuitable or untruthful contributors.

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

Any proposal to use an internet resource (such as a chat room, message board or social networking group) to find contributors must also be referred to the relevant divisional representative or, for independents, to the commissioning editor.

When posting on websites to find contributors or research material, we should normally be identifiable as working for the BBC and, where email details are provided, use a BBC address.

(See Section 6 Fairness, Contributors and Consent: Deception and Section 8 Crime: Investigations)

Note-taking

3.4.10 We must take accurate, reliable and, wherever possible, contemporaneous notes of all significant research and other relevant information. We must keep records of research including written and electronic correspondence, background notes and documents. They should be kept in a way that allows double-checking, particularly at the scripting stage, and if necessary by another member of the team.

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

(See Section 3 Accuracy: Gathering Material, Section 6 Privacy: Electronic Note-taking and Section 6 Fairness, Contributors and Consent: Anonymity)

Avoiding Misleading Audiences

3.4.11 We must not knowingly and materially mislead our audiences with our content. We may need to clarify the nature of some content by labelling (for example, verbally, in text or with visual or audio cues) to avoid being misleading.

Sources

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

3.4.13 When quoting an anonymous source, especially a source making serious allegations, we must take all appropriate steps to protect their identity. However we

should give the audience what information we can about them and in a way that does not materially mislead about the source's status.

(See Section 6 Fairness, Contributors and Consent: Anonymity)

Whenever a story originated by the BBC 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.

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 Director Editorial Policy and Standards 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, for example for whistleblowers
- whether a response to serious allegations has been sought from the people or organisations concerned

(See Section 6 Fairness, Contributors and Consent: Right of Reply)

- sensitive and personal issues
- whether the serious allegation was made or substantiated "off the record".

3.4.14 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.

When the allegations have not been independently corroborated, we should consider if it is appropriate to inform the audience.

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.

Online Links to Third Party Websites

3.4.15 Links from BBC Online to third party websites should normally lead to sites which are 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.

(See Section 14 Editorial Integrity and Independence: Online Links to Third Party Websites)

Production Techniques

3.4.16 There are very few recorded programmes that do not involve some intervention from the production team, but there are acceptable and unacceptable production techniques. Consideration should be given to the intention and effect of any intervention. It is normally acceptable to use techniques that augment content in a simple and straightforward way, for example by improving clarity and flow or making content more engaging. This may include craft skills such as some cutaway shots, set-up shots to establish interviewees and asking contributors to repeat insignificant actions or perform an everyday activity. It is usually unacceptable to use production techniques that materially mislead the audience about the reality of the narrative or events.

For news and factual content, unless clearly signalled to the audience or using reconstructions, we should not normally:

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

Commentary and editing must never be used to give the audience a materially misleading impression of events or a contribution.

3.4.17 We should ensure that any digital creation or manipulation of material, 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 materially mislead our audiences. We should also be aware that digital manipulation of photographs, video and documents has been used to hoax broadcasters.

Reconstructions

3.4.18 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. They should also be identifiable as reconstructions, for example by using verbal or visual labelling or visual or audio cues, such as slow motion or grading. It should also be obvious to the audience where a reconstruction begins and ends.

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

(See Section 8 Reporting Crime and Anti-Social Behaviour: Reconstructions.)

Factually Based Drama

3.4.19 When a drama portrays real people or events, it is inevitable that the creative realisation of some dramatic elements such as characterisation, dialogue and atmosphere may be fictional. However, the portrayal should be based on a substantial and well-sourced body of evidence whenever practicable and we should ensure it does not distort the known facts, including chronology, unduly. It is important to explain the drama's factual basis (or use of dramatic licence) with clear signposting.

Sensitivities will often be at their highest when a drama has, as its central purpose, the portrayal of living people, people with living close relatives or recent events. Particular care should be taken to achieve due accuracy.

(See Section 6 Fairness, Contributors and Consent: Portrayal of Real People in Drama)

Archive Material

3.4.20 Archive material should not be used in a way that materially misleads the audience about a situation, events or what is being depicted. Labelling may be required.

(See Section 13 Re-use and Reversioning: Accuracy Issues)

Reporting Statistics and Risk

3.4.21 We should report statistics and risks in context and avoid worrying the audience unduly, especially about health or crime. 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. It will usually be appropriate to report the source of figures, and sometimes the margin of error, to enable people to judge their significance.

(See Section 10 Politics and Public Policy: Reporting Opinion Polls, Surveys, Focus Groups and Panels)

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 opinion, the demands of due accuracy and due impartiality may require us to make this clear

Managing Online Content

3.4.22 At the time when BBC content is posted online, the department responsible for its creation should decide on a coherent strategy for its management over time. Consideration should be given to how frequently pages need to be updated or how they are to be treated if they are not to be updated.

3.4.23 News pages and any content that advertises its topicality, or where users might reasonably expect it to be topical, must be kept up-to-date. Content that appears to be topical but is, in fact, clearly out of date may undermine the BBC's reputation for high editorial standards. This includes databases of material gathered over time.

To avoid materially misleading users, it should normally be clear when the content they are accessing was first published and, where relevant, when it was last updated significantly.

For example, pages may have a date stamp from the moment of publication and/or they may be labelled as archived (e.g. by displaying a prominent banner stating that the page is no longer being updated).

When a material change is made to an item of content, the change should normally be indicated to users unless, for example, there are legal or editorial reasons not to do so.

3.4.24 Unless content is specifically made available only for a limited time period, there is a presumption that material published online will become part of a permanently accessible archive and will not normally be removed.

For news stories, the archive is intended to act as a permanent public record. However, on a limited number of occasions we may decide not to add a topical link to a specific archived news page. Very exceptionally, we may require a page to be removed. Such exceptional circumstances may include legal reasons, personal safety risks, or a serious breach of editorial standards that cannot be rectified except by removal of the material. Any proposal to remove an online news page from the archive should be referred to the Editor News Online, who may wish to consult Programme Legal Advice and Editorial Policy.

In other areas, we may occasionally have to remove some audio-visual content, a section of a specific programme, or in exceptional cases the whole programme. This may be for personal safety, privacy, fairness, legal reasons or a serious breach of editorial standards. However, it should only be done with the approval of the relevant senior editorial figure.

An appropriate mechanism, including a system of referrals, should be in place to remove or revoke BBC online content, whether it is text or audio-visual, short form or long form, and published on a BBC site or syndicated elsewhere.

(See Section 13 Re-use and Reversioning)

Checking Programmes

3.4.25 We must check programmes recorded some time before transmission 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.

(See Section 13 Re-use and Reversioning: Accuracy Issues)

Correcting Mistakes

3.4.26 We should normally acknowledge serious factual errors and correct such mistakes quickly, clearly and appropriately. 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.

SECTION 4: IMPARTIALITY AND DIVERSITY OF OPINION

4.1 Introduction

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4.1 INTRODUCTION

Impartiality lies at the core of the BBC's commitment to its audiences, though its requirements may vary. It applies across all of our output, from international services and commercial magazines via television and radio to websites and other online content. It faces constantly evolving challenges through technological innovation, changing engagement with audiences and the development of strands of opinion independent of established and traditional institutions.

Impartiality means taking account of the breadth and range of views on a subject. It is often more than a simple matter of "balance" between opposing viewpoints. Instead it involves considering the broad perspective, ensuring that the existence of a range of views is appropriately reflected. It is the BBC's single most compelling and central characteristic, at the heart of public service, and should be embraced and celebrated as an asset.

The Agreement accompanying the BBC's Charter requires us to do all we can to ensure controversial subjects are treated with due impartiality in our news services and other output dealing with matters of public policy or political or industrial controversy⁹.

The term 'due' means that the impartiality must be adequate and appropriate to the output, taking account of the subject and nature of the content, the likely audience expectation and any signposting that may influence that expectation.

The BBC Agreement forbids our output from expressing the opinion of the BBC on current affairs or matters of public policy, other than broadcasting or the provision of online services.

The external activities of staff, presenters and others who contribute to our output can affect the BBC's reputation for impartiality. Consequently, this section should be read in conjunction with Section 15: Conflicts of Interest.

⁹ Paragraph 44 Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture Media and Sport and the British Broadcasting Corporation, July 2006

4.2 PRINCIPLES

4.2.1 The BBC must do all it can to ensure that ‘controversial subjects’¹⁰ are treated with due impartiality in all ‘relevant output’¹¹.

4.2.2 In addition, our commitment to due impartiality extends to ‘controversial subjects’ in all our output.

4.2.3 We seek to provide a broad range of subject matter and perspectives over an appropriate time scale across our output as a whole.

4.2.4 We are committed to reflecting a wide range of opinion across our output as a whole and over an appropriate timeframe so that no significant strand of thought is knowingly unreflected or under represented.

4.2.5 News in whatever form must be presented with due impartiality, giving due weight to events, opinion and main strands of argument.

4.2.6 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.

4.3 MANDATORY REFERRALS

(Mandatory Referrals are part of the BBC’s editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)

Referrals to Editorial Policy

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

4.3.2 Any programme or area of content proposing to invite a politician to be a guest, when to do so is the exception rather than the rule, must refer to Chief Adviser Politics

Other Referrals

4.3.3 Where producers are responsible for content which is not part of a series, or long-running or continuous output, and which does not reflect an appropriately broad range of significant opinion, or otherwise risks being regarded as not impartial, this must be referred to the commissioning editor, so that consideration is given to due impartiality across the relevant service.

¹⁰ See Section 4 Impartiality and Diversity of Opinion: Controversial Subjects

¹¹ Paragraph 44 (8) Broadcasting: An Agreement Between Her Majesty’s Secretary of State for Culture Media and Sport and the British Broadcasting Corporation, July 2006 defines ‘relevant output’ as “the output of any UK Public Service which - (a) consists of news, or (b) deals with matters of public policy or of political or industrial controversy”.

4.4 PRACTICES

General

4.4.1 Impartiality must be adequate and appropriate to the output. Our commitment to it extends to all our output, including drama, entertainment and sport, dealing with all ‘controversial subjects’ in matters of public policy, political or industrial controversy, as well as religion, science, finance, culture, ethics and elsewhere. Across our output as a whole, we must be inclusive, reflecting a breadth and diversity of opinion. We must be fair and open-minded when examining the evidence and weighing material facts.

4.4.2 Programmes and other output can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, so long as this is clearly signposted. Such output should acknowledge that a range of views exists, the weight of those views and should not misrepresent them. If such output contains serious allegations, a right of reply may be required, either as part of the same output, or in a connected and clearly signposted alternative.

(See Section 6 Fairness, Contributors and Consent: Right of Reply)

A breadth and diversity of other views must be included in other output, over an appropriate time frame, sufficient to achieve due impartiality

Controversial Subjects

4.4.3 We must strive to achieve due impartiality on ‘controversial subjects’. In determining whether subjects are controversial, we should take account of:

- the level of public and political contention and debate
- how topical the subjects are
- sensitivity in terms of relevant audiences’ beliefs and culture
- whether the subjects are matters of intense debate or importance in a particular nation, region or discrete area likely to comprise at least a part of the audience
- a reasonable view on whether the subjects are serious
- the distinction between matters grounded in fact and those which are a matter of opinion.

Advice on whether subjects are controversial is available from Editorial Policy.

4.4.4 When dealing with ‘controversial subjects’, we must ensure a wide range of significant views and perspectives are given due weight and prominence, particularly when the controversy is active. Opinion should be clearly distinguished from fact.

Major Matters

4.4.5 'Major matters'¹² are matters of public policy or political or industrial controversy that are of national or international importance, or of a similar significance within a smaller coverage area. When dealing with 'major matters', or when the issues involved are highly controversial and/or a decisive moment in the controversy is expected, it will usually be necessary to ensure that an appropriately wide range of significant views are reflected in a clearly linked 'series of programmes', a single programme or sometimes a single item.

Controversial Subjects and Linking

4.4.6 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.

Government Information

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

Breadth and Diversity of Opinion

4.4.8 To achieve impartiality, our output as a whole must give due weight to the many and diverse areas of an argument.

Breadth and diversity of opinion may require not just a political and cultural range, but, on occasions, reflection of the variations between urban and rural, older and younger, poorer and wealthier, the innovative and the status quo, etc. It may involve exploration of perspectives in different communities, interest groups and geographic areas.

Due Weight

4.4.9 Impartiality does not require that the range of perspectives or opinions should be covered in equal proportions either across our output as a whole, or within a single programme, web page or item. Instead, we should seek to achieve 'due weight'. For example, minority views should not necessarily be given equal weight to the prevailing consensus.

Nevertheless, the omission of an important perspective, in a particular context, may jeopardise due impartiality and be regarded by parts of our audience as a demonstration of bias. Decisions over whether to include or omit perspectives should be reasonable and carefully reached, with consistently applied editorial judgement across an appropriate range of output.

¹² Paragraph 44 (6) Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture Media and Sport and the British Broadcasting Corporation, July 2006

Reporting the UK

4.4.10 Impartiality should also take account of the different political cultures and structures in different parts of the UK, for instance, in ensuring that differing main strands of argument in one or more of the nations receive due weight and prominence in UK-wide output.

(See Section 10 Politics, Public Policy and Polls: Reporting the UK)

Impartiality and Audiences

4.4.11. Listening to and engaging with audiences is central to what the BBC does, from radio phone-ins to user generated content online. But responses should not be given a wider significance than they merit and we should take care not to misrepresent the relative weight of opinions expressed. We should also be prepared to apply appropriate scrutiny to audience opinions and ensure that the debate does not appear closed to members of the audience who support a minority view when they have not already made contact.

(See Section 10 Politics, Public Policy and Polls: Opinion Polls, Surveys and Votes)

News, Current Affairs and Factual Output

4.4.12 News in whatever form must be presented with due impartiality, giving due weight to events, opinion and main strands of argument. The approach and tone of news stories must always reflect our editorial values, including our commitment to impartiality.

4.4.13 Presenters, reporters and correspondents are the public face and voice of the BBC - they can have a significant impact on perceptions of our impartiality. Journalists and presenters, including those in news and current affairs, may provide professional judgements, rooted in evidence, but may not express personal views on public policy, on matters of political or industrial controversy, or on 'controversial subjects' in any other area. Our audiences should not be able to tell from BBC programmes or other BBC output the personal prejudices of our journalists and presenters on such matters.

This applies as much to online content as it does to news bulletins: nothing should be written by journalists and presenters that would not be said on air.

(See Section 4 Impartiality: Personal View Content 4.4.31 and Section 15 Conflicts of Interest)

4.4.14 We should not automatically assume that contributors from other organisations (such as academics, journalists, researchers and representatives of charities) are impartial and we may need to make it clear to the audience when contributors are associated with a particular viewpoint, if it is not apparent from their contribution.

Where BBC Content or the BBC is the Story

4.4.15 Our reporting must remain accurate, impartial and fair 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 exposed to potential conflicts 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.

Drama, Entertainment and Culture

4.4.16 The audience expects artists, writers and entertainers to have scope for individual expression in drama, entertainment and culture. The BBC is committed to offering it. Where this covers matters of public policy, political or industrial controversy, or other ‘controversial subjects’, services should normally aim to reflect a broad range of the available perspectives over time.

(See Section 6 Fairness, Contributors and Consent: Portrayal of real people in drama)

4.4.17 A drama where a view of ‘controversial subjects’ is central to its purpose, must be clearly signposted to our audience. Its excellence and insights must justify the platform offered. It may be appropriate to offer alternative views in other connected and sign-posted output. Advice is available from Editorial Policy.

(See Section 3 Accuracy and Section 6 Fairness, Contributors and Consent)

Contentious Views and Possible Offence

4.4.18 Contributors expressing contentious views, either through an interview or other means, must be rigorously tested while giving them a fair chance to set out their full response to questions. Minority views should be given appropriate space in our output; it is not for the BBC to suppress discussion.

Consequently, we will sometimes need to report on, or interview, people whose views may cause serious offence to many in our audiences. On such occasions, referral should be made to a senior editorial figure who may wish to consult Editorial Policy. The potential for offence must be weighed against the public interest and any risk to the BBC’s impartiality. Coverage should reflect the possibility of offence, and be appropriately robust, but it should also be fair and dispassionate.

The public expression by staff and presenters of personal offence or indignation which risks jeopardising the BBC’s impartiality is not normally appropriate.

Consensus, Campaigns and Scrutiny

Consensus

4.4.19 There are some issues which may seem to be without controversy, appearing to be backed by a broad or even unanimous consensus of opinion. Nevertheless, they may present a significant risk to the BBC’s impartiality. In such cases, although

it may be neither necessary nor appropriate to seek out voices of opposition, we should resist the temptation to use language and tone which appear to accept consensus or received wisdom as fact or self-evident.

We must challenge our own assumptions and experiences and also those which may be commonly held by parts of our audience. BBC output should avoid reinforcing generalisations which lack relevant evidence, especially when applying them to specific circumstances. This might occur in the fields of politics, race, charity, science, technology, medicine or elsewhere. These can present some of the most difficult challenges to asserting that the BBC does not hold its own opinion. Care should be taken to treat areas of apparent consensus with proper rigour. Where necessary, consult Editorial Policy.

Campaigns

4.4.20 Similarly, the BBC must remain independent and distanced from Government initiatives, campaigners, charities and their agendas, no matter how apparently worthy the cause or how much their message appears to be accepted or uncontroversial.

(See Section 10 Politics, Public Policy and Polls)

4.4.21 Careful thought will be necessary to ensure perceptions of impartiality are maintained when content is scheduled topically and coincides with a third party's campaign. It is advisable to contact Editorial Policy.

Social Action

4.4.22 Social action output can form an important part of the BBC's public service. However, care is required to ensure the BBC sets its own social action agenda and decides its own priorities:

- We must ensure that our output does not simply embrace the agenda of any particular campaign groups and that we treat groups objectively and do not favour one above another
- 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 not lobby on matters of public policy when raising awareness of important social issues
- 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 16 External Funding and Relationships)

Scrutiny

4.4.23 We should ensure that appropriate scrutiny is not limited just to those who are in government, or hold power and responsibility, but is also applied to those who oppose them, campaigns, lobbyists, opposition groups and others, including views expressed interactively by the audience.

Elections

4.4.24 Special considerations apply during the campaigns for elections and, in some cases, the period running up to campaigns will involve greater sensitivity with regard to due impartiality in all output genres. Chief Adviser Politics will issue specific advice and, for the UK, will publish separate Election Guidelines for each campaign period.

(See Section 10 Politics, Public Policy and Polls)

Impartiality in Series and Over Time

4.4.25 In observing due impartiality, a 'series of programmes' may be considered as a whole¹³.

The term 'series of programmes' applies to the following:

- *Content that deals with the same or related issues, within an appropriate period, and are clearly linked.*

This may include a strand with a common title; different types of linked programmes (such as a drama with a following debate); a clearly identified season of programmes or items on the same or similar subjects; or a set of interlinked web pages. Such programmes, items or web pages need to achieve impartiality across the series, and online content should include links or signposts to the other online elements.

The intention to achieve impartiality in this way should be planned in advance. For programmes, the dates and times of other programmes in the series should be announced at the time of the first relevant programme. Where that is not practicable, advance notice should be given in other ways of subsequent programmes in the series.

- *Programmes dealing with widely disparate issues from one edition to the next, but also clearly linked as a strand with a common title and a particular remit.*

In strands impartiality should normally be achieved within individual programmes, or across a specific number of explicitly editorially linked programmes. However, across a whole series or over time these strands will also need to demonstrate due impartiality, for example through a consistent application of editorial judgement.

¹³ Paragraph 44 (2), Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture Media and Sport and the British Broadcasting Corporation, July 2006

4.4.26 On long-running or continuous output (such as general daily magazine programmes, the News Channel, Online, etc) due impartiality may be achieved over time by the consistent application of editorial judgement in relevant subject areas. For instance, it is not usually required for an appearance by a politician, or other contributor with partial views, to be balanced on each occasion by those taking a contrary view, although it may sometimes be necessary to offer a right of reply.

(See Section 6 Fairness, Contributors and Consent: Right of Reply)

However, Editors of long-running or continuous output should ensure that:

- it reflects a broad range of individuals and views, including all main strands of argument
- differing views are treated fairly in terms of prominence, treatment and time of day
- there is an appropriate timescale for assessing that due impartiality has been achieved. Particular care is required approaching Elections (see below).

For online content, due impartiality may be achieved by a breadth of views, available at a particular time, across our online services as a whole.

When dealing with ‘major matters’, due impartiality cannot normally be achieved over time or by a breadth of views available across our online services as a whole.

(See Section 4 Impartiality and Diversity of Opinion: Controversial Subjects – Major Matters 4.4.5)

4.4.27 Some output which covers normally non-controversial areas (such as favourite music or books, sporting allegiances or personal biography) may seek, on an occasional basis, to include contributors or presenters who are otherwise known for their partiality, for example politicians, campaigners or others who are identified with particular views. On these occasions, due impartiality should be achieved over time by a consistent application of editorial judgement which might mean ensuring that, for example, potentially favourable content includes other individuals with differing views. The appropriate timescale for achieving due impartiality will vary according to context, but it will not normally be greater than a programme series or a year. There will be different considerations during periods approaching Elections (see below).

(See Section 10 Politics, Public Policy and Polls: Political interviews and contributions)

Any programme or area of content proposing to invite a politician to be a guest, when to do so is the exception rather than the rule, must refer to Chief Adviser Politics.

In all instances where the aim is to achieve impartiality regarding politics or public policy over a series or over time, periods approaching Elections must be given special consideration. Advice is available from Chief Adviser Politics.

4.4.28 Where producers are responsible for content which is not part of a series, or long-running or continuous output, and which does not reflect an appropriately broad range of significant opinion, or otherwise risks being regarded as not impartial, this

must be referred to the commissioning editor, so that consideration is given to due impartiality across the relevant service.

Personal View Content

4.4.29 The BBC has 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 its output. This can range from the outright expression of highly partial views by a campaigner, to the opinion of a specialist or professional including an academic or scientist, to views expressed through contributions from our audiences. All of these can add to the public understanding and debate, especially when they allow our audience to hear fresh and original perspectives on familiar issues.

Such personal view content must be clearly signposted to audiences in advance.

4.4.30 Additionally, when personal view programmes and websites (for example, blogs) cover 'controversial subjects', especially those concerning matters of public policy or political or industrial controversy, we should:

- retain a respect for factual accuracy
- fairly represent opposing viewpoints when included
- 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.

4.4.31 BBC staff and regular BBC presenters or reporters associated with news or public policy related output may offer professional judgements rooted in evidence. However, it is not normally appropriate for them to present or write personal view programmes and content on public policy, on matters of political or industrial controversy, or on 'controversial subjects' in any area.

(See Section 4 Impartiality: News, Current Affairs and Factual Output 4.4.13)

SECTION 5: HARM AND OFFENCE

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5.2 Principles

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Language

Violence

Intimidation and Humiliation

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Alcohol, Smoking, Solvent Abuse and Illegal Drugs

Suicide, Attempted Suicide, Self-Harm and Eating Disorders

Imitative Behaviour

Tragic Events

Hypnotism, Exorcism, the Occult and the Paranormal

Flashing Images, Strobbing and Images of Very Brief Duration

Acquired Programmes

5.1 INTRODUCTION

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 innovative and challenging content, appropriate to each of our services, with our responsibility to protect the vulnerable and avoid unjustifiable offence.

Creative risk-taking is a vital part of the BBC's mission. However, in all our output, the greater the risk, the greater the thought, care and planning required to bring creative content to fruition. We must be sensitive to, and keep in touch with, generally accepted standards as well as our audiences' expectations of our content, particularly in relation to the protection of children. Audience expectations of our content usually vary according to the service on which it appears.

When our content includes challenging material that risks offending some of our audience we must always be able to demonstrate a clear editorial purpose, taking account of generally accepted standards, and ensure it is clearly signposted. Such challenging material may include, but is not limited to, strong language, violence, sex, sexual violence, humiliation, distress, violation of human dignity, and discriminatory treatment or language.

Generally Accepted Standards

The Agreement accompanying the BBC's Charter requires us to apply "generally accepted standards so as to provide adequate protection for members of the public from the inclusion of offensive and harmful material"¹⁴ The understanding of what

¹⁴ Paragraph 46 (2) Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture Media and Sport and the British Broadcasting Corporation, July 2006

constitutes 'generally accepted standards' will evolve over time and will be informed by relevant research. Applying 'generally accepted standards' is a matter of judgement, taking account of the content, the context in which it appears and editorial justification.

Context

Context includes, but is not confined to:

- the surrounding editorial material
- the service on which the content is available
- the time at which it is available
- other programmes or content that are available around the programme or content concerned
- the likely size and composition of the potential audience and likely expectation of the audience
- the harm or offence likely to be caused by the inclusion of the particular content in output generally, or in output of a particular nature or description
- the extent to which the nature of the content can be brought to the attention of the potential audience, for example, by signposting and content information
- the effect of the content on audiences who may come across it unawares.

When making our judgements, these factors will not necessarily carry equal weight.

For new series on television and radio (or when existing series change channels) where content may raise issues of generally accepted standards, there should normally be a discussion early in the production process with the commissioning executive and the production team, including presenters and performers, to establish parameters of tone and content appropriate to the platform, context and slot. A returning series which has established expectations of strong language and content should have a similar discussion before the start of each run.

Those planning online content should also consider whether there will be issues of generally accepted standards and determine, early in the process, whether the content is likely to appeal to a significant proportion of children or younger people and select material appropriately.

For the purposes of the Editorial Guidelines and unless stated otherwise, a child is someone under the age of 15 years. Young people are those aged 15, 16 and 17¹⁵. It should be noted that these are not legal definitions.

¹⁵ These definitions reflect the Ofcom Broadcasting Code (Section One: Protecting the Under-Eighteens *Meaning of "Children"*) which classifies 'Children' as "people under the age of fifteen years".

5.2 PRINCIPLES

5.2.1 The BBC must apply generally accepted standards so as to provide adequate protection for members of the public from the inclusion of offensive and harmful material.

5.2.2 We must not broadcast material that might seriously impair the physical, mental or moral development of children.

5.2.3 We must observe the 9pm television Watershed to ensure material that might be unsuitable for children is appropriately scheduled.

5.2.4 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.

5.2.5 We must ensure our audiences have clear information on which to judge whether content is suitable for themselves or their children.

5.2.6 The use of strong language must be editorially justified and appropriately signposted to ensure it meets audience expectations, wherever it appears.

5.3 MANDATORY REFERRALS

(Mandatory Referrals are part of the BBC's editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)

5.3.1 Programmes broadcast on television between 5.30am and 9pm must be suitable for a general audience including children. Programmes in later pre-Watershed slots may not be suitable for the youngest children or for children to watch without an older person. Any proposed exceptions must be referred to a senior editorial figure or, for independents, to the Commissioning Editor.

5.3.2 Any proposal to use the strongest language (cunt, motherfucker and fuck or its derivatives) must be referred to and approved by the relevant Output Controller. Chief Adviser Editorial Policy may also be consulted.

5.3.3 Clear editorial justification will be required on the rare occasions we broadcast graphic scenes of bullfighting, cockfighting and other similar activities, even if they are recorded in countries where they are legal. Any proposal to do so must be referred to a senior editorial figure or, for independents, to the Commissioning Editor.

5.3.4 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> referral should also be made to Chief Adviser Editorial Policy.

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

5.3.6 Any proposal to include flashing images or strobing sequences in recorded programmes which fail the Transmission Review technical checks must be approved by the relevant Output Controller.

5.3.7 Any content that might use techniques which exploit the possibility of conveying a message to viewers or listeners, or otherwise influencing their minds, without their being aware or fully aware of what has occurred (for example, by using images of very brief duration) must be referred to a senior editorial figure, or for independents to the commissioning editor, who may wish to consult with Editorial Policy.

5.4 PRACTICES

Audience Expectations

5.4.1 We should judge the suitability of content for our audiences, including children, in relation to the expectations of the likely audience, taking account of the time and day on which it is available, the nature of the service and the nature of the content.

The following questions can help determine whether content will be within the expectations of the audience:

- What is the likely composition of the audience, including the likely number and age range of children in the audience taking account of school time, weekends and holidays? (We should be aware that school holidays are different in different parts of the UK.)
- Does the talent, slot, title, genre or service carry pre-existing expectations that may be challenged by the content?
- Has any difficult or challenging content been clearly signposted?
- Are there any special sensitivities surrounding the slot, for example religious festivals or anniversaries of major events?
- What is the likely “pull-through audience” (that is, what is the nature of the preceding content and what kind of audience is it likely to attract)?

Content Information

5.4.2 We must clearly signpost challenging content on all of our services using, either alone or in combination, appropriate scheduling and content information which is clear, consistent and factual. This is to ensure that our audiences have an appropriate expectation of our content and opportunity to make informed decisions about what they see and hear.

5.4.3 When relevant, we should provide clear information about the content of pre-Watershed programmes, programmes which start before the Watershed and run beyond it, and post-Watershed programmes (if appropriate).

On-demand content which would be post-watershed on television should be labelled where appropriate.

On radio, we should provide content information when children are particularly likely to be in our audience or when content has the potential to exceed usual audience expectations.

Information about challenging or unexpected content can include on air and online announcements, content labels, electronic programme guides, trails, billings, Ceefax, press releases and other publicity.

Content Labelling On Demand

5.4.4 When we make audio or visual content available on demand on BBC platforms, and where appropriate, we must provide information to enable users to understand its context and to make informed choices about its suitability, both for themselves and for children, before they access it.

5.4.5 Stronger or more challenging content may require labelling under the 'G for Guidance' system. This provides:

- the BBC's 'G for Guidance' icon indicating that content guidance is available for the user
- a system of content labels to describe strong or challenging content
- a PIN/password protection system so that parents can restrict access to more challenging material carrying a content label.

The Watershed and Scheduling for TV, Radio and Online

Television Scheduling and the Watershed

5.4.6 Television scheduling decisions need to balance the protection of young people and particularly children with the rights of all viewers, including 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 9pm television Watershed is used by broadcasters to distinguish between programmes intended mainly for a general audience and those programmes intended for an adult audience. However, parents and carers share in the responsibility for assessing whether programme content is suitable for their children, based on their expectations of that content.

The 9pm Watershed signals the beginning of the transition to more adult material, but the change should not be abrupt. Programme makers and schedulers should also take into account the nature of the channel and viewer expectations. The strongest material should appear later in the schedule. If sudden changes of tone are unavoidable they should be clearly signposted, for example by giving clear information about scenes of a sexual nature, violence or the use of strong language.

5.4.7 Programmes broadcast between 5.30am and 9pm must be suitable for a general audience including children. The earlier in the evening a programme is placed, the more suitable it should be for children to watch without an older person.

Programmes in later pre-Watershed slots may not be suitable for the youngest children or for children to watch without an older person.

Only in exceptional circumstances can there be any departure from this practice, and then clear content information should be given. Exceptions may include, but are not limited to, images that some children might find distressing in natural history programmes or items in pre-watershed news bulletins. Any proposed exceptions must be referred to a senior editorial figure or, for independents, to the Commissioning Editor.

5.4.8 Programmes that straddle the Watershed, that is start before 9pm and finish sometime after 9pm, should normally be pre-Watershed compliant throughout.

5.4.9 Programmes should normally be clearly commissioned for broadcast on a specific channel and for pre- or post-Watershed, to allow the necessary careful judgements about the suitability of the content to be made during the production process. Changes to originally agreed channel or transmission slots, particularly any proposal to broadcast a programme before rather than after the Watershed, may mean a programme requires significant re-editing to ensure that it complies with these Editorial Guidelines for harm and offence, particularly regarding strong language and the overall tone.

Controllers, commissioners and production teams should be aware that channels and transmission slots, whether pre- or post-Watershed, often carry well-established audience expectations. It is therefore advisable to determine programme slots as early as possible in the production process.

5.4.10 Interactive content broadcast on television must observe the Watershed and be appropriate for the audience of any associated programme. Interactive content broadcast on television and associated with pre-watershed programmes should be pre-watershed compliant at all times.

Television News

5.4.11 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 and timely content information to signpost difficult images, particularly those that may be distressing for children.

Radio Scheduling

5.4.12 Radio does not have a watershed. Our scheduling decisions should be based on the audience expectations of each radio service and informed by our knowledge of when children are particularly likely to be in our audience. We must take extra care when different generations may be listening together. This typically applies during the morning and afternoon school runs or during school holidays. Unexpected or challenging material should be clearly signposted to avoid causing unjustifiable offence.

5.4.13 We should normally play edited versions of music which would otherwise feature unsuitable material, including strong language or violent content, for mainstream daytime audiences. At night and in specialist music programmes, the original version may be editorially justified but it should be within the audience expectations for the programme and, if necessary, we should take steps to achieve this (for example, signposting and content information).

5.4.14 We should consider using on air announcements to inform listeners about programmes which contain difficult or controversial material which would otherwise be unexpected 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.

Online

5.4.15 There is no direct equivalent of the watershed online.

Any content immediately accessible on the BBC Home Page must be suitable for a general audience, including children. Any content immediately accessible one click from the Home Page should normally be suitable for a general audience, including children.

Otherwise, the nature of the content we make available should be based on the audience expectations of the specific online service and informed by our knowledge of when it is likely to appeal to a significant proportion of children. This applies equally to content we create ourselves, user generated content, material brought in from third party websites and links to third party websites.

Unexpected and challenging content, especially content which might be unsuitable for children, should be labelled to avoid causing unjustifiable offence. Content labelling should be clear and factual, but not inappropriately explicit.

5.4.16 We should be aware that audience expectations may be influenced by the platform on which content appears. However, online content linked to any radio or television programme must be appropriate to the programme and its likely audience, regardless of whether the content is created by the BBC or users.

Additionally, the expectations of internet-based, user-generated content may be different if that same material is also carried on television or radio.

5.4.17 When linking from a BBC site to a third party website, we must check the contents of the third party site before installing the link. 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.

BBC web pages designed for children should only link to third party pages with content suitable for a general audience.

We should not link from a BBC website associated with a radio or television programme aimed at children to another site whose associated programme contains material which is unsuitable for children.

Interactive Executive Editors should review the suitability of maintaining links as appropriate.

(See Section 14 Editorial Integrity and Independence: Online Links to Third Party Websites)
(See Section 7 Privacy: CCTV, Third Party Webcams and Other Material from Outside Sources)

Scheduling of Programme Trails

5.4.18 Trails for radio and television programmes that are unsuitable for a general audience including children must be carefully scheduled.

Trails scheduled next to programmes targeted at children or when children are particularly likely to be watching, or in online content likely to appeal to a significant proportion of children, should be suitable for that audience.

Trails for post-Watershed programmes must be appropriate for a general audience including children if shown before the Watershed.

Live Output

5.4.19 We need to assess the risks when broadcasting live output and take any appropriate steps to mitigate them. If problems occur in live output, they should be dealt with promptly and sensitively.

Language

5.4.20 The effect of strong language depends on the choice of words, the speaker and the context. Different words cause different degrees of offence in different communities as well as in different parts of the world. A person's age, sex, education, employment, faith, nationality and where they live, may all have an impact on whether or not they might be offended.

However, the use of strong language must be editorially justified and appropriately signposted to ensure it meets audience expectations, wherever it appears.

(See Section 5 Harm and Offence: Introduction and Content Information)

Strong language is most likely to cause offence when it is used gratuitously and without editorial purpose, and when it includes:

- sexual swearwords
- terms of racist or ethnic 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 strong language.

5.4.21 Output controllers and programme or content producers should ensure that strong language, especially the strongest language, is subject to careful consideration and appropriate referral, to ensure it is editorially justified, before it is included in our output.

Context and tone are key to determining whether strong language will be acceptable or deemed unjustifiably offensive. We should consider the following:

- What language was used, who used it, to whom was it directed and why was it said
- How it was said. Was the tone angry or aggressive, or charming and funny? The same terms can be considered more or less offensive depending on the tone of the delivery and the character or personality who use the terms
- Where the content is to be found in the television and radio schedules or online
- The quality of challenging material, which includes strong language, is a significant factor in determining its acceptability or unacceptability to audiences. Strong language can be acceptable when authentic or used for clear purpose or effect within a programme, but audiences dislike careless use which has no editorial purpose.

5.4.22 We must not include any offensive language in:

- pre-school children's programmes or websites (for four years and under)
- programmes or websites made for younger children
- 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 significant proportion of children, unless it is justified by the context. Even then, frequent or careless use must be avoided.

5.4.23 Apart from the most exceptional circumstances, we must not include the strongest 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 significant proportion of children. We must also make careful judgements about the use of the strongest language post-Watershed and ensure it is clearly signposted.

5.4.24 Any proposal to use the strongest language (cunt, motherfucker and fuck or its derivatives) must be referred to and approved by the relevant Output Controller, who should consider the editorial justification. Chief Adviser Editorial Policy may also be consulted.

Bleeping of Strong Language

5.4.25 In general, where strong language is integral to content and relevant questions of transmission slot and channel have been resolved, it should not be disguised. When a section of content is editorially justified but the slot, channel or context are not appropriate for strong language, it may be necessary to edit or bleep language, even post-watershed.

Language that is bleeped for pre-watershed content must be thoroughly obscured, taking care to ensure also that the bleeped words are not then made obvious by visible mouth movements.

Violence

5.4.26 Our audiences, particularly children, can be frightened or distressed by the portrayal of both real and fictional violence. We should make very careful judgements when we plan to include violence in our output; there is increasing public concern about violence in society in general and as portrayed in the media, both in factual and fictional content.

Consideration should be given to the editorial justification for any depiction of violence, and violent content should normally be clearly signposted. 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. There are very few circumstances in which it is justified to broadcast the moment of death.

(See Section 7 Privacy: Reporting Death, Suffering and Distress and Section 11 War, Terror and Emergencies)

Our editorial judgements need to consider a number of factors which, in combination, can increase the impact of violence, both in factual or fictional content:

- 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 and hospitals
- unusual or sadistic methods of inflicting pain, injury or death
- incidents where women, children and the vulnerable are the victims
- violence without showing the effect on the victim or the consequences for the perpetrator
- sexual violence
- verbal aggression and tone, particularly when it includes the use of the strongest language and discriminatory or sexually offensive terms
- 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
- sustained menace or unrelentingly dark tone.

5.4.27 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

5.4.28 Violence, its aftermath and descriptions of violence, broadcast in pre-Watershed programmes, or on radio when children are particularly likely to be in our audience or in online content likely to appeal to a significant proportion of children, must be appropriate to the likely audience and editorially justified.

5.4.29 We must ensure that verbal or physical violence that is easily imitable by children in a manner that is harmful or dangerous is not broadcast in pre-Watershed programmes or on radio when children are particularly likely to be in our audience or in online content likely to appeal to a significant proportion of children, unless there is strong editorial justification.

(See Section 5 Harm and Offence: Imitative Behaviour)

Violence Against Animals

5.4.30 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.

Clear editorial justification will be required on the rare occasions we broadcast graphic scenes of bullfighting, cockfighting and other similar activities, even if they are recorded in countries where they are legal. Any proposal to do so must be referred to a senior editorial figure or, for independents, to the Commissioning Editor.

(See Section 8 Reporting Crime and Anti-Social Behaviour: Witnessing and Depicting Illegal Activity)

Intimidation and Humiliation

5.4.31 BBC content must respect human dignity. Intimidation, humiliation, intrusion, aggression and derogatory remarks are all aspects of human behaviour that may be discussed or included in BBC output. Some comedy can be cruel but unduly intimidatory, humiliating, intrusive, aggressive or derogatory remarks must not be celebrated for the purposes of entertainment. Care should be taken that such comments and the tone in which they are delivered are proportionate to their target.

(See Section 6 Fairness: Intimidation and Humiliation)

Nudity

5.4.32 Nudity before the Watershed or in online content likely to appeal to a significant proportion of children, or suggestions of nudity on radio when children are particularly likely to be in our audience, must be justified by the context. Nudity, whether actual or suggested, has the potential to offend and care must be taken in pre-watershed content, especially in promotional material which does not carry content information.

Sex

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

In post-watershed content, 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.

5.4.34 The explicit portrayal of sex between under 16s and adults is illegal and must not be depicted at any time on any of our services.

(See Section 18 The Law: The Protection of Children Act)

5.4.35 The discussion and portrayal of sexual behaviour must be editorially justified in programmes broadcast pre-Watershed or on radio when children are particularly likely to be in our audience or in online content likely to appeal to a significant proportion of children. It must also be appropriate to the likely audience and inexplicit. Clear content information may be required.

We must not portray or represent sexual intercourse without a serious educational purpose in programmes broadcast before the Watershed or on radio when children are particularly likely to be in our audience for or in online content likely to appeal to a significant proportion of children.

5.4.36 We should consider whether support material is required when we encourage audiences, especially children and young people, to discuss their problems in any of our content. This could include addresses of a range of relevant websites or the phone numbers of authoritative helplines.

(See Section 14 Editorial Integrity and Independence: BBC Support Services)

Portrayal

5.4.37 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. In some instances, references to disability, age, sexual orientation, faith, race, etc. may be relevant to portrayal. However, we should avoid careless or offensive stereotypical assumptions and people should only be described in such terms when editorially justified.

5.4.38 When it is within audience expectations, we may feature a portrayal or stereotype that has been exaggerated for comic effect, but we must be aware that audiences may find casual or purposeless stereotypes to be offensive.

Alcohol, Smoking, Solvent Abuse and Illegal Drugs

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

5.4.40 The use of illegal drugs, the abuse of drugs, smoking, solvent abuse and the misuse of alcohol:

- must not be featured in content made primarily for children unless there is strong editorial justification
- must generally be avoided and must not be condoned, encouraged or glamorised in any programmes broadcast pre-Watershed or on radio when children are particularly likely to be in our audience or in online content likely to appeal to a significant proportion of children, unless there is editorial justification
- must not be condoned, encouraged or glamorised in other content likely to be widely seen, heard or used by children and young people, unless there is editorial justification.

5.4.41 We should also:

- ensure that contributors to programmes such as studio debates or chat shows do not smoke¹⁶
- deal with all aspects of illegal drug use, solvent and drug abuse, smoking and misuse of alcohol with due accuracy. Where necessary to achieve due accuracy, this should include, for example, the health implications and anti-social aspects of illegal drug use and binge drinking
- ensure the legal and social context of our coverage is clear
- avoid revealing explicit detail of solvent abuse and illegal drug use, unless clearly editorially justified.

¹⁶ Smoking in enclosed and substantially enclosed public spaces and workplaces is also now illegal in the United Kingdom.

5.4.42 When archive content contains material that does not reflect current standards or attitudes towards smoking, alcohol, substance abuse or the use of illegal drugs, the historical context and integrity of the content may provide sufficient editorial justification. However, the content should be appropriately scheduled and, where necessary, signposted and it should be clear to the audience that it is not contemporary.

(See Section 5 Harm and Offence: Content Information and Section 13 Re-use and Reversioning: Harm and Offence Issues)

Suicide, Attempted Suicide, Self-Harm and Eating Disorders

5.4.43 Suicide, attempted suicide and self-harm should be portrayed with great sensitivity, whether in drama or in factual programmes. Factual reporting and fictional portrayal of suicide, attempted suicide and self-harm has the potential to make such actions appear possible, and even appropriate, to the vulnerable.

5.4.44 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. Referral should also be made to Chief Adviser Editorial Policy.

Care must be taken to avoid describing or showing suicide or self-harming methods in explicit detail, unless there is a clear editorial justification.

5.4.45 The sensitive use of language is also important. Suicide was decriminalised in 1961 and since then the use of the term “commit” is considered offensive by some people. ‘Take one’s life’ or ‘kill oneself’ are preferable alternatives. We should consider whether a helpline or support material should be provided, or linked to, when our output deals with such issues. The Samaritans are usually willing to be consulted by programme makers and other content producers about the portrayal of suicide and have published their own guidance for broadcasters.

(See Section 14 Editorial Integrity and Independence: BBC Support Services)

5.4.46 Care is also required when portraying, in factual or fictional content, conditions such as anorexia or bulimia. We should be aware that the vulnerable, especially the young, may imitate or emulate behaviour and techniques depicted. Care should be taken to ensure that content is responsible and appropriate for the likely audience. Helplines or support material should be provided, or linked to, when necessary.

(See Section 14 Editorial Integrity and Independence: BBC Support Services)

Imitative Behaviour

Children and Dangerous Imitation

5.4.47 Children can be influenced by what they see, hear and read. Behaviour likely to be easily imitable by children in a manner that is dangerous, must not be broadcast before the Watershed or on radio when children are particularly likely to be in our audience or online when content is likely to appeal to a significant proportion of children.

5.4.48 Very careful judgements are required about content which might lead to dangerous imitation, particularly when they include the use of domestic objects (such as knives, hammers and scissors) in violent acts. Such content must not be featured in output made primarily for children unless there is a strong editorial justification. Factual programmes designed for children should ensure that care is taken to discourage imitation of techniques, experiments and so forth.

(See Section 5 Harm and Offence: Violence and the Protection of Children)

5.4.49 When hazardous activities such as rock climbing, snowboarding or white water rafting are portrayed in factual content either 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 significant proportion of children, we must give warnings about the dangers of imitation without expert supervision and ensure the necessary safety equipment is clearly visible. Where relevant and unless there is a clear editorial reason for not doing so, pre-watershed drama and entertainment programmes, or similar online content likely to appeal to a significant proportion of children, should normally show the correct safety procedures when depicting these kinds of activities.

Safety

5.4.50 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 who are driving use seatbelts, fit child car seats correctly, wear crash helmets and use the correct mobile phone equipment.

(See Section 18 The Law: General 18.3.1)

5.4.51 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 eye protection for DIY activities and protective headgear and clothing for sports and leisure activities, particularly those popular with children such as cycling, skateboarding and water sports.

Tragic Events

5.4.52 The aftermath of a tragic event may require scheduling changes on television and radio or the alteration, or occasionally, the removal, of web pages. We should keep our output under review to identify anything that, in the light of events, might cause unjustifiable offence as judged against generally accepted standards. Anniversaries of tragic events, such as rail crashes, bomb blasts or child abductions, can also call for similar sensitivity to the potential for offence.

(See Section 11 War, Terror and Emergencies)

Hypnotism, Exorcism, the Occult and the Paranormal

Hypnotism

5.4.53 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 in our output, we should still take steps to minimise any risk of inducing hypnosis and/or adverse reactions in susceptible viewers, listeners or online users. In particular, a hypnotist must not broadcast his/her full verbal routine or be shown performing straight to camera. Hypnotism acts, particularly those designed to ridicule someone, should be treated with care in entertainment programmes. They might be both harmful and offensive to our audience.

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

Exorcism, the Occult and the Paranormal

5.4.54 We must act responsibly when including material looking at any aspect of exorcism, the occult, the paranormal, divination or any related practices.

Demonstrations which purport to be real must not be shown 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 significant proportion of children.

Paranormal practices for entertainment purposes (not including drama, film or comedy) must not be broadcast when significant numbers of children may be expected to be watching or are particularly likely to be in our radio audience or using our online content.

5.4.55 At any time, demonstrations of exorcism, the occult, the paranormal, divination or any related practices in factual programmes must be treated with objectivity appropriate to the output. In entertainment programmes they must be clearly labelled. In all our output, such demonstrations should not normally contain advice about health, finance, employment or relationships which could encourage people to make life changing decisions.

Flashing Images, Strobing and Images of Very Brief Duration

Flashing Images, Strobing and Photo-Sensitive Epilepsy

5.4.56 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, for example when flashing content is unavoidable, such as in a press event or a live news report when it cannot be remedied technically. In such cases, when inclusion of the content is editorially justified, we should give a verbal and, if appropriate, a text warning at the start of the programme or item.

Any proposal to include flashing images or strobing sequences in recorded programmes which fail the Transmission Review technical checks must be approved by the relevant Output Controller.

Images of Very Brief Duration

5.4.57 We must not use any techniques which exploit the possibility of conveying a message to viewers or listeners, or otherwise influencing their minds, without their being aware or fully aware of what has occurred. Such techniques could include images of very brief duration.

Anyone who has reason to believe their content might contain such a technique must refer to a senior editorial figure, or for independents to the commissioning editor, who may wish to consult with Editorial Policy.

Acquired Programmes

5.4.58 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 likely audience. A film classification is only a guide and special care should be taken with films rated as “18” certificate, which should not play before 9pm on any service.

(See Section 5 Harm and Offence: Television Scheduling and the Watershed)

5.4.59 We should not normally broadcast a film or programme refused certification by the British Board of Film Classification (BBFC). For further details refer to Section 1 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.

SECTION 6: FAIRNESS, CONTRIBUTORS and CONSENT

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6.1 INTRODUCTION

The BBC strives to be fair to all – fair to those our output is about, fair to contributors, and fair to our audiences. BBC content should be based on respect, openness and straight dealing. We also have an obligation under the Ofcom Broadcasting Code to “avoid unjust or unfair treatment of individuals or organisations in programmes.”¹⁷

Much of this section concerns the process of recruiting those who participate in or are otherwise involved in our content, and it should be considered alongside Section 7: Privacy – Privacy and Consent.

However, material inaccuracies in the way people are referred to, or featured, may risk causing unfairness. This applies not just to factual output (for example when representing the views of, and information about, others), but also to drama portraying real people or organisations. Consequently, this section of the Guidelines should also be read in conjunction with Section 3: Accuracy.

6.2 PRINCIPLES

6.2.1 We will be open, honest, straightforward and fair in our dealings with contributors and audiences unless there is a clear public interest in doing otherwise, or we need to consider important issues such as legal matters, safety, or confidentiality.

6.2.2 Individuals should normally be appropriately informed about the planned nature and context of their contributions when they are asked to take part in BBC content and give their consent, unless there is an editorial justification for proceeding without their consent.

6.2.3 When our output contains allegations of wrong-doing, iniquity or incompetence or lays out a strong and damaging critique of an individual or organisation, those criticised should normally have a right of reply, unless there is an editorial justification to proceed without it.

¹⁷ Rule 7.1, Ofcom Broadcasting Code

6.3 MANDATORY REFERRALS

(Mandatory Referrals are part of the BBC's editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy and Standards

6.3.1 Any proposal to broadcast a serious allegation resulting from our own journalism without giving those concerned an opportunity to reply must be referred to a senior editorial figure or, for independents, to the commissioning editor. Referral must also be made to Director Editorial Policy and Standards

6.3.2 The portrayal of a real person in a significant way in a drama against the wishes of the individual portrayed or their surviving near relatives must be referred to Director Editorial Policy and Standards.

Referrals to Editorial Policy

6.3.3 Any proposal to deceive a contributor to news or factual output must be referred to a senior editorial figure or, for independents, to the commissioning editor. Editorial Policy or, in the most serious cases, Director Editorial Policy and Standards, must also be consulted.

6.3.4 Any proposal to create a website which appears to have no connection with the BBC must be referred to a senior editorial figure and Editorial Policy.

Other Referrals

6.3.5 Any proposal to deceive a contributor for comedy and entertainment purposes, whether or not they are in the public eye, must be referred to a senior editorial figure, or for independents to the commissioning editor, who may consult Editorial Policy.

6.3.6 Any proposal to use a tourist visa to avoid visa restrictions when working for the BBC in that country, or any other proposal to enter a country illegally, must be referred to a senior editorial figure, or for independents to the commissioning editor, who may consult Director Editorial Policy and Standards.

6.3.7 Any access, filming or recording agreement must be referred to a senior editorial figure, or for independents to the commissioning editor, who may also consult Editorial Policy particularly when the proposed wording compromises the BBC's editorial independence or has the potential to cede editorial control to a contributor or contributing organisation.

6.3.8 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.

6.3.9 Anyone actively intervening to steer the course of an online discussion for a BBC purpose, without revealing their link to the BBC, must be acting in the public interest and must refer to a senior editorial figure or, for independents to the

commissioning editor. In the most serious cases, referral must also be made to Director Editorial Policy and Standards.

6.4 PRACTICES

Contributors and Informed Consent

6.4.1 We should treat our contributors honestly and with respect. Our commitment to fairness is normally achieved by ensuring that people provide 'informed consent' before they participate. 'Informed consent' means that contributors should be in possession of the knowledge that is necessary for a reasoned decision to take part in our content.

(See Section 3 Accuracy: Finding Contributors)

Before they participate, contributors should normally know:

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

The more significant their contribution, the more detail we should provide. However, we should normally expect to explain the following:

- The kind of contribution they are expected to make. We should tell them in advance about the range of views being represented in the specific content to which they are contributing 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
- 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 including reproduction and archiving 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 clear about the terms under which it is offered. It is normally best to do this in writing in advance. We should 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 6 Fairness, Contributors and Consent: Access Agreements and Section 13 Reuse and Reversioning)

- 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 should not make any commitment to a contributor that we can not keep. Third party websites may reproduce our content globally without our knowledge or consent, so no guarantee can be given that a contribution will not be seen in particular countries.

(See Section 5 Fairness, Contributors and Consent: Anonymity)

6.4.2 People recorded committing or admitting to an offence, or behaving or admitting to behaving in an anti-social manner 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 6 Fairness, Contributors and Consent: Deception and Section 6 Privacy: Legitimate Expectations of Privacy)

6.4.3 There may be occasions when people are discussed, referred to or appear in material 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 legitimate expectations of privacy.

(See Section 6: Privacy)

6.4.4 We should normally make contributors aware of significant changes to a programme or other content as it develops and prior to transmission, if such changes might reasonably be considered to have affected their original decision to participate, had it been known at the time. Depending on specific circumstances, such changes might include programme titles (for example, where they alter audience perception of the content or contributors), other significant contributors, significant changes to broadcast or publication date, or anything that materially alters the context in which the contribution will appear.

(See Section 13: Reuse and Reversioning)

Obtaining Consent

6.4.5 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.

In many cases contributors will give their consent by simply agreeing to be recorded for radio or television or to contribute online. For example, this will usually apply to those 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, continuous 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.

6.4.6 We should not normally rely on third parties to gain consent from a responsible adult although it may sometimes be sensible to approach a potential contributor via a third party in the first instance, for example when dealing with vulnerable people, the bereaved or in other sensitive circumstances.

6.4.7 For more significant contributions, we may sometimes ask participants 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: Finding Contributors)

6.4.8 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. In particular, we should avoid asking someone who is unable to give their own consent for views on matters likely to be beyond their capacity to answer properly without the consent of an adult with primary responsibility for their care.

(See Section 9 Children: Children and Informed Consent)

Withdrawal of Consent

6.4.9 Occasionally people who have willingly contributed to our output try to withdraw their consent prior to broadcast. Generally no one has the right in such circumstances 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 or perhaps where there have been significant changes to the context in which their contribution is to be used.

(See 6.4.4 above)

Anonymity

6.4.10 Sometimes information the public should know is only available through sources or contributors on an "off the record" or anonymous basis.

When we grant a contributor or source anonymity as a condition of their participation, we must clearly agree the extent of anonymity we will provide. It may be sufficient to ensure that the contributor or source is not readily recognisable to the general public, or they may wish to be rendered unidentifiable even to close friends and family. We should keep accurate notes of conversations with sources and contributors about anonymity. A recording is preferable where possible.

(See Section 3 Accuracy: Note-taking)

6.4.11 We must ensure when we promise anonymity that we are in a position to honour it, taking account of the implications of any possible court order demanding the disclosure of our unbroadcast material. When anonymity is essential, no document, computer file, or other record should identify a contributor or source. This includes notebooks and administrative paperwork as well as video and audio material.

6.4.12 Effective obscuring of identity may require more than just anonymity of a face. Other distinctive features, including hair, clothing and voice may need to be taken into account. Blurring rather than pixilation, which can be reversed, is the best way of ensuring anonymity in pictures. When disguising a voice, using 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

To avoid any risk of 'jigsaw identification' (that is, revealing several pieces of information in words or images that can be pieced together to identify the individual), our promises of anonymity may also need to include, for example, considering the way a contributor or source is described, blurring car number plates, editing out certain pieces of information (whether spoken by the contributor or others) and taking care not to reveal the location of a contributor's home. Note that, in some circumstances, avoiding the 'jigsaw effect' may require taking account of information already in the public domain.

We may need to disguise the identity of international contributors to meet our obligations of anonymity or if their safety may be compromised. Third party websites may reproduce our content globally without our knowledge or consent.

Contributors, Access Agreements and Editorial Independence

6.4.13 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 and tell a fair and accurate story.

If a contributor refuses to give an interview unless questions are rigidly agreed in advance or certain subjects 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.

Access Agreements and Indemnity Forms

6.4.14 Many organisations, ranging from police forces, military organisations and the Royal Household via hospitals and schools to department stores and leisure parks, 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.

However, it is important to ensure the terms under which access is granted do not compromise the BBC's editorial control or otherwise undermine 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.

6.4.15 Any access, filming or recording agreement must be referred to a senior editorial figure, or for independents to the commissioning editor, who may also consult Editorial Policy particularly when the proposed wording compromises the BBC's editorial independence or has the potential to cede editorial control to a contributor or contributing organisation.

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.

When access agreements cover other areas, including rights, re-use and facility fees, Legal and Business Affairs should be consulted.

(See Section 13 Re-use and Reversioning)

6.4.16 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. 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 7 Privacy: Tag along raids)

Deception

News and Factual Output

6.4.17 In news and factual output, where there is a clear public interest, it may occasionally be acceptable for us not to reveal the full purpose of the output to a contributor. Such deception is only likely to be acceptable when the material could not be obtained by any other means. It should be the minimum necessary and in proportion to the subject matter.

Any proposal to deceive a contributor to news or factual output must be referred to a senior editorial figure or, for independents, to the commissioning editor. Editorial Policy, or in the most serious cases Director Editorial Policy and Standards, must also be consulted.

(See Section 7 Privacy: Secret Recording and Section 8 Reporting Crime and Anti-Social Behaviour: Investigations)

Comedy and Entertainment Output

6.4.18 If deception is to be used for comedy or entertainment purposes, such as a humorous 'wind-up', the material should normally be pre-recorded and consent must be gained prior to broadcast from any member of the public or the organisation to be featured identifiably. If they are not identifiable, consent will not normally be required prior to broadcast unless the material was secretly recorded or is likely to result in unjustified public ridicule or personal distress.

The deception should not be designed to humiliate and we should take care not to distress or embarrass those involved. We may need to consult with friends or family to assess the risks in advance of recording.

(See Section 7 Privacy: Privacy and Consent, Secret Recording)

6.4.19 Deceptions for comedy or entertainment purposes involving those in the public eye will not normally require consent prior to broadcast unless the material was secretly recorded or is likely to result in unjustified public ridicule or personal distress.

(See Section 7 Privacy: Privacy and Consent, Secret Recording)

6.4.20 Any proposal to deceive a contributor for comedy and entertainment purposes, whether or not they are in the public eye, must be referred to a senior editorial figure, or for independents to the commissioning editor, who may consult Editorial Policy.

Online

6.4.21 On rare occasions, where strictly proportionate and editorially justifiable, it may be appropriate for the BBC to operate a website which appears to have no connection with the BBC.

For example, we might do this as part of an extended online game where clues are hidden on third party sites for players from BBC Online to discover, In such cases, we

must ensure that non-participants who come across such a site can find out its real purpose quickly and easily.

In the case of websites created for an investigation, we must ensure that there is no significant detriment to those who discover the website but are not the subject of the investigation.

Any proposal to create a website which appears to have no connection with the BBC must be referred to a senior editorial figure and Editorial Policy.

6.4.22 Anyone actively intervening to steer the course of an online discussion for a BBC purpose, without revealing their link to the BBC, must be acting in the public interest and must refer to a senior editorial figure or, for independents, to the commissioning editor. In the most serious cases, to referral must also be made Director Editorial Policy and Standards.

Working Abroad

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

Any proposal to use a tourist visa to avoid visa restrictions when working for the BBC in that country, or any other proposal to enter a country illegally, must be referred to a senior editorial figure, or for independents to the commissioning editor, who may consult Director Editorial Policy and Standards.

When use of a tourist visa in this way, or any other illegal entry of a country, is approved, Newsgathering and the Head of the relevant World Service region should also be informed. It may also be advisable to contact Programme Legal Advice before travelling.

Intimidation and Humiliation

6.4.24 We must treat our contributors and potential contributors with respect. We must not be unduly intimidatory, humiliating, intrusive or aggressive to contributors, either to obtain their consent or during their participation in our output.

(See Section 5 Harm and Offence: Intimidation and Humiliation, Section 6 Fairness: Deception – Comedy and Entertainment Output and Section 7 Privacy)

Right of Reply

6.4.25 When our output makes allegations of wrong doing, iniquity or incompetence or lays 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.

We must ensure we have a record of any request for a response including dates, times, the name of the person approached and the key elements of the exchange. We should normally describe the allegations in sufficient detail to enable an informed response, and set a fair and appropriate deadline by which to respond.

6.4.26 Any parts of the response relevant to the allegations broadcast 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 (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.

(See Section 7 Privacy: Doorstepping)

6.4.27 In very rare circumstances where we propose to broadcast a serious allegation without giving those concerned an opportunity to reply, the proposal must be referred to a senior editorial figure or, for independents, to the commissioning editor. Referral must also be made to Director Editorial Policy and Standards. 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 other legal reasons.

(See Section 3 Accuracy: Sources)

Refusals to Take Part

6.4.28 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 output itself.

When our audience might reasonably expect to hear counter arguments or where an individual, viewpoint or organisation is not represented it may be appropriate to explain the absence, particularly if it would be unfair to the missing contributor not to do so. This should be done in terms that are fair. We should consider whether we can represent the missing contributor's views based on what we already know.

(See Section 7 Privacy: Doorstepping and Section 4 Impartiality and Diversity of Opinion)

Portrayal of Real People in Drama

6.4.29 Whenever appropriate, and where their role is significant, real people portrayed in a drama or their surviving near relatives should be notified in advance and, where possible, their co-operation secured. There is less requirement to secure co-operation when dealing with people in the public eye, particularly if the portrayal is primarily of public aspects of their life.

Any proposal to go ahead against the wishes of the individual portrayed or their surviving near relatives must be referred to Director Editorial Policy and Standards for approval before a commitment is made to the production.

Unless dealing with people in the public eye and the public aspects of their lives, 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 on a substantial and well-sourced body of evidence whenever practicable.

(See Section 18 The Law: Defamation).

6.4.30 When drama realistically portrays living people in contemporary situations, particularly a controversial or sensitive event, we should ensure it does not unduly distort the known facts and thus become unfair.

(See Section 3 Accuracy: Factually Based Drama)

Safety and Welfare of Contributors

6.4.31 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.

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

6.4.33 We may need to take practical steps to protect international contributors or sources from repercussions within their own countries, arising from their participation in our output. Third party websites may reproduce our content globally without our knowledge or consent

(See Section 6 Fairness, Contributors and Consent: Anonymity)

6.4.34 If any material is gathered, by us 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.

SECTION 7: PRIVACY

7.1 Introduction

7.2 Principles

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Webcams

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Reporting Death, Suffering and Distress

Personal Information

7.1 INTRODUCTION

The BBC respects privacy and does not infringe it without good reason, wherever in the world it is operating. The Human Rights Act 1998 gives protection to the privacy of individuals, and private information about them, but balances that with a broadcaster's right to freedom of expression. In regulation, the Ofcom Broadcasting Code states "*Any infringement of privacy in programmes, or in connection with obtaining material included in programmes, must be warranted.*"¹⁸

(See Section 18 The Law: Privacy)

Meeting these ethical, regulatory and legal obligations in our output requires consideration of the balance between privacy and our right to broadcast information in the public interest. We must be able to demonstrate why an infringement of privacy is justified.

(See Section 7 Privacy: Introduction – The Public Interest)

An infringement is considered in two stages, requiring justifications for both the *gathering* and the *broadcasting* of material where there is a legitimate expectation of privacy.

Legitimate Expectations of Privacy

An individual's legitimate expectation of privacy is qualified by location and the nature of the information and behaviour, and the extent to which the information is already in the public domain. People in the public eye may, in some circumstances, have a lower legitimate expectation of privacy.

Location: People in public places or in semi-public places cannot expect the same degree of privacy as in their own homes or other sensitive locations. (A semi-public place is somewhere which, though private property, gives the public general access, such as an airport, station or shopping mall.)

However, location must be considered in conjunction with the activity. There may be circumstances where people can reasonably expect privacy even in a public or semi-public space, particularly when the activity or information being revealed is inherently

¹⁸ Rule 8.1, Ofcom Broadcasting Code

private. For example there may be a greater expectation of privacy when someone is in a public or semi-public place but receiving medical treatment.

There may also be occasions when someone in a location not usually open to the public is engaged in an activity where they have a low expectation of privacy, for example a sales pitch or giving public information. We do not, though, normally reveal information which discloses the precise location of a person's home or family without their consent, unless it is editorially justified.

Behaviour: There is less entitlement to privacy where an individual's behaviour is criminal or seriously anti-social.

The Public Interest

Private behaviour, information, correspondence and conversation should not be brought into the public domain unless there is a public interest that outweighs the expectation of privacy. 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 assists people to better comprehend or make decisions on 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.

When using the public interest to justify an intrusion, consideration should be given to proportionality; the greater the intrusion, the greater the public interest required to justify it.

Data Protection

The Data Protection Act protects individuals' privacy by regulating how personal information is collected, used and retained. The BBC's obligations under the Act are reflected, as appropriate, in this section of the Editorial Guidelines and other guidelines as notified by the BBC (including applicable data security guidelines and the Data Protection Handbook).

7.2 PRINCIPLES

7.2.1 The BBC must balance the public interest in freedom of expression with the legitimate expectation of privacy by individuals. Any infringement of a legitimate expectation of privacy in the gathering of material, including secret recording and doorstepping, must be justifiable as proportionate in the particular circumstances of the case.

7.2.2 We must 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.

7.2.3 We must justify intrusions into an individual's private life without consent by demonstrating that the intrusion is outweighed by the public interest.

7.2.4 We 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.

7.2.5 When gathering personal information from contributors, audiences and other members of the public, we must be clear about how we intend to use it. It must be handled in accordance with the guidelines issued by Information Policy and Compliance.

7.3 MANDATORY REFERRALS

(Mandatory Referrals are part of the BBC's editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy and Standards

7.3.1 Any proposal to gather material illegally outside the UK by disregarding privacy or other similar laws in the relevant country must be referred to Director Editorial Policy and Standards. Programme Legal Advice may also be consulted.

7.3.2 The use of unattended recording equipment on private property without the consent of the owner, occupier or agent must be referred to Director Editorial Policy and Standards. Programme Legal Advice must also be consulted.

7.3.3 Any proposal to feature people in live broadcasts for comedy or entertainment purposes, whether in person or on the phone, without their knowledge must be referred to Director Editorial Policy and Standards.

7.3.4 The broadcast without consent of any recording, including a telephone call, originally made for note-taking purposes must be approved by Director Editorial Policy and Standards.

7.3.5 Any proposal to doorstep an individual or organisation, whether in person or on the phone, where we have not previously tried to make an appointment for an interview ('Doorstepping Without Prior Approach'), must be approved by Director Editorial Policy and Standards. This does not apply to daily newsgathering.

Referrals to Editorial Policy

7.3.6 Any proposal to carry out secret recording must be referred to Editorial Policy prior to approval by the relevant senior editorial figure in the Division or, for independents, by the commissioning editor.

7.3.7 Any proposal to broadcast secret recordings made by others must be referred to Editorial Policy prior to approval by a senior editorial figure or, for independents, by the commissioning editor. If the BBC would not have considered it justifiable to gather the material under similar circumstances, approval will also be required from Director Editorial Policy and Standards.

7.3.8 Proposals to embed a live webcam feed from an event sponsor on a BBC website or platform must be referred to Editorial Policy and a senior editorial figure or, for independents, to Editorial Policy and the commissioning editor.

7.3.9 Any request for a contributor's personal information from the police must be referred to Editorial Policy and Programme Legal Advice before responding.

Other Referrals

7.3.10 Any deception required to obtain secretly recorded material (beyond the concealing of recording equipment) must be referred to the relevant senior editorial figure or, for independents, to the commissioning editor.

7.3.11 The re-use of secretly recorded material must be referred before broadcast to a senior editorial figure or, for independents, to the commissioning editor. A record must be kept of the decision.

7.3.12 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.

7.3.13 Any proposal to doorstep, whether in person or on the phone, where we have tried to make an appointment for an interview with the individual or organisation concerned ('Doorstep With Prior Approach') must be approved by a senior editorial figure or, for independents, by the commissioning editor.

7.3.14 Any proposal to doorstep, whether in person or on the phone, for comedy and entertainment purposes must be approved in advance by a senior editorial figure or, for independents, by the commissioning editor.

7.3.15 Any proposal to collect personal information on a BBC publicly funded website 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 IPC and BBC Fair Trading.

7.4 PRACTICES

Privacy and Consent

(See Section 6 Fairness, Contributors and Consent)

7.4.1 When contributors give informed consent to take part in our output, they can be assumed to have waived their expectations of privacy in relation to their contribution, subject to any agreed conditions placed on their participation.

7.4.2 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.

(See Section 7 Privacy: Webcams in public and semi-public spaces)

7.4.3 When filming openly in public and semi-public places, we do not normally obtain express consent from individuals who are incidentally caught on camera as part of the general scene, unless they are engaged in an activity where they have a legitimate expectation of privacy that is not outweighed by a public interest in showing them.

However, if an individual or organisation asks us to stop filming or recording (whether live or recorded) because of a concern about privacy, we should normally do so, unless it is editorially justified to continue.

7.4.4 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 justified not to obtain such consents.

7.4.5 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 our recording will aid the exposure of illegal or anti-social behaviour. When recording without prior consent on private or semi-public property, if the owner, legal occupier or person acting with their authority asks us to stop, we should normally do so unless it is editorially justified to continue.

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, but is not usually a police matter. Seek advice from Programme Legal Advice if you do not know how to proceed.

Children and Vulnerable People

7.4.6 We should pay particular attention to the expectations of privacy of people under sixteen and those who are vulnerable. When children are to be featured in our output in a way that would infringe a legitimate expectation of privacy, we should normally gain their informed consent (wherever possible) and the informed consent of

a parent, legal guardian or other person of eighteen or over acting in loco parentis. Featuring vulnerable people may also require the informed consent of a responsible person of eighteen or over.

(See Section 9 Children: Children and Informed Consent)

Third Parties

7.4.7 The privacy of an individual may be infringed by content that reveals private personal information about them, even if they are not contributing to the programme or directly included in it. When such information is not already in the public domain (or was placed there only by the intrusive actions of others), the relevant individuals will normally need to give informed consent to its inclusion in our output, unless there is a public interest that outweighs their expectations of privacy.

Material from Social Media

7.4.8 Although material, especially pictures and videos, on third party social media and other websites where the public have ready access may be considered to have been placed in the public domain, re-use by the BBC will usually bring it to a much wider audience. We should consider the impact of our re-use, particularly when in connection with tragic or distressing events. There are also copyright considerations.

Secret Recording

7.4.9 The following techniques are considered secret recording for the purposes of the BBC's Editorial Guidelines:

- the use of hidden cameras or microphones
- 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
- the deliberate use of audio-video equipment including long lenses, small video cameras, mobile phone cameras, webcams and 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
- recording telephone calls for possible broadcast without asking permission
- deliberately continuing a recording when the other party thinks that it has come to an end, or starting it before the other party thinks it has begun.

7.4.10 Normally, the BBC will use secret recording only for the following purposes:

- as an investigative tool where:
 - there is clear existing prima facie evidence of behaviour, or intention to carry out behaviour, that it is in the public interest to reveal, and
 - the recording is necessary to prove the behaviour, and

- there is no viable, alternative means of gathering the evidence that proves the behaviour.
- 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
- for comedy and entertainment output where the secret recordings, and any deception involved, are an integral part of the programme.

Approval of Secret Recording

(The following guidelines on Approval apply to any proposal to secretly record, whether for news, factual or comedy and entertainment purposes.)

7.4.11 Any proposal to carry out secret recording must be referred to Editorial Policy prior to approval by the relevant senior editorial figure in the Division or, for independents, by the commissioning editor.

The gathering and broadcast of secretly recorded material is always a two-stage process, requiring a justification for any intrusion at each stage. So, the decision to gather is always taken separately from the decision to transmit.

A record must be kept of the approval process, even if the request is turned down or the material gathered isn't broadcast. Each Division is responsible for maintaining its own secret recording records to enable the BBC to monitor and review its use across all output.

Any deception required to obtain secretly recorded material (beyond the concealing of recording equipment) 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.

(See Section 8 Reporting Crime and Anti-Social Behaviour: Investigations)

When proposing to carry out secret recording outside of the UK, we should be aware that the laws relating to privacy vary around the world. Any proposal to gather material illegally outside the UK by disregarding privacy or other similar laws in the relevant country must be referred to Director Editorial Policy and Standards. Programme Legal Advice may also be consulted.

7.4.12 The re-use of secretly recorded material must be referred before broadcast to a senior editorial figure or, for independents, to the commissioning editor. A record must be kept of the decision.

Secret Recording for News and Factual Output

7.4.13 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 not otherwise see or hear. However, secret recording should normally be a method of last resort.

The intrusion in the gathering and transmission of secret recording must be proportionate to the public interest it serves. Where there is a higher legitimate expectation of privacy, the BBC requires a higher public interest test to be achieved before recording secretly. Such situations include, but are not limited to:

- Secret recording in a private place where the public do not have access
- Secret recording of medical treatments
- Secret recording of identifiable people in grief or under extremes of stress both in public and semi-public places.

7.4.14 We must not go on “fishing expeditions”, i.e. secret recording on private property in search of crime or anti-social behaviour by identifiable individuals, or a group, when there is no clear prima facie evidence against them of that behaviour.

7.4.15 We must never use unattended recording equipment on private property without consent 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 Director Editorial Policy and Standards. Programme Legal Advice must also be consulted.

7.4.16 Secret recording may be used 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. In such cases, although there may be no evidence against known individuals, there should normally be a prima facie indication that the behaviour to be researched exists in general. The results of the research should be edited to provide a fair and accurate representation of the research. Consent should normally be obtained retrospectively from individuals or organisations to be included in our content, or their identities should be appropriately obscured. Any proposal in these circumstances to identify individuals or organisations without their consent should be referred to Editorial Policy.

Secret Recording for Comedy and Entertainment Output

7.4.17 Secretly recorded material should not expose people to hurtful ridicule or otherwise exploit them. If people realise they are being recorded secretly and ask us to stop, we must do so. We must also destroy any recordings of them if asked to do so.

7.4.18 Following gathering of the recordings, people who feature prominently must give their consent before the material is broadcast, or their identities must be appropriately obscured. If the recording might cause embarrassment to other recognisable individuals who have been caught on camera but have not given consent, their identities must also be disguised.

7.4.19 Anyone secretly recorded on the phone for comedy or entertainment purposes must give their consent before the call is broadcast.

7.4.20 Any proposal to feature people in a live broadcast without their knowledge, whether in person or on the phone, must be approved by Director Editorial Policy and Standards.

Secret Recordings from Outside Sources

7.4.21 When we are offered secret recordings made by others, we should consider whether, under similar circumstances, the BBC would have considered it justifiable to carry out the recording. If it would not have been considered justifiable to gather the material, it should not normally be broadcast. Any proposal to use secret recordings made by others must be referred to Editorial Policy prior to approval by a senior editorial figure or, for independents, by the commissioning editor. If the BBC would not have considered it justifiable to gather the material under similar circumstances, approval will also be required from Director Editorial Policy and Standards. Approval will only be given if there is a public interest in broadcasting it, outweighing how it was obtained.

Electronic Note-taking

7.4.22 It is often helpful to record conversations for note-taking purposes. We should normally do so openly and with the consent of the other party.

However, where it would not be possible to do so openly and it is editorially justified, we may record our conversations secretly in both audio and video (for example by using small cameras or telephone recording equipment) without obtaining consent or approval for secret recording. The intention of such recordings must be for note-taking and research, not for broadcast. Editorial justifications include, for example, ensuring accuracy in our reporting, integrity in our programme making, and enabling us to gather evidence to defend the BBC against possible legal action or complaints.

Where it is practicable to do so, recording a conversation without consent should be discussed in advance with a line manager.

7.4.23 We do not normally broadcast any recordings, including telephone calls, originally made for note-taking purposes. Any proposal to broadcast, without consent, recordings originally made for note-taking purposes must be approved by Director Editorial Policy and Standards. Permission to broadcast material gathered in this way will only be granted in exceptional circumstances.

Webcams

7.4.24 The BBC should only operate a webcam for a clear editorial reason. It should be removed when that purpose has been achieved. Webcams should not be installed to capture close-up images of private areas such as houses, gardens or offices without the written permission of the owner. If written permission is not obtained, any plan to install such a webcam should be considered as a proposal for secret recording.

(See Section 7 Privacy: Secret Recording)

The Data Protection Act 1998 and the Information Commissioner's Code of Practice on CCTV restrict the use of webcams in some circumstances. Further advice is available from the Information Policy and Compliance (IPC) department.

(See Section 18 The Law: Data Protection Act)
(Go online: Information Security, FM&T Webcam Policy)

Webcams in Studios

7.4.25 Where webcams are installed in BBC studios, the programme producer should warn guests in advance that a studio webcam will be in operation. This is particularly important for radio guests who may not expect to be in vision. If radio guests refuse to be on a webcam feed then we should normally respect their wishes. Visitors and staff should also be made aware of studio operated webcams.

The producer should be able to cut or mask the live feed from the camera to the website immediately. The same policy applies to feeds from non-BBC studios where we are recording interviews. More detailed guidelines covering the use of webcams on BBC premises are available from Information Security.

(Go online: Information Security, FM&T Webcam Policy)

Webcams in Public and Semi-public Spaces

7.4.26 When the BBC installs a webcam in a public or semi-public place (which gives the public general access) and individuals are likely to be identifiable, for example because the webcam transmits a sufficiently high level of detail, we should take reasonable steps to warn members of the public that the webcam is being operated by the BBC within a defined area. At a live event, outside broadcast or similar, this may be done by notices outside the venue and a line of information on any posters or tickets. If the webcam is in a public space, like a street or a park, a clear warning notice should be placed near the webcam.

There is no need to warn people that they may be on camera if individuals are not identifiable from the webcam output.

(Go online: Information Security, FM&T Webcam Policy)

CCTV, Third Party Webcams and Other Material from Outside Sources

7.4.27 Recordings and live feeds provided by others may pose issues of privacy, as well as concerns about accuracy, anonymity, offence, defamation, contempt of court or data protection. Such content includes Closed 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 when using such material if we do not have an established relationship with the outside source. In all cases we should research its origins and consider relevant privacy issues (including whether it should be assessed as secret recording) before we decide to broadcast it.

(See Section 3 Accuracy: Material from Third Parties, Section 6 Fairness, Contributors and Consent, Section 18 The Law)

7.4.28 Any proposal to put a third party's webcam feed on a BBC website or platform should be referred to a senior editorial figure, or for independents to the Commissioning Editor, who may also consult Editorial Policy. We should aim to maintain editorial control of any webcam which transmits live to a BBC site. This will protect our editorial independence and reduce the risk of intrusive, harmful, offensive or unduly promotional images appearing on our site.

Where this is not practicable, the risk of allowing a third party's live output to appear on a BBC site must be assessed carefully before we proceed. We should take account of the source of the webcam, the shot, the subject matter and the format. For example, taking a feed from a civic body, or a static shot of a city skyline, may be acceptable with appropriate safeguards. However, it is unlikely we would embed a live video stream feed from an event sponsor; any such proposal must be referred to Editorial Policy.

7.4.29 The BBC should retain editorial responsibility for monitoring the output of a webcam or feed, regardless of who owns it. The level of monitoring should be appropriate for the content of the camera. A producer should normally be in a position to cut the feed from a live webcam if it becomes necessary. However, it is usually acceptable to transmit pictures from traffic webcams, even when the pictures are not monitored by us, provided we are satisfied that the police, or other responsible authority, are monitoring the pictures to an appropriate standard.

(Go online: Information Security, FM&T Webcam Policy)

Doorstepping

7.4.30 Doorstepping 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 for broadcast because we have not made an arrangement with them to do so. It often involves an infringement of privacy and should normally be a last resort.

Doorstepping can be in person or on the phone or intercom, etc. It can take place on public or private property. It can be for news and factual programmes as well as comedy and entertainment.

Doorstepping does not include vox pops. Additionally, the guidelines on doorstepping that follow are not intended to prevent the legitimate gathering of material for the daily news agenda, research purposes or for comedy and entertainment output.

Doorstepping for News and Factual Programmes With Prior Approach

7.4.31 Any proposal to doorstep, whether in person or on the phone, where we have tried to make an appointment for an interview with the individual or organisation concerned must be approved 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 significant wrongdoing and for one, or more, of the following reasons:

- the subject of a doorstep has failed to respond to repeated requests for interview in connection with the wrongdoing alleged
- a request for an interview has been repeatedly refused without good reason and substantial allegations of wrongdoing have been avoided
- there is a history of failure to respond to interview requests or refusal to be interviewed.

Proposals for doorstepping should be proportionate to any wrongdoing. Consideration should be given to the safety of production staff and the risk of infringing the privacy of third parties who are insufficiently responsible for any wrongdoing, such as family members or junior employees.

Doorstepping for Factual Programmes Without Prior Approach

7.4.32 Any proposal to doorstep an individual or organisation, whether in person or on the phone, where we have not previously tried to make an appointment for an interview, must be approved by Director Editorial Policy and Standards. This does not apply to daily newsgathering.

Approval will normally only be given if:

- there is clear evidence of crime or significant wrongdoing, and
- it has not been possible to request an interview, or
- there is good reason to believe that an investigation will be frustrated or allegations avoided (for example, because those under investigation might become out of contact) if a prior approach is made.

Doorstepping for Comedy and Entertainment Programmes

7.4.33 Any proposal to doorstep, whether in person or on the phone, 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 doorstepped must give their consent before the material is broadcast unless their identity is disguised

Doorstepping for Daily Newsgathering

7.4.34 When public figures and other people are in the news, they can expect to be the subject of media attention. We may ask them questions and record their answers

for broadcast, without prior arrangement, as they come and go from buildings, airports and so on.

7.4.35 However, 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.

Doorstepping and Research

7.4.36 The BBC's guidelines on doorstepping are not intended to prevent researchers, who are not recording for broadcast, from making cold calls to people, either by phone or in person (including, when appropriate, at their home), or approaching people opportunistically, for example when conducting vox pops.

Tag-Along Raids

7.4.37 A tag-along raid is when we accompany police, customs, immigration, environmental health officers or other public authorities on operational duties. We should only go on tag-along raids when there is a public interest and after careful consideration of editorial and legal issues including privacy, consent and trespass.

When we 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 legal occupier and stop recording if asked to do so
- leave immediately if asked to do so by the owner, legal occupier or person acting with their authority.

Exceptions may include where we have reason to believe illegal or anti-social behaviour is being exposed, or another public interest will justify our continued recording or presence.

Reporting Death, Suffering and Distress

7.4.38 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, violence against individuals or war.

We will always need to consider carefully the editorial justification for portraying graphic material of human suffering and distress. When crews arriving at the scene of a disaster or emergency are under pressures that make it difficult to judge whether recording is an unjustified breach of privacy, they will often record as much material as possible. However, in such a situation, even more care must be taken to assess any privacy implications prior to broadcast. The demands of live output and speed in the use of pictures should not override consideration of the privacy of those suffering or in distress.

(See Section 5 Harm and Offence)

7.4.39 There are very few circumstances in which it is justified to broadcast the moment of death. 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 of those who are dead, suffering or in distress.

(See Section 5 Harm and Offence: Violence and Section 11 War Terror and Emergencies: Identifying Victims)

7.4.40 In the immediate aftermath of an event involving death, suffering or distress, the use of more graphic material is normally justified to provide a reasonable account of the full horror, although an evocative script is equally important in conveying the reality of tragedy and providing context for the material. However, as the story unfolds it may become more difficult to justify the continued use of such graphic material. Then when it comes to considering the story in a contemporary historical context or, for example, marking its anniversary, it may become editorially justified to use the material again.

(See Section 7 Privacy: Revisiting Past Events and Section 5 Harm and Offence: Violence)

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

7.4.41 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.

7.4.42 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. When introducing scenes of extreme distress or suffering, a few brief words explaining the circumstances in which they were gathered may help to prevent misunderstandings and unnecessary offence.

(See Section 5 Harm and Offence)

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

Revisiting Past Events

7.4.44 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 and the time that has elapsed since it occurred. 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 they are outweighed by the public interest.

(See Section 13 Re-use and Reversioning: Fairness, Consent and Privacy Issues)

Personal information

7.4.45 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 even if it is simply an IP address, email address or a phone number. Personal information is collected, for example, when people visit our websites, enter competitions, register with an interactive community or become part of a database of contributors. We must handle personal data in accordance with the guidelines issued by Information Policy and Compliance.

(See Data Protection Handbook)
(See Section 18 The Law: Data Protection Act)

Contributors' Details

7.4.46 Production departments often gather personal information about contributors and potential contributors via their web sites before storing it in databases. This information should not normally be accessible to other departments outside the production area which has collected it. Any proposal to make an exception should be referred to Information Policy and Compliance (IPC).

7.4.47 Contributors' personal details, comments or other personal information should not normally be given to third parties without the consent of the contributor. 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 IPC. 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.

7.4.48 Any proposal to collect personal information on a BBC publicly funded website 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 IPC and BBC Fair Trading.

(See Section 18 The Law: Data Protection Act)

7.4.49 We should take particular care when collecting personal information from children. This may require verifiable ‘parental consent’¹⁹.

(See Data Protection Handbook)

(See Section 9 Children: Online Child Protection)

7.4.50 Any request for a contributor’s personal information from the police must be referred to Editorial Policy and Programme Legal Advice before responding.

Cookies

7.4.51 Cookies record information about a user’s preferences on their computers or other devices . When we place cookies on users’ devices, we must be transparent with them about their options to accept or reject them. Further advice can be obtained from Information Policy and Compliance (IPC).

Where third parties supply programming code which contains cookies to the BBC, advice must be sought from IPC before the code may be used.

Sending Emails and Viral Marketing

7.4.52 We should not send emails to people unless they have agreed to receive them (i.e. ‘spam’).

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.

However, in some instances, we may wish to offer audiences the opportunity to email BBC online content to a friend.

(See Section 18 The Law: Data Protection Act)

7.4.53 When sending emails to a list of subscribers, we should take care to ensure that the email addresses of the subscribers are not visible to others on the list.

7.4.54 Viral marketing can be an effective way of promoting BBC content online, especially where this is by personal recommendation. But, particularly when running a marketing campaign, we should take care that:

- users have given their explicit consent to be sent marketing messages from the BBC or their agents
- marketeers working, or distributing BBC content on interactive spaces (such as social networking sites, blogs or message boards) are not pretending to be ordinary members of the public. This should not prevent ‘mystery content’ from being distributed, provided there is a ‘reveal’ when its origins are made clear to those who have received it

¹⁹ See Section 9 Children: Parental Consent

- the content should be suitable for viral treatment, bearing in mind that we are very unlikely to be able to control who receives it once it has been released.

(See Section 5 Harm and Offence)
(See Data Protection Handbook)

Missing People

7.4.55 The BBC may sometimes help to trace missing people by broadcasting details provided by relatives and friends. However, we should take editorial responsibility for the content of the message and be aware that not every missing person wishes to be found. It may be appropriate to hold back information the missing person might regard as private, embarrassing or distressing.

SECTION 8: REPORTING CRIME AND ANTI-SOCIAL BEHAVIOUR

8.1 Introduction

8.2 Principles

8.3 Mandatory Referrals

8.4 Practices

Reporting Crime

Dealing with Criminals and Perpetrators of Anti-Social Behaviour

Dealing with Witnesses and Victims of Crime

Investigations into Crime and Anti-Social Behaviour

8.1 INTRODUCTION

Our coverage of crime and anti-social behaviour is part of the BBC's public purpose and is aimed at giving audiences the facts in their context. However we must ensure that the public interest in our reporting is not outweighed by public concern about our methods. We must ensure that we observe appropriate standards of behaviour ourselves, consider the consequences of our actions and avoid obstructing the work of the authorities.

Our reporting must not add to people's fear of becoming victims of crimes if statistics suggest it is very unlikely.

8.2 PRINCIPLES

8.2.1 We must ensure that material likely to encourage or incite the commission of crime, or lead to disorder, is not included on our services. However, this is not intended to restrict the broadcasting of any content where a clear public interest can be demonstrated.

8.2.2 We will ensure that detailed descriptions or demonstrations of criminal techniques which could enable the commission of illegality are not included on our services unless clearly editorially justified.

8.2.3 We must seek to balance the public interest in reporting crime with respect for the privacy and dignity of victims and their families.

8.2.4 Investigations into crime or anti-social behaviour, involving deception and/or intrusion, must be clearly editorially justified and proportionate to the wrongdoing they seek to expose.

8.3 MANDATORY REFERRALS

(Mandatory Referrals are part of the BBC's editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy and Standards

8.3.1 Material likely to encourage or incite the commission of crime, or lead to disorder, must not be included in our services. However, this is not intended to

restrict the broadcasting of any content where a clear public interest can be demonstrated. Where there is a clear public interest in the broadcast of content, approval must be obtained from Director Editorial Policy and Standards at the earliest opportunity.

8.3.2 Witnessing serious criminal activity, or recording a specific crime when that might raise questions about our relationship with the criminal, must be referred in advance to a senior editorial figure or, for independents, to the commissioning editor. Referral must also be made to Director Editorial Policy and Standards and Programme Legal Advice.

8.3.3 Any proposal to interview a criminal active in, or wanted in, the UK must be referred to Director Editorial Policy and Standards.

8.3.4 Any proposal to contact or interview escaped prisoners or people wanted by the police must be referred to Director Editorial Policy and Standards and Programme Legal Advice.

8.3.5 Payment or payment in kind to criminals, former criminals, their families or their associates (directly or indirectly) for interviews or other contributions relating to their crimes, must be referred to Director Editorial Policy and Standards.

8.3.6 Payment or payment in kind to people who may not have committed a crime but whose behaviour is clearly anti-social for interviews or other contributions relating to their behaviour, or people whose activities have attracted such notoriety that any payment would be inappropriate, must be referred to Director Editorial Policy and Standards.

8.3.7 Any proposal to enter a UK prison without permission must be referred to Director Editorial Policy and Standards.

8.3.8 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 broadcast pictures of them, must be referred to Director Editorial Policy and Standards.

8.3.9 Granting anonymity to someone seeking to evade UK law must be referred in advance to Director Editorial Policy and Standards

8.3.10 Any proposal to pay a witness or potential witness in a trial must be referred to Director Editorial Policy and Standards and Programme Legal Advice.

8.3.11 Director Editorial Policy and Standards must approve any proposal to employ someone known to have a criminal record or background of illegal activity working on a BBC investigation. This includes editorial members of the production team and undercover operatives.

8.3.12 Director Editorial Policy and Standards must approve job applications by undercover operatives working on BBC investigations.

Referrals to Editorial Policy

8.3.13 Any proposal to interview witnesses about their evidence once court proceedings are under way must be referred to Programme Legal Advice and Editorial Policy.

8.3.14 Any proposal to send someone to work as an undercover operative on an investigation into crime or serious anti-social behaviour must be referred to Editorial Policy.

Other Referrals

8.3.15 Any incident of suspected “grooming” online must be referred promptly to the Executive Management Team, CBBC Interactive who will be responsible for reporting it to the appropriate authorities.

8.3.16 Any proposal to record the illegal harming of animals by third parties must be referred to a senior editorial figure or, for independents, to the commissioning editor.

8.3.17 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 Director Editorial Policy and Standards.

8.3.18 Inviting a prisoner to initiate a call for broadcast, broadcasting an unsolicited call from a prisoner that has not already been referred, or broadcasting a live call from a prisoner, must be referred to a senior editorial figure, or for independents to the commissioning editor, who may consult Director Editorial Policy and Standards.

8.3.19 Programme Legal Advice must be consulted before broadcasting material relating to the identity of anyone under eighteen involved as a potential defendant once court proceedings have commenced.

8.3.20 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. It may also be necessary to consult Editorial Policy and Programme Legal Advice.

8.3.21 BBC Occupational Risk Management’s High Risk Team must be consulted, in good time, before undertaking criminal investigations involving covert surveillance or recording and/or confrontation of terrorists, serious criminal or extremist or violent or political groups.

8.4 PRACTICES

Reporting Crime

Material Likely to Encourage or Incite Crime

8.4.1 Material likely to encourage or incite the commission of crime, or lead to disorder, must not be included in our services. However, this is not intended to restrict the broadcasting of any content where a clear public interest can be demonstrated. Approval for the broadcast of such content must be obtained from

Director Editorial Policy and Standards at the earliest opportunity. Such instances are likely to be rare.

8.4.2 In cases where potential law-breaking or civil disobedience form part of a current news story or public policy debate, editors must consider both their responsibility to reflect the debate or events fully and accurately and their duty not to broadcast material likely to encourage or incite crime. Context and explanation will be critical.

The mere recording and broadcasting of criminal activity will not normally amount to encouragement or incitement, unless it reveals imitable detail. However, we should take care that criminal acts are not glorified or glamorised.

Direct calls or provocation to audiences to commit criminal acts should be robustly challenged.

Illegal activities such as drug use or joy riding should not be portrayed as problem free or glamorous. It may be appropriate to reflect the negative consequences of such activities, over and above the fact they are illegal.

Witnessing and Depicting Illegal Activity

8.4.3 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. Referral must also be made to Director Editorial Policy and Standards 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. 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. Care should be taken to ensure that the identities of any confidential sources are protected and do not appear in any notes that might become the subject of a court order.

(See Section 6 Fairness, Contributors and Consent: Anonymity and Section 8 Crime: Investigations)

8.4.4 We should not normally demonstrate or depict criminal techniques, such as how to hotwire a car, unless editorially justified. Even then it is important to avoid revealing detail that could enable the commission of illegal activity or the ways in which it can be made more effective.

8.4.5 There may be times when in the public interest we may be justified in recording the illegal harming of animals by third parties for the purpose of gathering evidence or to illustrate malpractice, cruel, anti-social or controversial behaviour. Any proposal to do so must be referred to a senior editorial figure or, for independents, to the commissioning editor.

(See Section 5: Harm and Offence)

8.4.6 We should guard against criminal activity on our message boards and other interactive online spaces. We should be able to implement a swift and robust escalation strategy where appropriate. This may range from temporarily removing a contributor from a BBC space to putting it into 'read only' mode. The individual who has editorial responsibility for the space should be consulted when, for example, there is an admission of an offence or it appears that illegal activity may be taking place or is being planned or organised.

(See Section 17: Interacting with our Audiences)

8.4.7 Any incident of suspected “grooming” online must be referred promptly to the Executive Management Team, CBBC Interactive who will be responsible for reporting it to the appropriate authorities.

(See Section 9: Children)

Impact on Audiences

8.4.8 We should consider the impact our reporting of crime may have on our audiences.

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 if statistically they are very unlikely to be so.

8.4.9 When we interview those responsible for crime/anti-social behaviour or reconstruct/dramatise past events, it may cause distress to victims and/or their relatives. We should, as far as is reasonably practicable, make best endeavours to contact surviving victims, and/or the immediate relatives of the deceased and advise them of our plans. If it is necessary to use an intermediary, such as the police or social services, it is still our responsibility to check the victims and/or immediate relatives have been informed and have the necessary details to contact us.

8.4.10 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.

8.4.11 When we report historic crime, consideration should be given to the possibility that some of those involved - offenders, suspects, witnesses, relatives or victims - may have changed their names or addresses in order to re-establish their lives. Should that be the case, the extent to which we identify them or their new whereabouts should be given particularly careful thought.

Archive Material

8.4.12 The use of archive material relating to crimes and to victims of crime requires careful editorial judgements.

(See Section 13: Re-use and Reversioning)

Reconstructions

8.4.13 News programmes may report crime reconstructions staged by the police to gather 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.

8.4.14 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.

(See Section 3 Accuracy: Reconstructions)

Dealing with Criminals and Perpetrators of Anti-Social Behaviour

Interviews

8.4.15 Any proposal to interview a criminal active in, or wanted in, the UK must be referred to Director Editorial Policy and Standards. Interviews should only proceed if they are clearly editorially justified, for example by eliciting important information or insight.

8.4.16 When interviewing criminals, care must be taken to minimise the potential distress this may cause to victims of the crime or their relatives.

(See Section 8 Crime: Reporting Crime and Section 7 Privacy: Reporting Death Suffering and Distress)

8.4.17 Interviews with active or convicted criminals must not glamorise wrongdoing, celebrate the flouting of the judicial process or reveal the detail that would enable a crime to be copied.

(See Section 8 Crime: Reporting Crime)

8.4.18 Contact with escaped prisoners or people wanted by the police may in some circumstances constitute a criminal offence. Any proposal to contact or interview such people must be referred to Director Editorial Policy and Standards and Programme Legal Advice.

8.4.19 Internationally, there are different definitions of crime and a criminal. In some countries, for example, political dissidents and activists are defined as criminals, but interviews with them can be important in providing 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.

(See Section 11 War Terror and Emergencies)

Payments

8.4.20 The BBC does not normally make payments, promise to make payments or make payments in kind, whether directly or indirectly (such as through fixers or intermediaries), to criminals, or 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, and the credibility of our interviewees and sources, as well as respecting the sensitivities of the victims of crime.

Any proposal to pay criminals, former criminals, their families or their associates (directly or indirectly) for interviews or other contributions relating to their crimes, must be referred to Director Editorial Policy and Standards. Payment of an actual 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 contribution will normally be reimbursed.

8.4.21 People who may not have committed a crime but whose behaviour is clearly anti-social must not normally be paid for interviews or other contributions relating to their behaviour. Nor normally must people whose activities have attracted such notoriety that any payment would be inappropriate, regardless of the nature of the contribution. Any proposal to make such payments, including payments in kind, must be referred to Director Editorial Policy and Standards.

Interviews with Prisoners

8.4.22 Prior to visiting a UK prison and conducting an interview with a prisoner for broadcast content producers should normally seek permission from the UK prison authorities. Any proposal to enter a UK prison without permission must be referred to Director Editorial Policy and Standards.

8.4.23 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 Director Editorial Policy and Standards. If approved the relevant World Service Head of Region and Head of Newsgathering should be informed.

It is always advisable to contact Programme Legal Advice when proposing to interview prisoners overseas because of the different legal systems that apply in different countries.

8.4.24 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 Director Editorial Policy and Standards:

- inviting a prisoner to initiate a call for broadcast purposes from a public or mobile telephone in prison

- broadcasting an unsolicited, pre-recorded call from a prisoner which was not referred before it was recorded
- broadcasting any live call from a prisoner.

8.4.25 In the case of prisoners convicted of serious crimes, particularly violent crimes, due consideration must be given to ways of minimising the possible distress that an interview might cause to a victim or victim's family.

(See Section 8 Crime: Reporting Crime and Section 7 Privacy: Reporting Death Suffering and Distress)

Paedophiles and Other Sex Offenders

8.4.26 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:

- incitement or facilitation of vigilante action
- mistaken identity
- driving the offender underground away from supervision where he or she is far more likely to reoffend
- unjustified infringement of an offender's privacy
- negative impact on the victims and their families, or the family of the offender.

8.4.27 The BBC will normally only consider broadcasting 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 broadcast pictures of them, must be referred to Director Editorial Policy and Standards.

8.4.28 When reporting on paedophiles and other sex offenders or when exposing potential paedophiles or sex offenders it is normally reasonable to name the town or city where they live. However we should generally avoid giving information that could reveal their exact location. We should also consider consulting with the relevant police force if we intend to reveal their location or show a picture, to enable the police to address management issues in relation to the victim, the victim's family, the offender and the offender's family.

8.4.29 Interviews with paedophiles or other sex offenders must be clearly editorially justified. Care should be taken to minimise potential distress an interview may cause to their victims or victims' families. 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 Director Editorial Policy and Standards.

(See Section 8 Crime: Reporting Crime and Section 7 Privacy: Reporting Death Suffering and Distress)

Disguising Identities

8.4.30 When someone in our output is clearly involved in criminal or anti-social behaviour the BBC will normally reveal their identity. However, there may be occasional circumstances when it is important to disguise identities. These include:

- legal reasons, such as possible contempt of court or defamation
- protecting a source or sources
- safety reasons, either in the UK or abroad
- identification would be disproportionate to the wrongdoing
- where we are exposing anti-social or criminal practice but the individuals involved are simply illustrative of the behaviour, for example when secretly filming for consumer or social research
- where we are exposing anti-social or criminal practice but the individuals involved are not sufficiently culpable or responsible for their actions

8.4.31 Any proposal to grant anonymity to someone seeking to evade UK law must be referred to Director Editorial Policy and Standards.

Children and Young People

8.4.32 A clear editorial justification is required for the broadcast of material related to the identity of anyone under eighteen who is involved as a potential defendant in a court case before proceedings are commenced. There may also be legal restrictions once proceedings are active. Where there are active proceedings Programme Legal Advice must also be consulted.

(See Section 18 The Law)

8.4.33 When considering whether or not to identify children and young people involved in anti-social or criminal behaviour, we should take due account of their interests. Consideration should be given to the age of the child or young person, the nature or seriousness of the behaviour and the possible consequences of identification. 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.

(See Section 9 Children)

Advice on the identification of a child or young person with an Anti-Social Behaviour Order (ASBO) or involved in court proceedings is available from Programme Legal Advice.

Dealing with Witnesses and Victims of Crime

Interviews

8.4.34 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 if proceedings are active.

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 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.

Payments

8.4.35 Witnesses, or anyone who may reasonably be expected to be called as a witness during active criminal proceedings, must not be paid, or promised a payment, directly or indirectly (such as through fixers or intermediaries), 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.

8.4.36 People who might reasonably be expected to be witnesses where criminal proceedings are likely and foreseeable should not be paid for their story unless there is a clear public interest, such as the investigation of a crime or serious wrong doing, 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.

8.4.37 Any proposal to pay a witness or potential witness in a trial must be referred to Director Editorial Policy and Standards.

Disguising Identities

8.4.38 There may be legal reasons why the identities of people involved in a trial may not be reported. 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 by what is known as a “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 take care not to refer to incest where someone might be identified as the victim. In such cases, incest should be described as a “serious sexual offence.”

(See Section 18 The Law)

Children and Young People

8.4.39 We must take great care when dealing with anyone under eighteen involved as a witness or victim, when reporting an investigation into an alleged criminal offence in the UK. We must make judgements about their vulnerability before revealing their name, address, school or other educational establishment, place of work, or any still or moving picture of them.

(See Section 9 Children)

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 a victim. For further information contact Programme Legal Advice. There are separate legal considerations in Scotland. Advice is available from Solicitor Scotland.

(See Section 18 The Law)

Investigations into Crime and Anti-Social Behaviour

8.4.40 Investigations are an important way of uncovering matters of significant public interest, but must be clearly editorially justified.

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. It may also be necessary to consult Editorial Policy and Programme Legal Advice.

8.4.41 Any proposal to send someone to work as an undercover operative on an investigation into crime or serious anti-social behaviour must be referred to Editorial Policy.

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

- What is the justification for using any deception, undercover work or secret recording to gather further evidence?
- Is this the only way to proceed?
- What prima facie evidence already exists?
- What is the background and motivation of any sources?
- Are any of the sources confidential and can their confidentiality be maintained?
- What are the possible consequences of our actions?

8.4.43 Director Editorial Policy and Standards must approve any proposal to employ someone known to have a criminal record or background of illegal activity working on a BBC investigation. This includes editorial members of the production team and undercover operatives.

8.4.44 Director Editorial Policy and Standards must also approve job applications by undercover operatives working on BBC investigations. The use of false information on a job application should normally be kept to the minimum necessary.

8.4.45 Criminal investigations involving covert surveillance or recording and/or confrontation of terrorists, serious criminal or extremist or violent or political groups are considered 'high risk activities'. BBC Occupational Risk Management's High Risk Team must be consulted, in good time, for safety advice.

(See Section 10 War, Terror and Emergencies)

8.4.46 During the investigation, the methods used (including any secret recording, undercover work or other deception) must be kept under constant review to ensure they continue to be justified and relevant.

(See Section 7 Privacy: Secret Recording)

8.4.47 If an investigation is successful the BBC's involvement may continue far beyond the original broadcast. The police or prosecuting authorities may wish to interview members of the investigating team, including undercover operatives, about our methods and findings. Members of the team may be called as witnesses in a prosecution. It is important to ensure that our means and ends can withstand the most rigorous scrutiny.

SECTION 9: CHILDREN AND YOUNG PEOPLE AS CONTRIBUTORS

9.1 Introduction

9.2 Principles

9.3 Mandatory Referrals

9.4 Practices

Safeguarding the Welfare of Under 18s

Informed Consent for Children and Young People

9.1 INTRODUCTION

Children and young people are very important to the BBC. They contribute and interact with us in many different ways – as contributors, actors, presenters, through our interactive and user generated content, via all our services. We also aim to provide them with challenging, educative, enjoyable and interesting content and to help them make sense of the world in which they live. Ensuring the content children consume is appropriate is considered throughout the Editorial Guidelines and, specifically, in Section 5: Harm and Offence. This section is concerned with how we deal with children and young people who contribute to and interact with our content, whether or not it is aimed at children, or usually includes them as contributors.

We must always safeguard the welfare of the children and young people who contribute to our content, wherever in the world we operate. This includes preserving their right to speak out and to participate, as enshrined in the United Nations Convention on the Rights of the Child. The Ofcom Broadcasting Code obliges broadcasters to take *“Due care...over the physical and emotional welfare and the dignity of people under eighteen who take part or are otherwise involved in programmes.”*²⁰ This obligation is irrespective of any consent that might have been given by a parent or other adult acting in loco parentis. The Code also requires that *“People under eighteen must not be caused unnecessary distress or anxiety by their involvement in programmes or by the broadcast of those programmes.”*²¹ We are also subject to the law regarding children.

(See Section 18 The Law: Children and the Law)

For the purposes of the Editorial Guidelines and unless stated otherwise, a child is someone under the age of 15 years. Young people are those aged 15, 16 and 17²². ‘Parental consent’ is normally required before involving anyone under 16 in our output. However, age may not be the only consideration.

(See Section 9 Children and Young People as Contributors: Parental Consent)

²⁰ Rule 1.26, Ofcom Broadcasting Code

²¹ Rule 1.27, Ofcom Broadcasting Code

²² These definitions reflect the Ofcom Broadcasting Code (Section One: Protecting the Under-Eighteens – *Meaning of “Children”*) which classifies ‘Children’ as “people under the age of fifteen years”.

9.2 PRINCIPLES

9.2.1 We must ensure that the physical and emotional welfare and the dignity of children and young people is protected during the making and broadcast of our content, irrespective of any consent given by them or by a parent, guardian or other person acting in loco parentis. Their interests and safety must take priority over any editorial requirement.

9.2.2 We must ensure that children and young people are not caused unnecessary anxiety or distress by their involvement in our output. Their involvement must be clearly editorially justified, consents should be obtained appropriate to the circumstances of the child/young person and the nature of the contribution and output, and support should be given to them where necessary.

9.3 MANDATORY REFERRALS

(Mandatory Referrals are part of the BBC's editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)

Referrals to Editorial Policy

9.3.1 Any proposal to use any form of moderation, other than pre-moderation, in online spaces designed to appeal to children and young people must be referred to Editorial Policy.

9.3.2 Any proposal to use any form of moderation, other than pre-moderation, in online spaces which publish pictures or video from members of the public must be referred to Editorial Policy.

9.3.3 Any proposal to offer a private online space for children and young people where strangers can routinely meet and exchange personal information must be referred to Director Future Media and Technology and Editorial Policy.

Other Referrals

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

9.3.5 Any incident of suspected "grooming" online must be referred promptly to the Executive Management Team, CBBC Interactive who will be responsible for reporting it to the appropriate authorities.

9.3.6 Any proposal to reveal a child or young person's personal information to a third party without consent must be referred to a senior editorial figure, or for independents to the commissioning editor, who may consult Editorial Policy and Information Policy and Compliance.

9.3.7 Any proposal to proceed with the contribution of a child or young person after a refusal of 'parental consent' must be referred to a senior editorial figure or, for independents, to the commissioning editor. Editorial Policy should also be consulted.

9.4 PRACTICES

Safeguarding the Welfare of Under 18s

Child Protection

9.4.1 We should apply the principles of the BBC Child Protection Policy in our dealings with children and young people under 18. Their welfare is our paramount consideration. This means their interests and safety must take priority over any editorial requirement.

9.4.2 We must take care that the information we disclose about children and young people does not put them at any risk. How they are identified in our content requires careful consideration and will vary according to context. Advice is available from Editorial Policy. If it has been established that we should not disclose a child or young person's location, particular care should be taken not to inadvertently do so by a 'jigsaw effect', i.e. revealing several pieces of information in words or images that can be pieced together to readily identify where the child may be found. (Note that, in some circumstances, avoiding the 'jigsaw effect' may require taking account of information already in the public domain.)

9.4.3 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 or young person may be at risk, or we are alerted by them to a child welfare issue (including allegations against BBC staff) the situation must be referred promptly to the divisional manager with responsibility for the Child Protection Policy.

Online Protection

9.4.4 The online protection of children and young people is a shared responsibility between the BBC, parent/guardian and the child or young person. 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. When online content is likely to appeal to a high proportion of children or young people, we should offer links to relevant advice on bbc.co.uk, such as advice on safe surfing. Safety information should be prominent, easily accessible and clear.

9.4.5 Any incident of suspected "grooming" online must be referred promptly to the Executive Management Team, CBBC Interactive who will report it to the appropriate authorities.

9.4.6 Spaces designed to appeal to children and young people are usually pre-moderated. Any proposal to use any other form of moderation for children and young people will need to be able to demonstrate that it offers a high level of child protection and must be referred to Editorial Policy.

9.4.7 Spaces which publish pictures or video from members of the public are usually pre-moderated. Any proposal to use any other form of moderation must be referred to Editorial Policy.

9.4.8 We should not link to unmoderated chat rooms for an audience of children or young people.

(See Section 5 Harm and Offence)

9.4.9 Moderators of sites designed for children and young people, and sites which are aimed at or likely to attract them, should have appropriate police checks (as laid out by the Independent Safeguarding Authority) and be recruited, trained and supervised as appropriate for working on such sites. People who are editorially responsible for moderators and hosts will need to assess the risk to children and young people based on:

- the opportunity for virtual contact the moderators and hosts have with children and young people
- how far the moderators and hosts are in a position of trust and authority in relation to the users
- the access the moderators and hosts have to personal information about users.

The Safeguarding Vulnerable Groups Act 2006 requires people who are “moderating a public interactive communications service which is likely to be used wholly or mainly by children” to be checked by the Independent Safeguarding Authority. Further advice is available from Information Policy and Compliance.

9.4.10 Until a reliable method of digital identification is available, private online spaces where strangers can routinely meet and exchange personal information are not likely to be suitable for children and young people. This is because private spaces cannot be monitored to safeguard such users. Any proposal to the contrary must be referred to Director, Future Media and Technology and Editorial Policy.

Personal Information

9.4.11 We should not request more personal information from children and young people than is necessary. We must collect, store and dispose of their personal details securely and in accordance with the guidelines issued by Information Policy and Compliance.

(See Section 18 The Law: Data Protection Act and Section 7 Privacy: Personal Information.)

Any proposal to reveal a child or young person’s personal information to a third party without consent must be referred to a senior editorial figure, or for independents to the commissioning editor, who may consult Editorial Policy and Information Policy and Compliance.

Informed Consent for Children and Young People

9.4.12 When featuring children and young people in our output we must obtain their informed consent, wherever possible, and respect any refusal to take part (unless there is a public interest that outweighs their expectations of privacy).

(See Section 7 Privacy)

In addition to the usual considerations for obtaining informed consent from the child/young person and, when necessary, other person giving consent for their involvement, we must:

- ensure they understand the nature of the output
- ensure that any reasonably foreseeable consequences of the child's participation, such as the possibility of bullying, are made clear
- not give them any inducement to secure consent (although the payment of expenses is acceptable as long as they are reasonable and legitimate).

(See Section 6 Fairness, Contributors and Consent)

9.4.13 In law, performances by under 16s (and some 16 year olds still in full-time education) should normally be licensed by the Local Education Authority. Children taking part in a performance must also, at all times during the engagement, be in the care of their parent, the child's legal guardian or a licensed chaperone. If in any doubt whether the involvement of a child in our content constitutes a 'performance' or requires a license, contact the Senior Adviser on working with children, BBC People.

Parental Consent

9.4.14 'Parental consent' means the informed consent of a parent, legal guardian, or other person of eighteen or over acting in loco parentis, such as a Head Teacher.

In addition to the informed consent of the child or young person themselves, we should normally seek 'parental consent' before interviewing anyone under the age of 16, or otherwise involving them in our output. An exception may be when recording vox pops with children on non-sensitive subjects, where it is not controversial for children to hold and express their views.

However, the younger and more vulnerable the child, and the more sensitive the subject matter, the more likely it is that 'parental consent' is essential. 'Parental consent' should normally be obtained if children are asked for views on matters likely to be beyond their capacity to answer properly.

9.4.15 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. If a young person is 16 or 17 it may still be appropriate to seek 'parental consent' in some cases, depending on the circumstances of the young person and the nature of the programme and contribution, for example when the content is exceptionally sensitive or where the contributor could be considered vulnerable. Advice is available from Editorial Policy.

9.4.16 Where 'parental consent' is required and parents are estranged or divorced, we will normally obtain the consent of the parent to whom a residence order has been granted, depending on the particular circumstances of the case. We should consider the extent of the other parent's involvement with the child or young person and, where we are not seeking their consent, listen to any reasonable objections they may have. Advice is available from Editorial Policy.

9.4.17 Any proposal to continue with the contribution of a child or young person after a refusal of 'parental consent' must be referred to a senior editorial figure or, for independents, to the commissioning editor. Editorial Policy should also be consulted. Proceeding 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.

9.4.18 When we ask children for personal information online we need to consider the standard of proof of 'parental consent' that is appropriate, taking account of the sensitivity of the subject matter and the age of the child. Options include:

- simply prompting a child to ask for 'parental consent';
- using a clickable check box to confirm that 'parental consent' has been obtained before allowing a child to proceed;
- requiring verifiable 'parental consent', such as a signed letter.

Advice on the appropriate standard of proof to use is available from Editorial Policy.

(See Section 9 Children: Safeguarding the Welfare of Under 18s: Personal Information and Section 7 Privacy: Personal Information)

9.4.19 When we invite children to interact with us using technology that costs money, such as the telephone or text message, we must make clear on air or online that they must obtain the consent of a parent or bill payer before contacting us.

The Impact of a Contribution

9.4.20 Even when we have secured 'parental consent', 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 both when we have approached the child to contribute and when they have approached us, including with user generated content.

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

We normally aim to work with children in the presence of those responsible for their supervision, although circumstances may vary. Nevertheless, when sensitive issues are being discussed with a child or young person, it is often advisable to have

someone there who is familiar to them and who can help safeguard their interests, such as a relative, family friend, or teacher.

9.4.21 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.

9.4.22 When considering whether or not to identify children and young people involved in anti-social or criminal behaviour, we should take due account of their interests. Consideration should be given to the age of the child or young person, the nature or seriousness of the behaviour and the possible consequences of identification. 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.

(See Section 7 Reporting Crime and Anti-Social Behaviour)

There may also be legal reasons for not identifying a child or young person. If in doubt, consult Programme Legal Advice. Advice on the identification of a child or young person with an Anti-Social Behaviour Order (ASBO) or involved in court proceedings is available from Programme Legal Advice.

9.4.23 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.

SECTION 10: POLITICS, PUBLIC POLICY AND POLLS

10.1 Introduction

10.2 Principles

10.3 Mandatory Referrals

10.4 Practices

Reporting UK Political Parties

Political Interviews and Contributions

Parliamentary Broadcasting

Political Broadcasts

Elections

Opinion Polls, Surveys and Votes

10.1 INTRODUCTION

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 and public policy. Over time we must aim to give due weight and 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 other parties must also be routinely aired and challenged. The Guidelines in this section should be read in conjunction with Section 4 Impartiality.

Opinion polls, surveys, questionnaires, phone and online votes are useful and fruitful ways of listening to our audiences. However, when we report them, the audience must be able to trust that the research – and our reporting of it – is robust. To avoid misleading the audience, we should be rigorous in using precise language and in our scrutiny of the methodology.

We must also avoid commissioning any of our own research that could suggest a BBC position on a particular policy or issue.

This section of the Guidelines is intended to help those making output for the BBC, who wish to include polls, surveys and questionnaires in their content, to do so appropriately, meeting the requirements of due accuracy and due impartiality.

(See Section 3 Accuracy and Section 4 Impartiality and Diversity of Opinion)

10.2 PRINCIPLES

10.2.1 We must treat matters of politics and public policy with due impartiality and accuracy in our news services and other output.

10.2.2 We must not express an opinion on current affairs or matters of public policy other than broadcasting or the provision of online services.

10.2.3 We must not campaign, or allow ourselves to be used to campaign.

10.2.4 Opinion polls commissioned by the BBC or by those making content for the BBC, acting alone or jointly with other organisations, must not compromise due impartiality on the matters researched.

10.2.5 We must report opinion polls, surveys, votes and similar research with due accuracy, regardless of whether the research was carried out by the BBC or by others.

10.3 MANDATORY REFERRALS

(Mandatory Referrals are part of the BBC's editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)

Referrals to Chief Adviser Politics

10.3.1 Any proposal to invite a politician to be a guest, when to do so is the exception rather than the rule must be referred at an early stage to Chief Adviser Politics.

10.3.2 Except for brief news interviews, gathered on the day without pre-arrangement, any proposal to interview or profile any of the main party leaders in the UK must be referred in advance to Chief Adviser Politics. Similarly, offers of interviews from the parties must be referred before they can be accepted. For BBC Scotland, BBC Wales or BBC Northern Ireland, referral in advance should also be made to the Head of News and Current Affairs in the respective nation.

10.3.3 Any request for a ministerial broadcast or a reply to a ministerial broadcast must be referred promptly to Chief Adviser Politics.

10.3.4 Any proposal to commission an opinion poll purporting to sample party political support or voting intentions must be referred in advance to Chief Adviser Politics.

10.3.5 Any proposal to commission an opinion poll on matters of public policy, political or industrial controversy, or any other 'controversial subject' for any BBC service must be referred to Chief Adviser Politics.

10.3.6 Any proposal to commission an internet poll on any subject must be referred to Chief Adviser Politics.

10.3.7 Any proposal to commission a BBC survey on matters of public policy, political or industrial controversy, or any other 'controversial subject' must be referred to the Head of Political Research and Chief Adviser Politics, who will need to give approval if the survey involves MPs, MSPs, AMs, MLAs or MEPs.

10.3.8 Any proposal to conduct a vote on matters of public policy, political or industrial controversy, or any other 'controversial subject' must be referred to Chief Adviser Politics. In the case of a website in a language other than English, it should be referred to Chief Adviser Politics and the relevant World Service Head of Region or National Director.

Other Referrals

10.3.9 Anyone proposing to carry out a phone, text or online vote must refer to the Interactivity Technical Advice and Contracts Unit (ITACU) and complete the appropriate approval process.

(See Section 17 Interacting with Our Audiences: ITACU)

10.4 PRACTICES

Reporting UK Political Parties

10.4.1 The UK has diverse political cultures in the different Nations and representation at Westminster is not the only basis for assessing relative political strength in a devolved structure. Achieving political impartiality, especially for network output, involves giving appropriate coverage to all the main political parties in Scotland, Wales and Northern Ireland, as well as those which stand for election across the whole UK.

10.4.2 Particular care should be taken with the use of language in this context, for example avoiding phrases such as “*the two main parties*”. Specific party labels are normally preferable to general descriptions of “the opposition”, except with phrases such as “*the official opposition*” or “*the Leader of the Opposition*” which have a formal and specific meaning at Westminster. The descriptions “*Shadow Minister*” and “*Shadow Cabinet*” are reserved specifically for the main party of opposition at Westminster.

Political Interviews and Contributions

10.4.3 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 6 Fairness, Contributors and Consent)

10.4.4 We must take care when inviting politicians to contribute to non-political output, whether on the basis of their expertise outside politics or of their celebrity. We must not give them such prominence as to gain undue advantage over their opponents. Where their political allegiance is relevant to their contribution, it should be clear to the audience.

(See Section 3 Accuracy: Avoiding Misleading Audiences 3.4.12, Section 4 Impartiality and Diversity of Opinion: Impartiality in Series and Over Time and Section 10 Politics, Public Policy and Polls: Elections)

10.4.5 Any programme or area of content proposing to invite a politician to be a guest, when to do so is the exception rather than the rule, must refer to Chief Adviser Politics at an early stage.

Interviews with or Profiles of Party Leaders

10.4.6 Except for brief news interviews, gathered on the day without pre-arrangement, any proposal to interview or profile any of the main party leaders in the UK must be referred in advance to Chief Adviser Politics. Similarly, offers of interviews from the parties must be referred before they can be accepted. For BBC

Scotland, BBC Wales or BBC Northern Ireland, referral in advance should also be made to the Head of News and Current Affairs in the respective nation.

Chief Adviser Politics (and, where appropriate, the relevant Head of News and Current Affairs) 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.

Payment to MPs

10.4.7 We should not normally pay MPs, or others clearly identified as representing political parties, for appearances or other contributions to any BBC output in which they are speaking as a member of their party or expressing political views. They can, where appropriate, be paid a limited and realistic disturbance fee and/or any reimbursement for genuine expenses.

10.4.8 They may be paid for contributions to non-political output, where they are appearing on the basis of their expertise outside politics or of their celebrity, and are not taking part as a member of their party or expressing political views.

Active politicians should not normally be paid for an appearance on, or contribution to, BBC News output. The extent to which a contributor is considered an active politician may be influenced in each case by a combination of factors including, for example, the type of programme or other content, the nature of the contribution, the contributor's political activity or the capacity in which they appear. Further advice should be sought from Chief Adviser Politics.

Parliamentary Broadcasting

Broadcasting of Parliament at Westminster

10.4.9 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.

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

We must not use any parliamentary material in light entertainment, fictional or drama content or political satire.

Chief Adviser Politics should be consulted before parliamentary material is used in any mixed genre content, such as a reconstruction or other dramatic device in a factual programme.

Broadcasting of other Parliaments and Assemblies

10.4.11 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

Party Political, Election and Referendum Broadcasts

10.4.12 We are obliged by the Agreement accompanying the BBC's Charter to make airtime available for party and referendum campaign broadcasts²³. Party broadcasts are quite separate from our own journalism and their transmission does not imply BBC support for the views contained in them. Allocation of a series of broadcasts to different parties is assumed to fulfil the requirement for due impartiality.

10.4.13 The copyright of party broadcasts resides with the parties but extracts may be used without the consent of the political parties.

10.4.14 Parties make the broadcasts at their own expense and are responsible for their content. However they do have to ensure they are compliant for broadcast and abide by rules laid down by the BBC and Ofcom. These include an obligation to observe the law (for example on libel, copyright and incitement to racial hatred and violence) and the BBC Editorial Guidelines on harm and offence. Guidelines for the broadcasts are available on the Broadcasters Liaison Group website.

Ministerial Broadcasts

10.4.15 In exceptional circumstances, such as a decision to go to war, the BBC may be required to provide time for a broadcast by the Prime Minister or relevant senior minister. In such circumstances, it is also necessary to consider requests from the leaders of the main opposition parties for a reply. The BBC, as broadcaster, has the final say on the broadcast's acceptability in terms of its compliance with appropriate legal and other standards.

Any request for a ministerial broadcast or a reply to a ministerial broadcast must be referred promptly to Chief Adviser Politics.

²³ Paragraph 48 Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture Media and Sport and the British Broadcasting Corporation, July 2006

Elections

Broadcasting During Elections

10.4.16 The BBC's commitment to impartiality and fairness is under intense scrutiny when reporting election campaigns. Political parties are likely to seek to influence editorial decisions.

Programme makers and other content producers should take all complaints seriously and be aware that anything they say may be construed as "BBC policy". It should be explained to complainants that general complaints or allegations of bias must always be dealt with at a higher level, and the complaint should then be referred accordingly.

10.4.17 We should make, and be able to defend, our editorial decisions on the basis that they are reasonable and carefully reached, with due impartiality. To achieve this 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 smaller parties should also receive some network coverage during the campaign.
- when producing UK-wide output, 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.

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

Reporting UK Election and Referendum Campaigns

10.4.19 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. In doing so, the BBC is required to "have regard to any views expressed by the Electoral Commission".

Election and referendum guidelines for TV radio and online coverage, including message boards, will be drawn up by Chief Adviser Politics, agreed by the BBC Trust and published before each campaign.

10.4.20 On polling day the BBC, in common with other broadcasters, will cease to report campaigns from 06.00 until the polls close. Coverage will be restricted to uncontroversial factual accounts, such as the appearance of politicians at polling

stations or the weather. Subjects which have been at issue or part of the campaign, or other controversial matters relating to the election, must not receive coverage on polling day, to ensure that nothing in the BBC's output can be construed as influencing the ballot while the polls are open.

Reporting Overseas Elections

10.4.21 The principles of fairness and impartiality that 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 BBC content is aimed at an audience within the country where 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

10.4.22 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 BBC content is broadcast specifically to that country there may 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 the editorial principles in its output even if that means the local broadcaster refuses to transmit the BBC content or service. This is particularly important for BBC World Service, BBC World and BBC Online which all reach overseas audiences.

Opinion Polls, Surveys and Votes

10.4.23 When we report the results of any research, especially when information is being summarised, the audience must be able to trust that the journalism behind what they see and hear is robust, the research is reliable and meaningful and the language used is both consistent and truthful. This accuracy, clarity and credibility is as important when we report on "polls" and "surveys" as it is in the rest of our journalism.

When we commission "polls" and "surveys" ourselves and invest them with the BBC's authority, it is even more essential that the audience is able to trust what we are saying and rely on good judgement about its relative importance.

Commissioning Opinion Polls

10.4.24 When we commission opinion polls ourselves and disseminate such research in the name of the BBC, the methodology and the data, as well as the accuracy of the language, must stand up to the most searching public scrutiny.

10.4.25 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.

The BBC rarely commissions polls on voting intention or other indications of party political support. Any proposal to commission an opinion poll purporting to sample party political support or voting intentions must be referred in advance to Chief Adviser Politics for approval.

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

10.4.27 We should take particular care in commissioning opinion polls seeking the views of children and young people. Advice should always be sought from Chief Adviser Politics.

10.4.28 There is a particular risk to the perception of our impartiality if a poll is commissioned by the BBC and carried out but not used, especially on matters of public policy, political or industrial controversy, or any other 'controversial subject'. It can lead to claims that the results failed to match a perceived BBC view or intended narrative. Before such a decision, Chief Adviser Politics should be consulted.

10.4.29 Any proposal to commission an opinion poll on matters of public policy, political or industrial controversy, or any other 'controversial subject' for any BBC service, must be referred to Chief Adviser Politics. Technical advice, for example, on question design, is available from the Political Research Unit.

(See Section 4 Impartiality and Diversity of Opinion: Controversial Subjects)

Polling Methods

10.4.30 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 internet polling, any proposal to commission an internet poll on any subject must be referred to Chief Adviser Politics.

Reporting Opinion Polls

10.4.31 When reporting the findings of opinion polls (especially voting intention polls in the United Kingdom), whether commissioned by the BBC or others:

- We should not lead a news bulletin or programme simply with the results of an opinion poll

- We should not headline the results of an opinion 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 should normally report the findings of opinion polls in the context of trend and must always do so when reporting voting intention polls. 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 should not use language which gives greater credibility to the polls than they deserve. For example, we can say polls "*suggest*" and "*indicate*", but never "*prove*" or even "*show*"
- We should not normally rely on the interpretation given to a poll's results by the organisation or publication which carried it out or commissioned it
- We should report the organisation which carried out the poll and the organisation or publication which commissioned it, as well as the questions, results and sample size. This information too should always be shown in television and online graphics
- We should normally 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 should normally report whether the poll was carried out face to face, by telephone or over the internet
- We should report the expected margin of error in voting intention polls if the gap between the contenders is within the margin. Television and online graphics should always show the margin of error.

10.4.32 If we have doubts about the methodology or the bona fides of those carrying out the poll, for example companies which are new or based abroad, we should either reflect that scepticism appropriately in the way we report the results, or we should consider whether the data is sufficiently credible for inclusion in BBC output. If in doubt, advice is available from the Head of Political Research.

10.4.33 Even when an opinion poll has been commissioned in an appropriate way, we should take care not to use elements of the research inappropriately, for example by drawing conclusions from sub-sections of the respondents that are too small.

10.4.34 We should always bear in mind that even properly conducted opinion polls by trusted companies can be wrong. When we report the result of a poll, no matter how convincing it may seem or what the attitude of the rest of the media, we should always ask how much of the rest of our story, and its prominence, is dependant on the poll's accuracy. We should also bear in mind whether the level of scepticism employed in the language and the direction of our reporting would feel sufficiently detached from the research if its accuracy was subsequently called into question.

Where the results of an opinion poll appear out of line with expectations, or suggest something new or distinctive, we should take particular care to ensure that it does not receive undue weight in the absence of a reliable trend.

Opinion Polls at Election Times

10.4.35 Election Guidelines for each campaign, which will be agreed by the BBC Trust and issued by Chief Adviser Politics before the start of each election campaign, will include specific guidelines on the treatment of opinion polls during an election period.

No opinion poll may be broadcast 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

10.4.36 A survey, as against an opinion poll, is normally addressed to a smaller and specific group. This may be a group of individuals (such as constituency chairmen, MPs, and university vice-chancellors) or a group of organisations (such as health trusts, FTSE 100 companies and local authorities).

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

If audiences are told that a survey has been commissioned by the BBC, they must have confidence that it has a level of statistical credibility which justifies any claims or assumptions about how representative it is.

10.4.37 Any proposal to commission a BBC survey on matters of public policy, political or industrial controversy, or any other 'controversial subject', must be referred to the Head of Political Research and Chief Adviser Politics, who will need to give approval if the survey involves MPs, MSPs, AMs, MLAs or MEPs.

The survey must have:

- a defined and finite group whose opinions, policies or behaviours are being analysed
- numerical parameters agreed in advance, such as an acceptable minimum response rate
- an agreed methodology, including questions that are worded appropriately and posed consistently
- care taken with the language in reporting the results to ensure nothing is claimed which cannot be supported by the data
- clear guidance to other BBC outlets (including the press office) who may report the outcome, ensuring that adapting the language for other audiences does not alter the meaning or inflate the claims of the original research.

10.4.38 We must not mislead our audiences about the status of the information contained in a survey. When reporting the results, we should normally use actual numbers of respondents, percentages should only be used with caution and when contextualised.

10.4.39 There is a risk to the perception of our impartiality if a survey is commissioned by the BBC and carried out but not used, especially on matters of public policy, political or industrial controversy, or any other 'controversial subject'. It can lead to claims that the results failed to match a perceived BBC view or intended narrative. Before such a decision, Chief Adviser Politics should be consulted.

(See Section 4 Impartiality and Diversity of Opinion: Controversial Subjects)

10.4.40 We should exercise appropriate scepticism when reporting the results of surveys commissioned or carried out by other organisations and, where necessary, include a description of the methodology used. Care is required, particularly in news output, not to report such surveys in a way which leads our audience to believe they are more robust than they are.

Focus Groups and Panels

10.4.41 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 and not the extent to which they are held.

Any proposal to commission focus group research on matters of public policy, political or industrial controversy, or any other 'controversial subject', should be referred at an early stage to Chief Adviser Politics and the methodology checked with the Political Research Unit.

(See Section 4 Impartiality and Diversity of Opinion: Controversial Subjects)

Phone, Text and Online Votes and Other Straw Polls

10.4.42 'Straw polls' - including phone, text and online votes - have no statistical or numeric value.

They can be an effective form of interaction with the audience, illustrating a debate, but they should only be used with an explicit reference making it clear to audiences that they are self-selecting and not representative or scientific. Such votes cannot normally be said even to represent the audience for the programme or website, they only represent those who chose to participate. This applies even when there is a large response.

They should not be referred to in our output as a 'poll'. The term 'straw poll' itself is widely misunderstood and should normally be avoided in output.

10.4.43 Results can be given within the context of the programme concerned in terms of actual numbers or as percentages if it is appropriate to the size of the response. However:

- results should not feature in news bulletins.
- we should not seek publicity for the results outside of the specific content area in which the vote was conducted. The summary of an online or text vote can be reported on the radio or TV programme, website or blog with which it is associated, but it should not normally be reported elsewhere in news, on other TV or radio programmes, on other BBC websites or in press releases.
- when straw polls are carried out on the same subject at different times, the results must not be presented in a way which would indicate a trend.
- straw polls should never be used to gather serious information on party political support.

10.4.44 We should be particularly careful about using straw polls on those controversial issues which are vulnerable to highly organised pressure groups. Their ability to influence the outcome even when we make it clear such votes are not representative has the potential to damage the BBC.

10.4.45 Any proposal to conduct a vote on matters of public policy, political or industrial controversy, or any other 'controversial subject', must be referred to Chief Adviser Politics. In the case of a website in a language other than English, the proposal must be referred to Chief Adviser Politics and the relevant World Service Head of Region or National Director.

(See Section 4 Impartiality and Diversity of Opinion: Controversial Subjects)

10.4.46 Anyone proposing to carry out a phone, text or online vote must refer to the Interactivity Technical Advice and Contracts Unit (ITACU) and complete the appropriate approval process.

(See Section 17 Interacting with Our Audiences: ITACU)

Vox Pops

10.4.47 We should always make it clear that vox pops only represent some aspects of an argument and do not give any indication of the weight or breadth of opinion. .

Vox pops on politics or matters of public policy must be edited to accurately represent those whose opinions have been solicited and include an appropriate range of views.

SECTION 11: WAR, TERROR AND EMERGENCIES

11.1 Introduction

11.2 Principles

11.3 Mandatory Referrals

11.4 Practices

Accuracy and Impartiality

Identifying Victims

Demonstrations, Disturbances and Riots

Staged Events

Threats and Hoaxes

Hijacking, Kidnapping, Hostage Taking and Sieges

National Security and Counter Terrorism

Hostile Environments, High Risk Activities and Events

11.1 INTRODUCTION

The BBC has a special responsibility to its UK and international audiences when reporting conflict including wars, acts and planned acts of terror, sieges and emergencies. Large numbers of people across the world access our services for accurate news and information. 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.

At such times, when there may be conflicting information and opinions, and with reliable information hard to come by, we need to be scrupulous in applying our principles of accuracy and impartiality.

(See Section 3 Accuracy and Section 4 Impartiality and Diversity of Opinion)

However, we must also take care that our journalism does not put individuals at risk of unnecessary distress or harm. Alongside normal ethical considerations (and exceptionally for journalists), the Terrorism Acts place legal obligations on individuals to disclose certain information to the police as soon as reasonably practicable.

The tone of our reporting is as important as its reliability. 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. We should avoid causing unnecessary offence whilst also ensuring we continue to convey the reality of events and do not unduly sanitise our reporting.

(See Section 7 Privacy: Reporting Death, Suffering and Distress and Section 5 Harm and Offence)

Specific guidance on reporting war is issued, as required, on the Editorial Guidelines website.

At times of war, terror or emergency, we should keep our output under review, particularly scheduled programmes (including films, drama, comedy and music) and trails, to identify anything which might be thought inappropriate in the light of events.

11.2 PRINCIPLES

11.2.1 Our reports of war, terror, emergencies and similar events must meet the Editorial Guidelines' Principles on Accuracy and Impartiality.

(See Section 3 Accuracy: Principles and Section 4 Impartiality and Diversity of Opinion: Principles)

11.2.2 We will respect human dignity without sanitising the realities of war, terror, emergencies and similar events. There must be clear editorial justification for the use of very graphic pictures.

(See Section 7 Privacy: Reporting Death, Suffering and Distress and Section 5 Harm and Offence)

11.2.3 We will ensure, as far as is reasonably possible, that next of kin do not learn of a relative's death or injury from any of our content.

11.3 MANDATORY REFERRALS

(Mandatory Referrals are part of the BBC's editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy and Standards

11.3.1 Any proposal to attend an event staged by proscribed organisations or groups with a known record for mounting acts of terror must be referred to a senior editorial figure or, for independents, to the commissioning editor. Referral must also be made to Director Editorial Policy and Standards.

11.3.2 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 Director Editorial Policy and Standards.

11.3.3 Any approach from the Secretary to the Defence Advisory Notice Committee²⁴ must be referred to Director Editorial Policy and Standards.

11.3.4 Any situation where BBC staff or anyone else engaged in content production for the BBC may have obligations under the Terrorism Acts must be referred in good time to Director Editorial Policy and Standards and Programme Legal Advice.

11.3.5 Any proposal to approach an individual or an organisation (including an individual member of the organisation) responsible for acts of terror to participate in our output must be referred in advance to Director Editorial Policy and Standards.

Other Referrals

11.3.6 Any proposal to broadcast material recorded at legitimate events when paramilitary or other groups with a known record of violence or intimidation stage an appearance must be referred to a senior editorial figure, or for independents to the commissioning editor, who may consult Director Editorial Policy and Standards. For example, violent animal rights campaigners will fall into this category.

²⁴ Sometimes also referred to by its former name of the D-Notice Committee.

11.3.7 Any proposal to broadcast recordings made by perpetrators of a hijacking, kidnapping, hostage taking or siege must be referred to a senior editorial figure or, for independents, to the commissioning editor.

11.3.8 Any request by the police or others for a complete news black-out on stories relating to hijacking, kidnapping, hostage taking or sieges must be referred to a senior editorial figure, who may wish to consult Editorial Policy.

11.3.9 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.

11.4 PRACTICES

Accuracy and Impartiality

11.4.1 When reporting war, and in the early stages of covering national and international emergencies (including acts of terror, disasters and major accidents), it is particularly important to give the source of information and material from third parties, particularly when there are conflicting claims. 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.

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.

11.4.2 When reporting demonstrations, disturbances and similar events, we should treat estimates of involvement with due scepticism, report wide disparities and name the sources of the figures. We aim to offer a comprehensive and impartial view of events. 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.

11.4.3 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 the relevant authorities to identify the kind of major incidents requiring a special response. However, we must make the appropriate editorial judgements to ensure accuracy and independence.

User Generated Content

11.4.4 In times of conflict, there are special sensitivities for example about the security of operational military plans, avoiding naming casualties until next-of-kin have been informed and handling unsubstantiated rumours. This applies particularly to user generated content when users normally expect their material to be published as soon as it is sent to us.

At such times, we may publish additional guidelines to the effect that:

- we will concentrate comment and debate about the conflict in a limited number of spaces, with additional hosting and moderation, to maintain a full debate

- we will be prepared to switch to pre-moderation if necessary
- we may ask for claims or statements by third parties to be attributed so that their status becomes easier for our users to evaluate
- we may link from such statements to relevant stories written by the BBC News site so that users can more easily compare them.

Use of Language

11.4.5 We must report acts of terror quickly, accurately, fully and responsibly. Terrorism is a difficult and emotive subject with significant political overtones and care is required in the use of language that carries value judgements. We try to avoid the use of the term ‘terrorist’ without attribution. When we do use the term we should strive to do so with consistency in the stories we report across all our services and in a way that does not undermine our reputation for objectivity and accuracy.

The word ‘terrorist’ itself can be a barrier rather than an aid to understanding. 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’. We should not adopt other people’s language as our own; 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.

11.4.6 For similar reasons, it is also usually inappropriate to use, without attribution, terms such as ‘liberate’, ‘court martial’ or ‘execute’ in the absence of a clear judicial process.

Identifying Victims

11.4.7 When people have been killed, injured or are missing, it is important that, as far as is reasonably practicable, next of kin do not find out from BBC output. We recognise that, when names are not given in our reports, there may be 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 they find out for the first time through the media.

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.

Demonstrations, Disturbances and Riots

11.4.8 Comprehensive coverage of demonstrations, disturbances and riots is an important part of our news reporting. However, in addition to the specific guidelines concerning accuracy and impartiality (see 11.4.2 above), 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
- 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.

Staged Events

11.4.9 Any proposal to attend an event staged by proscribed organisations or groups with a known record for mounting acts of terror must be referred to a senior editorial figure or, for independents, to the commissioning editor. Referral must also be made to Director, Editorial Policy and Standards.

11.4.10 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 Director Editorial Policy and Standards.

11.4.11 Any proposal to broadcast material recorded at legitimate events when paramilitary or other groups with a known record of violence or intimidation stage an appearance must be referred to a senior editorial figure, or for independents to the commissioning editor, who may consult Director Editorial Policy and Standards. For example, violent animal rights campaigners will fall into this category.

Threats and Hoaxes

11.4.12 If we receive a bomb warning or other credible and specific threat, whether by phone, fax, email, text message, 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.

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

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

11.4.15 We must take care not to identify individuals or organisations, who would not otherwise be in danger, as possible targets unless there is an overriding editorial justification. For example, this may include companies or employees engaged in testing on animals or undertaking work for military establishments.

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

Hijacking, Kidnapping, Hostage Taking and Sieges

11.4.17 In cases of hijacking, kidnapping, hostage taking, sieges, bombings or other similar events, we must be aware that anything we broadcast may be seen or heard, either directly or indirectly, 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 only after referral to a senior editorial figure or, for independents, to the commissioning editor
- 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 otherwise risk showing distressing material that is unsuitable for live broadcast.

11.4.18 When reporting stories relating to hijacking, kidnapping, hostage taking or sieges we must listen to advice from the police and other authorities about anything that, 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.

Any request by the police or others for a complete news black-out must be referred to a senior editorial figure, who may wish to consult Editorial Policy.

National Security and Counter Terrorism

Official Secrets Act

11.4.19 The Official Secrets Act affects our ability to report on some matters relating to security and intelligence issues. Content producers should consult Programme Legal Advice when handling material that falls, or might fall, within its terms.

Defence Advisory Notices

11.4.20 Defence Advisory Notices provide guidance about defence and counter-terrorist information which if broadcast might damage national security. They cover the publication of material including highly classified codes and ciphers, information not widely in the public domain about key military facilities and installations and information relating to UK Security and Intelligence Services and Special Forces.

The standing Defence Advisory Notices can be read on the DA Notice System website.

The system is voluntary, it has no legal authority and the final responsibility for deciding whether or not to broadcast rests solely with us. Content producers should seek senior editorial and legal advice at an early stage when handling material that falls, or might fall, under the Notices. Director Editorial Policy and Standards must be

informed of any approach from the Secretary to the Defence Advisory Notice Committee²⁵.

Terrorism Acts

11.4.21 There is a legal obligation under the Terrorism Acts 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. Any situation where BBC staff or anyone else engaged in content production for the BBC may have obligations under the Terrorism Acts must be referred in good time to Director Editorial Policy and Standards and to Programme Legal Advice.

The Acts also outlaw certain national and international organisations described as ‘terrorist’ groups, making it illegal for them to operate in the UK. An up-to-date list of the proscribed organisations is maintained on the Home Office website. Any proposal to approach one of these organisations (including an individual member of the organisation), or any other individual or organisation responsible for acts of terror, to participate in our output must be referred in advance to Director Editorial Policy and Standards.

Hostile Environments, High Risk Activities and Events

11.4.22 Any proposals to work in hostile environments, on high risk activities or high risk events must be referred to Head of Newsgathering and BBC Safety’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, or public disorder. It also includes areas with extreme climate or terrain. The BBC keeps a list of hostile and dangerous environments on Gateway.

‘High risk activities’ include criminal investigations involving covert surveillance or recording and/or confrontation of terrorists, serious criminal or extremist or violent or political groups.

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

²⁵ Sometimes also referred to by its former name of the D-Notice Committee.

SECTION 12: RELIGION

- 12.1 Introduction
- 12.2 Principles
- 12.3 Mandatory Referrals
- 12.4 Practices

12.1 INTRODUCTION

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.

There is no longer an offence of blasphemy or blasphemous libel in any part of the UK, but religious beliefs are central to many people's lives and arouse strong views and emotions. We should take care to avoid unjustified offence. We aim to achieve this by ensuring our output is not used to denigrate the religious beliefs of others, while upholding the right to freedom of expression. Under the Ofcom Broadcasting Code, "*The religious views and beliefs of those belonging to a particular religion or religious denomination must not be subject to abusive treatment*"²⁶. In law, the Racial and Religious Hatred Act 2006, which applies to England and Wales, forbids a person from using threatening words or behaviour or displaying written material that is threatening "*if he intends thereby to stir up religious hatred*".

The BBC also has a duty to protect the vulnerable and avoid likely harm. The Ofcom Broadcasting Code requires that religious output "*must not seek to promote religious views or beliefs by stealth*"²⁷, nor "*improperly exploit any susceptibilities of the audience*"²⁸.

For the purposes of the BBC Editorial Guidelines, religious output is defined as output dealing with the religious views and/or beliefs of a religion or religious denomination as the central subject or a significant part.

This section of the Guidelines has considerations both for religious output and any other output concerning religion. Such output should also take account of all other sections of the Editorial Guidelines and, in particular, Section 4 Impartiality and Section 5 Harm and Offence.

12.2 PRINCIPLES

12.2.1 The beliefs and practices of religions and denominations must be described with due accuracy.

(See Section 3 Accuracy)

12.2.2 The religious views and beliefs of an individual, a religion or denomination must not be misrepresented or abused, as judged against generally accepted standards.

²⁶ Rule 4.2, Ofcom Broadcasting Code

²⁷ Rule 4.4, Ofcom Broadcasting Code

²⁸ Rule 4.6, Ofcom Broadcasting Code

(See Section 5 Harm and Offence: Generally Accepted Standards)

12.2.3 We must be aware of the religious sensitivity of references to, or uses of, names, images, deities, rituals, scriptures and language at the heart of the different faiths and ensure that any uses of, or verbal or visual references to, them are editorially justified within generally accepted standards. Examples include the Crucifixion, Holy Communion, the Qur'an, the Jewish Sabbath and similar.

12.2.4 We must consider the religious sensitivity surrounding the observance of holy days and the principal festivals of the great world faiths to avoid unnecessary offence from material that might be more acceptable at other times.

12.3 MANDATORY REFERRALS

(Mandatory Referrals are part of the BBC's editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)

12.3.1 Any content dealing with matters of religion and likely to cause offence to those with religious views and beliefs must be editorially justified as judged against generally accepted standards and must be referred to a senior editorial figure or, for independents, to the commissioning editor.

12.4 PRACTICES

12.4.1 When a religion or denomination is the subject of religious output, the identity of the religion or denomination must be clear.

12.4.2 Religious output should not be used to recruit, for example by making direct appeals to audiences to join a particular religion. References to the positive effects of belonging to a particular religion will normally be acceptable.

12.4.3 We should treat any claims made in our religious output 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.

12.4.4 Contributors to religious output should not be allowed to undermine or denigrate the religious beliefs of others. Religion and religious views may be criticised but we should ensure there is appropriate context and critical views are open to challenge.

(See Section 4 Impartiality and Diversity of Opinion)

12.4.5 Any content dealing with matters of religion and likely to cause offence to those with religious views and beliefs must be editorially justified as judged against generally accepted standards and must be referred to a senior editorial figure or, for independents, to the commissioning editor.

12.4.6 Drama, comedy and other genres may legitimately cover matters relating to religion, but we should always be aware of the potential for offence. Specialist advice

is available from the Religion and Ethics department and from colleagues in the World Service as well as from Editorial Policy.

(See Section 5 Harm and Offence)

12.4.7 With user generated content on religion, care is necessary to strike the right balance between freedom of expression and avoiding unnecessary offence. We are more likely to achieve this balance if:

- the space is actively hosted
- we select a suitable form of moderation
- on occasion, we make a rapid intervention - unless, for example, the online community has already responded robustly and in an authoritative way to an offensive comment.

(See Section 17 Interacting with our Audiences: User Generated Content Online)

SECTION 13: RE-USE AND REVERSIONING

13.1 Introduction

13.2 Principles

13.3 Mandatory Referrals

13.4 Practices

General

Accuracy Issues

Fairness, Consent and Privacy Issues

Harm and Offence Issues

Syndication and Distribution on Non-BBC Channels and Spaces

Requests for BBC Material from Third Parties

13.1 INTRODUCTION

The BBC's archive is a great national resource, of huge value to the public. We are committed to making this heritage accessible to the widest possible audience. Similarly reaching and engaging new audiences is the motivation behind syndicating material so that those who may consume little BBC content can discover it for themselves and enjoy more of what we have to offer.

BBC content is made to the standards in the Editorial Guidelines in force at the time of its original production. With the passage of time, those standards may change. This section outlines the additional steps that should be taken when content is re-used, distributed or otherwise made available, in whole or in part, in ways that may not have been contemplated at the time of production.

13.2 PRINCIPLES

13.2.1 Material from the BBC archive must take account of the requirements of the Editorial Guidelines in force at the time it is re-used, reversioned or made available.

13.2.2 Material accessible via on-demand channels should be managed appropriately to ensure that it continues to take account of the requirements of the Editorial Guidelines.

13.2.3 The BBC will only supply third parties with copies of programmes, content or other material gathered during production of our output, for uses that maintain the integrity of the material and the BBC.

13.3 MANDATORY REFERRALS

(Mandatory Referrals are part of the BBC's editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy and Standards

13.3.1 All requests for untransmitted or otherwise unused material, including notes, by the police and/or in connection with court proceedings, possible court proceedings or other procedures which may regard the material as evidence (such as disciplinary

hearings by regulatory bodies), must be referred to Programme Legal Advice and Director, Editorial Policy and Standards.

Referrals to Editorial Policy

13.3.2 The re-use, reversioning and making available of archive material must take account of any findings of breaches of editorial standards by the Editorial Complaints Unit, the Editorial Standards Committee of the BBC Trust or their predecessors, and of code breaches recorded by Ofcom or previous regulators. Any proposal to re-use such material must be referred to the relevant senior editorial figure or, for independents, to the commissioning editor. Referral must also be made to Editorial Policy.

13.3.3 All requests for transmitted material in connection with court proceedings, or other procedures which may regard the material as evidence (such as disciplinary hearings by regulatory bodies), must be referred to Programme Legal Advice and Editorial Policy.

Other Referrals

13.3.4 When our use of the archive may cause distress to the contributors, victims or their relatives or close friends, their views should be sought where possible. If they object to re-use any proposal to do so must be approved by a senior editorial figure or, for independents, by the commissioning editor.

13.3.5 Any proposal to re-use archive material of identifiable grieving or distressed people must be referred to a senior editorial figure or, for independents, to the commissioning editor.

13.3.6 When any proposed re-use of material may not have been covered by the original fee paid to contributors or others involved in the production of content, Talent & Rights Negotiation Group must be contacted in sufficient time for any legal obligations to be assessed and fulfilled.

13.3.7 The re-use of secretly recorded archive material must be referred before broadcast to a senior editorial figure or, for independents, to the commissioning editor. A record must be kept of the decision.

13.3.8 Any plans to re-use, reversion or make available archive material featuring members of the Royal Family or the Royal Palaces (except for news material showing members of the Royal Family carrying out public duties) must be referred to the BBC's Royal Liaison Officer.

13.4 PRACTICES

General

13.4.1 The re-use, reversioning and making available of archive material must take account of any findings of breaches of editorial standards by the Editorial Complaints Unit, the Editorial Standards Committee of the BBC Trust or their predecessors, and of code breaches recorded by Ofcom or previous regulators. Any proposal to re-use

such material must be referred to the relevant senior editorial figure or, for independents, to the commissioning editor. Referral must also be made to Editorial Policy.

13.4.2 When re-using television or radio content online or on demand, we should bear in mind that it may be subject to much greater scrutiny than when broadcast originally. For example it may be replayed repeatedly and, if content is published with searchable meta-data, even fleeting contributions can easily be located.

Material which may have been appropriate for transmission in the UK may no longer be appropriate when it can be accessed online around the world. For example images of people suffering in a foreign war or disaster zone may cause unjustifiable distress to survivors in that country, or there may be safety concerns for contributors or reporters.

Accuracy Issues

13.4.3 We should be aware that material we plan to re-use or reversion may have become out of date, inaccurate or inappropriate for other reasons. Where necessary to achieve due accuracy, it should be labelled and/or dated.

Care must be taken over the release of content containing information which new research has revealed to be inaccurate, such as medical information or advice which, if followed, may put people's health at risk. Where appropriate, the use of context and content information (including, for example, archive branding and labelling) should be considered.

(See Section 3 Accuracy: Managing Online Content)

13.4.4 We must check programmes being repeated some time after their original transmission 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.

(See Section 3 Accuracy: Checking Programmes)

News and Factual Programmes

13.4.5 When archive 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 also be alert to legal issues of, for example, defamation.

We should not use archive 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 materially misleading impression by illustrating our stories with out of date archive footage, for example of places, people or industrial production processes.

Fairness, Consent and Privacy Issues

13.4.6 The BBC has a continuing responsibility to respect privacy and to act fairly towards contributors when re-using, reversioning and making archive material available. So far as is reasonably practicable and when it was not implicit at the time they gave consent, we should inform contributors of our intention to re-use material.

We must check any relevant available detail of contributor consents and observe any restrictions on the re-use of the material, unless we are able to establish that circumstances have changed since the restrictions were imposed, so that they no longer apply.

13.4.7 Archive material involving illness, death, emotional trauma or intimate personal revelation, or individuals as children, when they were unable to give informed consent, may become more sensitive over time. We must consider how to minimise possible distress to surviving contributors, victims and relatives when we re-use, reversion or make available such archive content.

When our use of the archive may cause distress to the contributors, victims or their relatives or close friends, their views should be sought where possible. If they object to re-use any proposal to do so must be approved by a senior editorial figure or, for independents, by the commissioning editor. Approval will only be given if the objections are outweighed by a public interest.

Any proposal to re-use archive material of identifiable grieving or distressed people must be referred to a senior editorial figure or, for independents, to the commissioning editor.

(See Section 7 Privacy: Revisiting Past Events)

13.4.8 In addition, dramas and drama-documentaries should only use archive material when it can be editorially justified. We must ensure re-use of material does not create unfairness, by, for example, causing unjustified embarrassment, surprise or offence to identifiable people featured in the archive material. We should take particular care when re-using material of past events involving suffering or trauma or contentious material such as images of riots.

13.4.9 Paid contributors or others involved in the production of content may have contractual rights relating to re-use of archive material. When any proposed re-use may not have been covered by the original fee, Talent & Rights Negotiation Group must be contacted in sufficient time for any legal obligations to be assessed and fulfilled.

(See Section 7 Privacy: Revisiting Past Events)

Secretly Recorded Material

13.4.10 The re-use of secretly recorded archive material must be referred before broadcast to a senior editorial figure or, for independents, to the commissioning editor. A record must be kept of the decision.

(See Section 7 Privacy: Approval of Secret Recording)

Material Depicting Illegal or Anti-social Activity

13.4.11 The use of archive 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 archive material of one identifiable crime to illustrate another
- take care when using archive 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
- consult Programme Legal Advice about any proposed use of archive material of a crime if court proceedings are pending or in progress.

Royal Archive Material

13.4.12 Material featuring members of the Royal Family or the Royal Palaces is often subject to specific contractual arrangements, especially when the BBC has been given privileged access. Any plans to re-use, reversion or make available such archive material should be referred to the BBC's Royal Liaison Officer. This does not apply to news material showing members of the Royal Family carrying out public duties.

Harm and Offence Issues

13.4.13 Archive material that is made available, re-used or reversioned must take account of the requirements of the Editorial Guidelines on Harm and Offence in force at the time it is made available. Consideration should be given to the following:

- Changes in public attitudes to potentially offensive material, including nudity, language, portrayal, alcohol, illegal drug use and smoking
- Any change in, for example, timeslot or channel, which would have a material effect on audience expectations
- The way that many people browse the internet often by following links from search engines or coming across BBC material that has been embedded on other sites, means that we cannot presume that online users are always prepared for the material they find. They may not immediately realise that the content is archive, possibly increasing the risk of offence.

When archive material would not normally be broadcast by the BBC today because standards or attitudes have changed, there may be reasons to make it available now because, for example, it is of historical or cultural interest. However, the material should be appropriately scheduled and/or signposted and it should be clear to the audience that it is not contemporary.

(See Section 5 Harm and Offence: Alcohol, Smoking, Solvent Abuse and Illegal Drugs)

13.4.14 On occasion, current events and circumstances may make it inappropriate to re-use, reversion or make archive material available and, occasionally, may require the removal of on-demand material or links.

(Section 3 Accuracy: Managing Online Content)

13.4.15 We must ensure that the use of traumatic archive 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 archive material must be observed.

(See Section 13 Re-use and Reversioning: Fairness, Consent and Privacy Issues)

Syndication and Distribution on Non-BBC Channels and Spaces

13.4.16 Syndication includes the ways in which the BBC makes its content available to audiences via third parties. It may be based on formal contracts, or ‘self service’ (where content is made available for third parties to choose from without any formal contractual requirement). It includes any content, whether as a trailer, clip or full programme, and may be on a variety of platforms.

Online syndication, for example, helps us increase reach by engaging with users beyond BBC Online.

13.4.17 All material syndicated to third parties should be offered on a fair, reasonable and non-discriminatory basis. Unless specific circumstances justify differences, the terms of contract should be materially the same for all syndication arrangements.

13.4.18 Subject to a value for money test, and as technology allows, BBC public service content should be supplied on a platform-neutral basis. However we may design different syndication products or packages for specific platforms or technologies, where this is justified. We may prioritise specific syndication opportunities based on objective criteria such as compliance, size of audience or audience demographics. Impact on the wider market and value for money of syndication activities should be considered.

13.4.19 Syndication of content must comply with relevant legal, rights and regulatory requirements, including the BBC Trust’s Syndication Policy and the BBC On-Demand Syndication Guidelines (such as those in relation to advertising).

13.4.20 There should be a clear distinction between BBC public service content and BBC commercial content.

13.4.21 Appropriate measures should be in place to protect the reputation of the BBC and the integrity of BBC content.

Requests for BBC Material from Third Parties²⁹.

Transmitted Material

(Requests for material that has previously been broadcast or otherwise publicly distributed by the BBC.)

13.4.22 All requests for transmitted material in connection with court proceedings, or other procedures which may regard the material as evidence (such as disciplinary hearings by regulatory bodies), must be referred to Programme Legal Advice and Editorial Policy.

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

- Take due account of any copyright, legal, contractual and editorial implications
- Normally charge a fee which realistically reflects the cost or practical difficulties of providing the material
- Normally require a written agreement that the material will be used for purposes that maintain the integrity of the material and the BBC.

Untransmitted Material

13.4.24 All requests from third parties for access to unused material, such as notes, unedited video ('rushes') or audio recordings, should normally be referred to Director, Editorial Policy and Standards.

(See Section 13 Re-use and Reversioning: 13.4.27 Requests from the Police or in connection with Legal Proceedings)

13.4.25 Any proposal to give a contributor's personal details, comments or other personal information to a third party without the contributor's consent should be referred to a senior editorial figure, or for independents to the Commissioning Editor, who may wish to consult Information Policy and Compliance and Programme Legal Advice.

13.4.26 We never voluntarily allow access to unused material:

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

²⁹ This section of the Editorial Guidelines, 13.4.22 to 13.4.27, does not apply to statutory requirements to produce material, for example to Ofcom.

- when the rights of third parties 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 or public relations purposes.

13.4.27 All requests for untransmitted or otherwise unused material, including notes, by the police and/or in connection with court proceedings, possible court proceedings or other procedures which may regard the material as evidence (such as disciplinary hearings by regulatory bodies), must be referred to Programme Legal Advice and Director Editorial Policy and Standards.

The BBC will not normally hand over unused material in such circumstances, including to the police, without a court order. Sometimes it is appropriate to accede to such an order, at other times it will be necessary to contest it and appeal it to higher courts.

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.

There is no legal obligation for us to keep documents, records or unused material unless and until they are the subject of a request from the police or the courts or there is a realistic threat of litigation.

SECTION 14: EDITORIAL INTEGRITY AND INDEPENDENCE FROM EXTERNAL INTERESTS

14.1 Introduction

14.2 Principles

14.3 Mandatory Referrals

14.4 Practices

Product Placement

Product Prominence

Free and Reduced Cost Facilities, Products and Services

Online Links to Third Party Websites

BBC Commercial Channels, Services and Products

Game Shows

Advertising and the BBC Brand

BBC Support Services

14.1 INTRODUCTION

The BBC's reputation, in the UK and around the world, is based on its editorial integrity and independence. Our audiences must be able to trust the BBC and be confident that our editorial decisions are not influenced by outside interests, political or commercial pressures, or any personal interests.

This section of the Editorial Guidelines concerns the editorial decisions and production of our output. It should be read in conjunction with Section 15 Conflicts of Interest, which is concerned with ensuring the external activities of those involved in making content do not bring the BBC's editorial integrity into question.

14.2 PRINCIPLES

14.2.1 We must be independent from outside interests and arrangements which could undermine our editorial integrity

14.2.2 We must not endorse or appear to endorse any other organisation, its products, activities, services, views or opinions.

14.2.3 We must not give undue prominence to commercial products or services.

14.2.4 There must be no product placement in programmes.

14.2.5 On air and online credits must be clearly editorially justified.

14.2.6 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.

14.2.7 We must not unduly promote BBC commercial products or BBC related commercial products and services on our public service outlets.

14.3 MANDATORY REFERRALS

(Mandatory Referrals are part of the BBC's editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)

Referrals to Chief Adviser Editorial Policy

14.3.1 Any proposal to include commercial products or advertising clips in trails must be referred to Chief Adviser Editorial Policy

14.3.2 Any proposal for a homeowner to contribute towards the cost of the materials for a make-over must be referred to Chief Adviser Editorial Policy.

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

14.3.4 Acceptance of funding from a commercial organisation for off-air support material or services must be referred to Chief Adviser Editorial Policy

Other Referrals

14.3.5 Any proposal to accept an expenses paid media facility or fact finding trip must be referred to a senior editorial figure or, for independents, to the commissioning editor.

14.3.6 Any proposal to refer in our content to commercial operators offering an expenses paid media facility or fact finding trip must be referred to a senior editorial figure or, for independents, to the commissioning editor.

14.3.7 Any proposal to use commercial logos on BBC Online must be approved in advance by a senior editorial figure or, for independents by the Commissioning Editor. This does not apply when the logo is part of a co-production credit.

14.4 PRACTICES

Product Placement

14.4.1 We must never include a product or service in our output in return for cash, services or any consideration in kind. This is product placement which is contrary to the BBC's Charter and Agreement.

Product Prominence

14.4.2 We need to be able to reflect the real world and this will involve referring to commercial products, organisations and services in our output. However, we must avoid any undue prominence which gives 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 editorial reasons for repeated references to a brand
- not accept free or reduced cost products or services in return for on air or online credits, links 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

14.4.3 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.

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

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

Undue Prominence and Contributors

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

Personal Benefits

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

(See Section 15 Conflicts of Interest: Personal Benefits, On-air Talent)

Reviewing Products or Services

14.4.7 We must ensure there is no element of plugging when we review products or services. We should review a range from different suppliers. We should not normally give details on air of how and where to obtain products or services. Such details should only be given in exceptional circumstances when there is a very strong editorial justification and we should cover a range of outlets

In the case of books, CDs, videos and other similar material we may normally accept copies for review. Those responsible for reviewing or covering theatre, concerts or other events or performances may accept review tickets. However, if we are

reviewing products of any significant value, such as a washing machine or a car, we must return the product to the manufacturer or supplier.

Supply of Props in Drama, Comedy or Entertainment

14.4.8 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.

14.4.9 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 editorially justify a verbal reference as well as a visual one.

14.4.10 Props are not usually accepted free. Where possible BBC productions should use the internal prop procurement site and preferred suppliers. When props are accepted free or at a reduced cost there should be:

- clear records kept of all free or reduced cost props
- no guarantee that any product or service will be featured and, if featured, no guarantee that it will be in a favourable light.

Free and Reduced Cost Facilities, Products and Services

14.4.11 We should normally pay for travel, accommodation and most other services we use. Only a few specific output areas may accept free or substantially reduced cost facilities, products or services.

Consumer and lifestyle programmes which review or feature a wide range of products may occasionally accept free or reduced cost products or services. But in such cases it is essential that we:

- keep accurate departmental records of what has been accepted
- only accept discounts if they are in line with those offered to other large organisations
- do 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 editorially justified. The BBC should never promise to feature a supplier's details online in return for the supply of free or reduced cost products or services.

Suppliers must not have an editorial say in the programme and should not be given a preview of it.

Makeovers

14.4.12 The BBC must always cover the full production costs of makeover programmes and will also meet the costs of the home makeover itself where such makeovers have been directly instigated by the BBC.

However, in some limited cases, it may be appropriate for the home-owner to contribute towards the cost of the materials for a makeover. Such arrangements must conform with the Statement of Policy on Alternative Finance and be referred to Chief Adviser Editorial Policy.

(See Section 16 External Relationships and Funding: Makeovers)

Media Facility and Fact Finding Trips

14.4.13 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 such 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.

14.4.14 We should not normally refer in our content 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 reference in our content to any other organisation which has facilitated a trip, for example a charity or lobby group, is clearly editorially justified.

Promotional Material or Stories Supplied by Outside Bodies

14.4.15 We must select and cover stories for our own independent editorial reasons and be on our guard for “spin” from outside bodies and commercial companies who may also try to 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.

(See Section 14 Editorial Integrity: Product Prominence, Section 3 Accuracy and Section 4 Impartiality and Diversity of Opinion)

Online Links to Third Party Websites

14.4.16 Part of the BBC’s role is to act as a ‘trusted guide on the web’. Whenever we create content on a BBC site we should actively 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. BBC sites which cover matters of public policy, political or industrial controversy, or any other ‘controversial

subject³⁰ should normally offer links to external sites which represent a reasonable range of views about the subject.

(See Section 4 Impartiality and Diversity of Opinion and Section 10 Politics, Public Policy and Polls)

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

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

(See Section 5 Harm and Offence: The Watershed and Scheduling for TV, Radio and Online)

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

(See Section 3 Accuracy: Online Links to Third Party Websites)

Interactive Executive Editors should review the suitability of maintaining these links as appropriate.

Logos and Credits Online

14.4.18 Editorial references to companies or other organisations on BBC Online should not normally contain any use of their logo. Use of commercial logos on BBC sites must be editorially justifiable. Proposals to use commercial logos on BBC Online must be approved in advance by a senior editorial figure or, for independents, by the Commissioning Editor. Such approval is not required when the logo is part of a co-production credit.

(See Section 16 External Relationships and Funding: Co-Productions)

14.4.19 The BBC seeks to offer fair and appropriate credits on BBC Online. We normally give production credits, credits for the supply of material by third parties, credits for some outside events and credits for some software providers. On occasion, it may also be appropriate to credit outside information for reasons of transparency.

Any credits are given at the BBC's discretion. In addition:

- they should be editorially justifiable
- they should not be unduly prominent

³⁰ See Section 4 Impartiality and Diversity of Opinion: Controversial Subjects

- caution needs to be exercised over third party logos, which should only be used in specific circumstances
- linking to a third party site is not acceptable as a form of credit.

Under no circumstances can we agree to an online credit as a pre-condition for the offer of free or reduced cost products or services

BBC Commercial Channels, Services and Products

References to BBC Commercial Channels and Services

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

References to Commercial Products Related to BBC Programmes and Services

14.4.21 The BBC and Independent companies working for the BBC may 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 concerning the references to commercial products, including undertakings to the Office of Fair Trading.

14.4.22 In particular, we must take 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

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

BBC magazines must not be trailed on BBC radio, television or online. However, BBC related books, recordings, DVDs, CDs and CD ROMs are the types of products which may be trailed where appropriate. We do not produce trails for other types of merchandise.

14.4.24 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. All trails must be in accordance with the detailed guidance.

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

Trails on BBC Online for Commercial Products Related to BBC Programmes

14.4.26 Although we may not promote BBC related commercial products within our publicly funded online services, we may in some circumstances offer specific informational trails on BBC Online.

Any such trails must be editorially justifiable and may only appear on the specific pages supporting the relevant programmes. They may include a small graphic or still and may, in some cases, link to a page on a commercial site where commercial products related to BBC programmes may be purchased (see 11.4.27 below).

We must not run trails on BBC Online for BBC Magazines.

Transactional Links from BBC Online to Commercial Products Related to BBC Programmes

14.4.27 In order to act as a 'trusted guide on the web' and to fulfil our public purposes, BBC Online may from time to time offer users the opportunity to purchase selected BBC-related programme content from a range of online commercial suppliers.

The following conditions apply:

- Pages containing trails may offer editorially relevant links to begin the journey from BBC Online to a suggested retailer's site
- No transaction can take place on BBC Online
- It must be clear to users when they are leaving the BBC site and entering a commercial site
- Suggested retailers must be chosen according to robust, objective and transparent criteria
- Suggested retailers must not make any payments to the BBC for being listed on the service or for links from BBC Online to their commercial sites
- The user experience, including the way retailers are selected and presented, must be fair and non-discriminatory for all suggested retailers
- It must be clear to users that responsibility for the transaction lies with the suggested retailer

- The list of selected retailers must be revisited on a regular basis to avoid discrimination.

Links to pages for booking tickets for events mounted by the BBC, such as the BBC Proms, are normally acceptable.

Game Shows

14.4.28 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 accurately described and appropriate, and clear rules are published.

(See Section 16 Interacting with our Audiences: Competitions and Prizes and Framework for Funding Prizes and Awards)

Advertising and the BBC Brand

14.4.29 We should ensure that the BBC brand is not used to endorse outside companies or organisations. We can achieve this by ensuring commercial advertising, promotion and press releases by outside companies do not give the impression of BBC endorsement, and advertising does not “pass off” BBC programmes.

14.4.30 We should not normally allow the BBC name, logos, titles, channel names, programme titles, formats or characters to be used by commercial advertisers. Any exception must be in accordance with the BBC Fair Trading Guidelines. Advice is available from Editorial Policy and BBC Fair Trading.

BBC Support Services

14.4.31 When required, we complement our output by offering support services, such as help lines, information lines, fact packs, information online and via mobile devices.

The following conditions apply to such support services:

- They should be free or priced at cost recovery, and therefore not designed to make a profit. We must not use premium rate numbers for helplines
- 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 credit organisations who have contributed to our support material on the material itself, but we must not credit sponsors on-air

- We must ensure we can cope with any likely demand for our support services.

(See Section 16 External Relationships and Funding and Section 17 Interacting with our Audiences: Helplines)

14.4.32 We may sometimes accept outside funding for off air support material or services, for example, in the form of sponsorship from a third party which would usually be a not-for-profit organisation, such as a charity or educational establishment.

In certain limited circumstances, with approval from Chief Adviser Editorial Policy, funding may be acceptable from commercial organisations. No outside funding may be accepted for any on-air programme or content on BBC publicly funded channels or for any online content on bbc.co.uk.

Guidance in relation to support services and funding from commercial organisations may differ for BBC Commercial Services. Advice is available from Head of Commercial Policy BBC Worldwide.

Joint Editorial Initiatives

14.4.33 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 16 External Relationships and Funding: Joint Editorial Initiatives and Events)

Online Support Material

14.4.34 When we create web pages offering support material for programmes, they may sometimes contain links to external organisations. Any such external links should be justified by the relevance and value of the content linked to for the programme's audience. If we provide a link to an outside advice agency, we should normally provide links to a reasonable range of other agencies as well

The BBC must never promise to feature a supplier's details online in return for getting free or reduced cost goods or services for the programme

Programme support material on our web pages must not be sponsored.

SECTION 15: CONFLICTS OF INTEREST

15.1 Introduction

15.2 Principles

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On-air Talent, Commercial Advertising, Promotional Activity and Endorsements

Talent or Agent owned Independent Production Companies

15.1 INTRODUCTION

A conflict of interest may arise when the external activities of anyone involved in making our content affects the BBC's reputation for integrity, independence and high standards, or may be reasonably perceived to do so. Our audiences must be able to trust the BBC and be confident that our editorial decisions are not influenced by outside interests, political or commercial pressures, or any personal interests.

There is a danger of conflict of interest in every area of programme or content making. Each department or team must be aware of its area of vulnerability. There may be particular sensitivities for on-air talent.

The Principles on conflicts of interest apply equally to everyone who makes our content. Independent producers should not have inappropriate outside interests which could undermine the integrity and impartiality of the programmes and content they produce for the BBC.

All BBC staff are required formally to declare any personal interest which may affect their work with the BBC. Freelance presenters, reporters, producers and researchers and most other freelances will also be required to declare personal interests which may affect their work with the BBC.

In addition to this section of the Editorial Guidelines, there are Detailed Guidelines on Conflicts of Interest available on the Editorial Guidelines website. For most BBC staff there is a contractual requirement to comply with them.

There are also particular legal and regulatory constraints on those involved in financial journalism or those who are involved in output offering financial or consumer advice. Detailed advice in this area is given in the BBC Financial Journalism Guidelines.

15.2 PRINCIPLES

15.2.1 External activities of individuals working for the BBC must not undermine the public's perception of the impartiality, integrity, independence and objectivity of the BBC. Nor should they bring the BBC into disrepute.

15.2.2 There must never be any suggestion that commercial, financial or other interests have influenced BBC editorial judgements. Those involved in the production of BBC content must have no significant connection with products, businesses or other organisations featured in that content.

15.2.3 The BBC must be satisfied that individuals involved in the production of its content are free from inappropriate outside commitments and connections.

15.2.4 The involvement of talent or their agents in the ownership or senior management of independent production companies making content for the BBC must not cast doubt over the integrity, editorial judgements, or impartiality of any BBC output. Appropriate measures must be put in place so that the BBC maintains overall editorial control of all aspects of the programme or content.

15.3 MANDATORY REFERRALS

(Mandatory Referrals are part of the BBC's editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy

15.3.1 Any proposal for a factual programme about talent to be produced by an independent production company owned by that talent or an associated agent must be referred to the relevant divisional Director and Director Editorial Policy and Standards.

Referrals to Editorial Policy

15.3.2 In some areas, such as specialist music programming, on-air talent may have commercial and personal interests in their area of expertise. In such cases, the relevant Division should ensure that appropriate editorial procedures are in place so that there is no conflict of interest with their on-air role. Such procedures must be referred to Editorial Policy.

15.3.3 Any proposal, in exceptional circumstances, for a news presenter to front a campaign for a charity or campaigning body must be referred to Editorial Policy.

15.3.4 Chief Adviser Politics must be consulted at an early stage if individuals, including on air talent on long term contracts, wish to take part in political activity that may be perceived as a risk to BBC impartiality.

15.3.5 Any intention of a member of BBC staff or other individual associated with the BBC to stand as a candidate in a national or local election, including seeking nomination as a party candidate, must be referred to Chief Adviser Politics before it is publicly known.

Other Referrals

15.3.5 BBC News and Current Affairs staff, and correspondents and freelancers primarily known as BBC news presenters or reporters must refer to a senior level in the relevant Division if writing one-off articles on news, current affairs, politics or

current world affairs, economics, business, finance, matters of public policy, political or industrial controversy, media issues, and moral or ethical issues or religion.

15.3.6 Programme makers, editorial staff, reporters and presenters primarily associated with the BBC must clear with Heads of Department and the Press Office any letters to the press, if they deal with the subject matter of the programmes, relate to the BBC or broadcasting, or concern matters of public policy, political or industrial controversy, or any other 'controversial subject'. Presenters who present programmes for the BBC only occasionally should normally clear letters relevant to the subject matter of their programmes if they are to be published around the time of transmission.

15.3.7 Any suggestion of a BBC connection or endorsement of a third party event or organisation, resulting from a public appearance by the presenter of a BBC programme, must be approved by the relevant Head of Department.

15.3.8 Individuals must obtain permission from their line manager before making any commitment to train interviewees or organizations on how to present themselves in the media.

15.3.9 Any proposal by individuals to work for, or be publicly associated with, charities and campaigning groups must be referred to the Head of Department, who may wish to consult Editorial Policy.

15.3.10 Anyone asked to work on stories or content where they have a financial, commercial or business interest which has not already been declared and might involve a conflict of interest, or might be perceived to involve a conflict of interest, must inform their editor or Head of Department promptly. Editorial Policy may also be consulted.

15.3.11 Individuals should not accept personal benefits, or benefits for their family or close personal relations, from organisations or people with whom they might have dealings on the BBC's behalf. Any exception to this must be referred to their Head of Department, who should normally consult Editorial Policy, to establish whether accepting the offer constitutes a conflict of interest.

15.3.12 Current presenters of BBC news programmes should not appear as news presenters in a fictional bulletin, if it is at all likely that this could cause confusion and concern. Any proposal to include a current presenter of BBC news programmes as a news presenter in a fictional bulletin must be referred to their Head of Department.

15.4 PRACTICES

News and Factual Output

News and Current Affairs

15.4.1 News and current affairs output may at any time deal with any issue, cause, organisation or individual and there must be no doubt over the integrity and objectivity of editorial teams. For this reason, there are specific constraints on those working in BBC News and Current Affairs, Global News and news output in the

Nations. Staff, correspondents and freelances primarily known as BBC news presenters or reporters are affected by these constraints.

The main points are summarised below. However, the Detailed Guidelines on Conflicts of Interest on the Editorial Policy website must be consulted for further information and specific referrals.

15.4.2 Regular BBC news presenters should not undertake promotions, endorsements or advertisements for any company, outside organisation or political party. In exceptional circumstances, with the prior approval of the BBC, they may undertake promotional activities for books which they have written. Any such activity must not jeopardise a presenter's reputation for objectivity and impartiality.

15.4.3 BBC staff, correspondents on non-staff contracts and freelances primarily known as presenters or reporters on BBC News and Current Affairs programmes must not:

- state or reveal publicly how they vote or express support for any political party
- express a view for or against any policy which is a matter of current party political debate
- advocate any particular position on a matter of public policy, political or industrial controversy, or any other 'controversial subject'

(See Section 4 Impartiality and Diversity of Opinion: Controversial Subjects)

- exhort a change in high profile public policy
- speak or write publicly about the BBC without specific, written prior approval from the relevant Head of Department

In addition, they should not normally write regular columns for non-BBC websites or external publications which are not published by the BBC.

Financial Journalism

15.4.4 There are additional constraints on financial journalists. People working on financial programmes for the BBC should register their shareholdings and other financial interests or dealings. Clear advice is given on this in the Financial Journalism Guidelines.

There are also particular legal constraints which affect financial journalists. It is illegal to use financial information acquired in advance to trade ahead of the markets. It is also illegal to promote financial services without proper authorisation from the relevant regulatory authorities.

Serious Factual

15.4.5 The same constraints listed above for News and Current Affairs (15.4.1 – 15.4.3) also apply to serious factual output. However if a programme maker, other content producer, or presenter works only in one specialised factual area then it

might be acceptable for them to express an opinion publicly on a totally unrelated area, for example a person working only in science expressing an opinion on arts. Heads of Department must judge what is appropriate.

Consumer and Lifestyle

15.4.6 People (especially on-air talent and editorial staff) working on consumer and lifestyle programmes or related websites and other content, must have no commercial or other links which could appear to influence their BBC work in relation to any product, service or organisation. In particular, they must not advertise or promote any product, service or organisation they might review on air.

Other Output Areas

15.4.7 In all other areas, including for example entertainment, it is essential that programme makers, other content producers and on-air talent do not undermine their own integrity, and that of their content, by off-air involvement in inappropriate activities or commercial interests. Their off-air activities must not bring the BBC into disrepute.

In some areas, such as specialist music programming, on-air talent may have commercial and personal interests in their area of expertise. In such cases, the relevant Division should ensure that appropriate editorial procedures are in place so that there is no conflict of interest with their on-air role. Such procedures must be referred to Editorial Policy.

(Go online: Detailed Guidelines on Conflicts of Interest)

External Activities

15.4.8 There are many external activities which are likely to raise issues in connection with conflicts of interests. These range from writing commitments (such as regular articles, columns or blogs), through to political activities, public appearances and media training, to appearing in commercial advertisements and giving endorsements.

(Go online: Detailed Guidelines on Conflicts of Interest)

Writing Commitments

News and Current Affairs, Global News, News Staff in the Nations.

15.4.9 BBC News and Current Affairs staff, and correspondents and freelancers primarily known as BBC news presenters or reporters should not normally write regular columns for non-BBC websites or external publications which are not published by or for the BBC.

In particular, they should not write a regular column which deals with:

- news, current affairs, politics or current world affairs
- economics, business or finance

- matters of public policy, political or industrial controversy
- media issues
- moral or ethical issues or religion.

One-off articles on any of these areas must be referred to a senior level in the relevant Division.

(Go online: Detailed Guidelines on Conflicts of Interest)

15.4.10 Specific permissions are required for those working in news areas to publish books. The book should not compromise the integrity or impartiality of the BBC. See Detailed Guidelines on Conflict of Interest on the Editorial Policy website.

Other Areas

15.4.11 Programme makers, editorial staff, reporters and presenters in non-news areas may all wish to undertake journalistic work, write articles or write books. Such activity should not bring the BBC into disrepute.

15.4.12 No BBC staff journalist can write a regular newspaper or magazine column dealing with current affairs or matters of public policy, political or industrial controversy, or any other 'controversial subject'.

(See Section 4 Impartiality and Diversity of Opinion: Controversial Subjects)

Letters to the Press

15.4.13 Programme makers, editorial staff, reporters and presenters primarily associated with the BBC must clear with Heads of Department and the Press Office any letters to the press, if they deal with the subject matter of the programmes, relate to the BBC or broadcasting, or concern matters of public policy, political or industrial controversy, or any other 'controversial subject'.

(See Section 4 Impartiality and Diversity of Opinion: Controversial Subjects)

Presenters who present programmes for the BBC only occasionally should normally clear letters relevant to the subject matter of their programmes if they are to be published around the time of transmission.

Public Speaking and Other Public Appearances

15.4.14 It is important that no public speaking commitments or other public appearances are seen to undermine the objectivity or integrity of the BBC or its content, or suggest BBC endorsement of a third party organisation product, service or campaign.

Although freelance presenters of BBC programmes may gain a proportion of their non-BBC income from off-air public appearances, they must guard against appearances which undermine their on-air role. They should not allow the use of the BBC's name or brands in connection with advertising for a public appearance. There should be no suggestion of a BBC connection or endorsement of the third party event

or organisation, unless it is editorially appropriate and has been approved by the relevant Head of Department.

News and Current Affairs, Global News and News staff in the Nations

15.4.15 BBC News and Current affairs staff, BBC correspondents on non-staff contracts and freelances known primarily as presenters or reporters on BBC news and current affairs programmes, must remain impartial when speaking publicly or taking part in similar events, such as a public discussion or debate. They must not promote any political party, campaigning organisation or lobby group. They should not chair conferences which are a promotional exercise for a commercial company that supports any political parties or is one-sided on a matter of public policy, political or industrial controversy or any other 'controversial subject'.

Media Training

15.4.16 It may be appropriate for BBC presenters, senior editorial figures or programme or other content makers to speak at conferences or other events about matters pertaining to broadcasting, journalism or general production.

However there are considerable dangers of conflicts of interest which could lead to the BBC's editorial integrity, independence and impartiality being compromised, if individuals train interviewees or organisations on how to present themselves in the media. Permission must be obtained from line managers before making any such commitments and we should ask freelance presenters about their work in this area to ensure there is no conflict of interest.

News and Current Affairs, Global News and News Staff in the Nations.

15.4.17 BBC News and Current Affairs staff, and correspondents and freelances primarily known as BBC news presenters or reporters must not undertake any media training work. Under no circumstances should they interview anyone they have previously trained.

Charities and Campaign Work

15.4.18 Any work undertaken for, or in support of, a charity, charities or charitable cause should not imply BBC endorsement for one charity or cause above others. There will be particular sensitivities if the charity deals with, and/or campaigns on, matters of public policy, political or industrial controversy, or any other 'controversial subject'. BBC employees must also take care that their impartiality is not compromised by associating themselves with a charity operating in the same area as the programming on which they work.

Any proposal by individuals to work for charities and campaigning groups must be referred to the Head of Department, who may wish to consult Editorial Policy.

News, Current Affairs, Consumer and Topical Programmes

15.4.19 Presenters, reporters and editorial people in news, current affairs, topical and consumer programmes should not normally associate themselves with any campaigning body, particularly if it backs one viewpoint in a controversial area of

policy. News presenters should not normally front a campaign for a charity or campaigning body as this could undermine the BBC's reputation for impartiality. Any exceptional cases must be referred to Editorial Policy.

Political Activities

15.4.20 Some individuals may wish to become involved in political activity and they are free to do so when it is consistent with both the nature of their work for the BBC and the BBC's public service obligations. Political activity by individuals, including on air talent on long term contracts, must not compromise the BBC's impartiality or undermine public confidence in the BBC. Judgements about what is acceptable will reflect individual circumstances, including the type of activity and the nature of the individual's BBC role. Political activity or taking a public position on an issue of public policy, political or industrial controversy, or any other 'controversial subject' is likely to be incompatible with some BBC roles, especially in news, current affairs and, sometimes, in general factual programmes. The risk to the BBC's impartiality is unlikely to be significant for entertainment or drama. Advance discussion with line managers is essential.

Chief Adviser Politics must be consulted at an early stage if there is any possibility of political activity being perceived as a risk to BBC impartiality.

15.4.21 Anyone is entitled to be a non-active member of a political party or other organisation within the law. However, individuals in some roles need to consider whether public disclosure of membership would jeopardise public confidence in their ability to fulfil some or all aspects of their job, or otherwise cause a risk to the perception of the BBC's impartiality.

15.4.22 Active involvement in a political party may give rise to a conflict of interest for BBC staff and other individuals who are publicly associated with the BBC. This includes on-air talent on long term contracts.

Seeking nomination as a party candidate in a national or local election, or expressing an intention to stand as an independent candidate, is incompatible with some BBC roles, particularly in news and current affairs and other output areas which may deal with matters of public policy, political or industrial controversy, or any other 'controversial subject'.

(See Section 4 Impartiality and Diversity of Opinion: Controversial Subjects)

Anyone who intends to seek nomination for election at national or local level should discuss with their manager at the earliest opportunity the implications for their professional responsibilities and any potential risk to the BBC's impartiality.

Any intention of a member of BBC staff or other individual associated with the BBC to stand as a candidate in a national or local election, including seeking nomination as a party candidate, must be referred to Chief Adviser Politics before it is publicly known.

15.4.23 Many organisations, including campaigning and lobby groups, charities, newspapers and specialist websites, maintain a public position on matters of public policy, political or industrial controversy, or other 'controversial subject'. Before becoming actively involved with, or offering public support to, an organisation with a

partial or campaigning stance on such matters, individuals working for the BBC should give the same consideration to the impartiality risks as is required for party political activity (see 15.4.22 above).

15.4.24 Some non-political voluntary public roles, such as school governor or magistrate, may be acceptable even for those involved in editorial decision-making in news and current affairs programmes. Advice is available from Editorial Policy.

Declaration of Personal Interests

(Go online: Detailed Guidelines on Conflicts of Interest)

15.4.25 The onus is on the journalist, programme maker or on-air talent to let the BBC know if they (or, in certain circumstances, their family or close personal contacts) have any outside interests which could be perceived as a conflict of interest.

15.4.26 All BBC production and editorial staff are required to declare any personal interest which may affect their employment with the BBC. These interests should be declared on a Declaration of Personal Interest Form.

Most freelancers are also asked to declare any commercial interests which may impinge on their work with the BBC. Independent producers should make a declaration at the time of commissioning.

Significant shareholdings should be declared by all production and editorial staff working for the BBC if they are in any way connected with the area in which they work or the subject matter they cover.

15.4.27 The area of most sensitivity is financial journalism where additional guidelines apply. On no account must early information acquired in the course of a BBC programme work be used to trade ahead of the markets. It is illegal and unethical.

(Go online: BBC Financial Journalism Guidelines)

Heads of Department will be aware of other particular sensitivities in their areas and will ask for particular detailed information concerning some financial or commercial interests.

15.4.28 Although efforts should be made to declare any interests well in advance, in some cases people will be asked to work on stories or content at relatively short notice and may find that they have some connection with the area to be covered. If they have any financial, commercial or business interest which might involve a conflict of interest, or might be perceived to involve a conflict of interest, they must inform their editor or Head of Department promptly. If the editor or Head of Department considers that there could be a real or perceived conflict of interest, they should deploy another person on the story or content. Editorial Policy may be consulted.

15.4.29 In some cases the commercial activities or interests of presenters and other on-air talent could lead to a conflict of interest. To avoid this, when contracts are

negotiated, talent should be asked to declare any commercial interests that may impinge on their on-air role or which are connected with the subject matter of the programme they present.

In some cases, particularly for presenters of journalistic or factual programmes, commercial interests may be deemed incompatible with their on-air role.

Personal Benefits

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

Any acceptance of hospitality from outside bodies or companies must be considered carefully to ensure it does not constitute a conflict of interest or otherwise undermine the BBC's integrity or impartiality.

Individuals must not accept personal benefits, or benefits for their family or close personal relations, from organisations or people with whom they might have dealings on the BBC's behalf. Unacceptable personal benefits include goods, discounts, services, cash, loans, gratuities, or entertainment outside the normal scope of business hospitality.

Any exception to this must be referred to the relevant Head of Department, who should normally consult Editorial Policy, to establish whether accepting the offer constitutes a conflict of interest.

(See Section 15 Conflicts of Interest: On-air Talent)

Even where there is no commercial contract and the recipient is not dealing with the outside organisation on behalf of the BBC and has not been paid to advertise or promote the goods or services, the use in BBC programmes of products of free or significantly reduced costs goods without prior approval could risk bringing the BBC and its programmes into serious disrepute.

(See Section 14 Editorial Integrity and Independence: Free and Reduced Cost Facilities, Products and Services)

On-air Talent, Commercial Advertising, Promotional Activity and Endorsements

15.4.31 The BBC does not seek to place unnecessary restrictions on talent. However it is essential that promotional activities do not undermine the integrity of the BBC, the presenter or the programmes with which they are associated.

When engaging talent, consideration should be given to whether their existing advertising or promotional commitments will have undue influence on the programme's editorial agenda. There are fundamental risks to the editorial integrity of a programme if a presenter's promotional activities could distort its agenda by forcing the omission of items or changing what it covers.

15.4.32 Any presenter who appears on-air in a journalistic capacity will have considerable restrictions on what, if any, promotional activities they may undertake.

There will be fewer restrictions on entertainment or lifestyle talent, as long as their integrity and the integrity of the programme they present is not undermined.

There may be fewer restrictions on a presenter seen as an independent outsider, or expert, who presents few programmes or a one-off series, but is not, in the main, considered as a BBC presenter.

15.4.33 Advertisements or promotions undertaken by presenters must not in any way suggest BBC endorsement, undermine the BBC's values, bring the BBC into disrepute, or give the public reason to doubt the objectivity of BBC presenters.

No presenter or reporter should advertise or promote products or clothing they use on air. BBC presenters and reporters must not accept clothing free in exchange for wearing it on air. This could be considered a form of product placement. Nor should they appear on air wearing clothes or using products which they have been contracted to promote, advertise or endorse, or in which they have any financial interest.

(Go online: Detailed Guidelines on Conflicts of Interest)

15.4.34 Other restrictions exist in specific areas:

- Presenters and reporters on news, current affairs and business programmes are not permitted to take part in any promotions, endorsements or advertisements for third parties
- Presenters or reporters who appear in serious factual programmes which consider matters of public policy or political or industrial controversy are not normally permitted to take part in any advertisements for third parties
- Presenters or reporters who are involved in investigative programmes must not undertake any outside promotional work, unless their on-air role is ring fenced to one specific topic
- Presenters and reporters on consumer programmes that cover a wide range of topics must not undertake any promotional work for third parties as there is no product or service outside the remit of the programme
- Presenters and reporters on consumer programmes that cover a specific topic may only be permitted to undertake promotions for products entirely unconnected with the subject matter of the programme
- Lifestyle presenters who give advice on the purchase or use of branded products must not undertake any advertising or promotions of products or retailers associated with the subject matter of their programmes. On-air talent who give clear objective advice on how to solve problems should not advertise products or services which aim to solve these specific problems.

15.4.35 Even when there is no obvious conflict of interest with the presenter's on-air role, there are some products or services which the BBC would not wish its presenters to promote, as the association might be damaging to the BBC's reputation (such as tobacco or tobacco products, escort agencies and sex chat lines).

15.4.36 Presenters of children's programmes must not promote products directly connected to the subject matter of the programmes they present, aimed specifically at children, or likely to be harmful to children (such as alcohol).

Style of Advertisements

15.4.37 Advertisements should not imitate or pass off BBC programmes, for example by replicating editorial elements of a programme or music or graphics associated with the programme, or by using or directly imitating BBC sets or key venues from the programme.

Advertisements should not replicate or pass off the role the presenter plays in the programme. There should be no use of more than one BBC presenter or other on air talent from the same programme in any advertisement for a non-BBC related product. It is also unlikely to be acceptable for several presenters from different BBC programmes to appear in the same advertisement.

The overall style of the advertisement should not bring the BBC into disrepute.

Regular Contributors to Programmes

15.4.38 Consideration also needs to be given to promotional work undertaken by contributors who appear in programmes regularly, but who are not engaged as presenters. The BBC is not in a position to restrict, and would not normally wish to restrict, the advertising activities of these outside contributors. However, the BBC should not use contributors who undertake promotional work which could give rise to doubts about their objectivity. In particular, expert contributors who give specific advice about what to buy should not endorse products or services in the areas on which they give advice.

Actors and Artists who Perform in Programmes

15.4.39 Actors should not appear in television advertisements in a way which directly replicates their on-air role in BBC programmes. Actors and artists from the same BBC programme should not appear in the same advertisement or series of advertisements for the same product, service or organisation.

Presenters of Factual Programming Appearing in Drama

15.4.40 Presenters of factual programmes should be aware that simulating their role in fictional programmes might carry risks for their own credibility and that of the programmes they are associated with. The expectations and likely reactions of the audience must be considered carefully.

Current presenters of BBC news programmes should not appear as news presenters in a fictional bulletin if it is at all likely that this could cause confusion and concern. Any proposal to do so, for example in a clearly comic, unrealistic or fantasy situation, must be referred to their Head of Department.

Talent or Agent-owned Independent Production Companies

15.4.41 The involvement of talent or their agents in the ownership or senior management of independent production companies making content for the BBC must not cast doubt over the integrity, editorial judgements, or impartiality of any BBC output.

It is essential that the BBC is seen to be, and can demonstrate that it is, in overall editorial control of all aspects of the programme or content and has put in place appropriate measures to maintain editorial control. BBC programmes must never be used as a vehicle to promote the commercial interests of talent or their agents.

15.4.42 Agents or their production companies should not be commissioned to produce factual programmes about the talent they represent. Similarly, talent-owned independent production companies should not be commissioned to make BBC factual programmes where the talent is the subject matter of the programme or is featured in any significant way.

In exceptional circumstances, it may not be possible to produce a programme about specific talent unless it is produced by an independent production company owned by that talent or an associated agent. In such cases, proposals can only be considered if there is clear editorial justification. The matter must be referred to the relevant divisional Director and Director Editorial Policy and Standards.

SECTION 16: EXTERNAL RELATIONSHIPS AND FUNDING

16.1 Introduction

16.2 Principles

16.3 Mandatory Referrals

16.4 Practices

Part A: Funding from BBC Commercial Services, the Open University and Co-Productions

Part B: Funding which must Conform to the Statement of Policy on Alternative Finance

Co-Funding

Other Activities: Ticket Sales, Makeovers, Location and Production Initiatives, Public Value Partnerships, Sponsored BBC Events, Sponsored Awards

BBC Off-Air Events

Joint Editorial Initiatives and Events

Part C: Other External Relationships

Sponsored Third Party Events

The National Lottery

Charities

(Note: This section applies to all BBC services funded by the licence fee. There are other specific guidelines for BBC services not funded by the licence fee:

- *BBC World Service Guidelines on External Relationships and Funding*
- *BBC Commercial Services Guidelines on External Relationships and Funding.*)

16.1 INTRODUCTION

The BBC is committed to working collaboratively with others to deepen the impact and reach of its programmes, extend creative possibilities and maximise public value. Working in partnership with others, we can offer added value to our audiences in a range of ways, such as co-productions with other producers and broadcasters, mounting joint initiatives with arts and educational bodies and delivering services in minority languages to the UK's Nations.

It is a basic premise of the BBC's Charter and Agreement that public service television, radio and online services in the UK are funded from the licence fee. No licence fee-funded broadcast or online service can carry sponsored programmes or take funding from advertising.

In many cases our involvement with outside bodies will not involve sharing costs or receiving any funds. But in some very limited cases, monies may come into the BBC under exceptions allowed by the BBC Charter and Agreement. Such exceptions are regarded under the terms of the Agreement as 'Alternative Finance'.

All such arrangements must conform to the provisions of the Agreement itself. In some cases they must also comply with these further regulatory documents:

- Statement of Policy on Alternative Finance agreed between the BBC Trust and the Secretary of State for Culture Media and Sport

- Framework for Funding Prizes and Awards agreed by the BBC Trust.

(See Section 17 Interacting With Our Audiences: Prizes)

16.2 PRINCIPLES

16.2.1 When entering into an external relationship, we must ensure that BBC Services do not broadcast sponsored programmes or carry advertising. Arrangements with external organisations must not give any impression that a BBC Service is commercially sponsored.

16.2.2 The BBC's editorial impartiality and integrity must not be compromised by any external relationship or external funding and the BBC must retain editorial control of BBC output.

16.2.3 The choice of external partners must be appropriate and editorially justified and must not bring the BBC into disrepute.

16.2.4 We must not accept money or other services in exchange for broadcast or online coverage or publicity, or online links or credits and we must not promote or appear to endorse other organisations, products, services, views or opinions. We may credit others fairly where editorially appropriate.

16.2.5 To ensure transparency, we must operate rigorous financial systems when accepting any funding from an outside organisation.

16.2.6 Money from external organisations or individuals may not be used to pay programme costs, except for funding from BBC commercial services, the Open University, co-productions (i.e. funding in exchange for rights), co-funding and production and location incentives.

16.3 MANDATORY REFERRALS

(Mandatory Referrals are part of the BBC's editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy and Standards

16.3.1 Any proposal for a BBC commissioned current affairs production to accept a grant from the EU Media Fund must be referred in advance to Director Editorial Policy and Standards.

Referrals to Chief Adviser Editorial Policy

16.3.2 Any proposal for co-funding on any BBC UK Service must be referred to Chief Adviser Editorial Policy.

16.3.3 Chief Adviser Editorial Policy must approve the selling of tickets to broadcast events held on any BBC premises.

16.3.4 Any proposal for a homeowner to contribute towards the cost of the materials for a makeover must be referred to Chief Adviser Editorial Policy.

16.3.5 Any contractual commitment to credit a public value partner on-air or online must be referred to Chief Adviser Editorial Policy at an early stage, well before contracts are issued.

16.3.6 Any proposal for involvement with a commercial organisation in relation to a public value partnership must be referred to Chief Adviser Editorial Policy.

16.3.7 Any proposal for sponsorship of a BBC on-air event must be approved well in advance by Chief Adviser Editorial Policy and the relevant Director.

16.3.8 Arrangements for jointly run events which are broadcast must be approved by Chief Adviser Editorial Policy.

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

16.3.10 Chief Adviser Editorial Policy's advice must be sought on cross-BBC charity fundraising initiatives such as Children in Need, Red Nose Day (Comic Relief) and Sport Relief.

Referrals to Editorial Policy

16.3.11 The suitability of partners and arrangements for a joint editorial initiative must be referred to Editorial Policy.

16.3.12 The choice of partners and arrangements for jointly run events which are broadcast must be approved by Editorial Policy.

16.3.13 Editorial Policy must approve any link from BBC web pages covering events to a specific section of a site run by the sponsor of a third party event.

16.3.14 Any proposal to cover an event, anywhere in the world, sponsored by a tobacco manufacturer must be referred to Editorial Policy.

16.3.15 Any express references to sponsors in trails for a BBC programme covering a sponsored event must be referred to Editorial Policy.

Other Referrals

16.3.16 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. Editorial Policy must also be consulted.

16.3.17 The broadcasting of appeals for charity, or on behalf of the Disasters Emergency Committee, must be referred to the BBC's Charity Appeals Adviser.

16.4 PRACTICES

PART A: FUNDING FROM BBC COMMERCIAL SERVICES, THE OPEN UNIVERSITY AND CO-PRODUCTIONS

16.4.1 The BBC Charter and Agreement expressly allows the acceptance of funding from the profits of BBC Worldwide and other BBC commercial services, funding from the Open University for appropriate programming and online services, and co-productions. All monies received must be reported in the quarterly Fair Trading return.

BBC Commercial Services

16.4.2 For many years, BBC licence fee services have benefited from the profits generated by BBC Commercial Services. The use of monies from commercial services must be in accordance with the BBC's Fair Trading Guidelines and further advice may be sought from Chief Adviser Fair Trading.

Open University

16.4.3 Funds may be accepted from the Open University for appropriate learning and educational output in line with the Framework Agreement between the Open University and the BBC.

Co-Productions

16.4.4 A co-production is where funding is in exchange for broadcasting, publishing or other rights. Appropriate co-production partners include broadcasters, programme/film distributors, independent producers, record companies, audio visual producers, software and web service producers and institutions involved in arts and education (such as theatres and music companies).

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

Online there may be a single non-promotional credit per site for a co-producer which may include the co-producer's logo. If editorially justifiable there may be a link to the co-producer's site but it is not permissible to link directly to any page whose main purpose is to promote, advertise or sell goods or services.

16.4.6 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.

PART B: FUNDING WHICH MUST CONFORM TO THE STATEMENT OF POLICY ON ALTERNATIVE FINANCE

The following activities must conform to the Statement of Policy on Alternative Finance:

Co-Funding

16.4.7 In order to fulfil its commitment to the UK Nations, the BBC may accept co-funding from suitable, non-commercial bodies to provide services in minority languages. In Scotland, the Gaelic Media Service co-funds television, radio and online services in Gaelic. In Northern Ireland, the BBC accepts funding from the Irish Language Broadcast Fund for some television broadcasts in Irish.

Occasionally, the BBC may accept co-funding for learning and educational output targeted at a specific section of the audience, where it might be unjustifiable to fund the output simply from the licence fee. For example, co-funding has been accepted in Wales for some online output which is in English as well as Welsh and directed at a specific niche audience.

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

16.4.8 All arrangements for co-funding must comply with the Statement of Policy on Alternative Finance Section 14: Co-Funding

In addition, all co-funding must meet the following requirements:

- The BBC must retain editorial control for a co-funded programme or website and it is essential that the programme does not promote the funder
- Co-funding must never be taken for news, current affairs or consumer advice content on any BBC service
- The BBC must not accept funds from any organisation whose interests or activities could raise doubts about the objectivity of a programme or website
- Any co-funding projects must be approved in writing by the relevant BBC Director responsible for the output.

Any proposal for co-funding on any UK service must be referred to Chief Adviser Editorial Policy.

Other Activities Which Must Conform to the Statement of Policy

16.4.9 Ticket sales, makeovers, location and production incentives, public value partnerships and sponsored BBC on-air events must conform specifically to the following principles from the Statement of Policy on Alternative Finance:

- BBC services may not broadcast sponsored programmes or carry advertising and it is important that arrangements with external organisations do not give any impression that a BBC service is commercially sponsored
- The BBC's editorial impartiality and integrity must not be compromised and the BBC must retain editorial control of BBC output
- The choice of partners must be appropriate and not risk bringing the BBC into disrepute.

Ticket Sales

16.4.10 In some cases it may be acceptable to charge for tickets for BBC broadcast events. However, we may only charge for tickets to concerts or events which are not merely recordings of regular programmes.

We should only charge entry for events held at an outside venue, not events held in BBC studios. However, with approval from Chief Adviser Editorial Policy, we may charge for tickets to events held in a bespoke BBC concert hall.

16.4.11. Proceeds from ticket sales may only be used to pay for event costs and tickets should not be priced to generate any further income. The money from ticket sales must not be used for production costs.

Clear separate records must be kept of all ticket revenue going to the BBC or going via the BBC.

16.4.12 In addition to the principles of the Statement of Policy on Alternative Finance, all ticketing arrangements must conform to the BBC Guidance Note on Ticket Sales and Chapter 2 of the BBC Fair Trading Guidelines.

Makeovers

16.4.13 The BBC must always cover the full production costs of makeover programmes and will also meet the costs of the home makeover itself where such makeovers have been directly instigated by the BBC.

The BBC must not, under any circumstances, demand a financial contribution from a homeowner as a pre-requisite for taking part in a makeover programme. However, in some limited cases, it may be appropriate for a homeowner to contribute towards some makeover costs. These contributions are only possible if the homeowner has already begun a makeover or is already considering a makeover. Such arrangements are a form of Alternative Finance and must conform to the Statement of Policy.

16.4.14 In all cases, contributions from homeowners may only be used to pay suppliers of materials, goods and services and any construction personnel who are not featured in the programme. No money from the homeowner may go into a production budget. Separate accounts must be kept for the programme and the makeover and it must be clear that a contributor's payments have not been used for programme costs.

16.4.15 Any proposal for a homeowner to contribute towards the cost of the materials for a makeover must be referred to Chief Adviser Editorial Policy.

(See Section 14 Editorial Integrity: Makeovers)

Location and Production Initiatives

16.4.16 A number of countries around the world, including the UK, offer incentives to stimulate film, television and other media production. The BBC, together with other broadcasters, producers and filmmakers, has accessed these incentives for many years. The schemes are most frequently offered when a drama, documentary or other programme is filmed in a particular location. These schemes are often run by film councils or governmental or regional organisations. Grants are also available from the EU Media Fund.

16.4.17 Acceptance of such funds must be in accordance with the principles in the Statement of Policy on Alternative Finance.

16.4.18 Any conditions made by the funder must not undermine the BBC's integrity or impartiality. Particular care should be taken in relation to factual production

16.4.19 Factual programmes and factually-based dramas which focus on the current politics of a country may not accept funding from schemes operating there.

16.4.20 News and Current Affairs programmes may not accept such funding. The only exception to this prohibition may be the acceptance by a BBC commissioned current affairs production of a grant from the EU Media Fund. Such acceptance must be referred in advance to Director Editorial Policy and Standards.

16.4.21 The Guidance Note on Location and Production Incentives gives detailed advice in this area, including the procedures required for accessing schemes and the referrals required for their acceptance.

Public Value Partnerships

16.4.22 The BBC seeks to offer the greatest public value by working in partnership with others. We can often inspire and motivate audiences far more powerfully if we work with others and deliver added value for our audiences, and our partners.

In many cases the BBC will receive no money from a public value partnership. The partnership may involve complementary activities, such as a gallery mounting an exhibition on the same theme as a BBC programme. In other cases, the partner and the BBC may jointly fund an off-air activity.

16.4.23 All partnerships must conform to the following key requirements from the Statement of Policy on Alternative Finance:

- Partnerships must not compromise our editorial values or independence. A partnership must not consist merely of the BBC covering the partner's activities or promoting their campaigns. The partners need to be involved with the BBC in an activity which offers public value

- Any money from partners must only go into off-air activities or support material and no money from an external partner may be used for any programme costs
- Partnerships must not undermine BBC impartiality. Choice of partners must be justifiable and the BBC should be seen to vary its range of partners over time
- Any BBC credits for partners must be appropriate and editorially justifiable.

16.4.24 Any contractual commitment to credit partners on-air or online must be referred to Chief Adviser Editorial Policy at an early stage, well before contracts are issued.

16.4.25 The BBC should not enter into public value partnerships with political parties, tobacco firms or those mainly known for tobacco products, organisations involved in pornography or alcoholic drinks manufacturers and suppliers.

The BBC 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.

(See Section 4 Impartiality and Diversity of Opinion)

16.4.26 Suitable partners include arts, educational and cultural bodies and not-for-profit organisations. In many cases it is advisable to consult Editorial Policy on the choice of partners.

16.4.27 Any proposal for involvement with a commercial organisation in relation to a public value partnership must be referred to Chief Adviser Editorial Policy. It is important in the course of any partnership arrangement that the BBC does not appear to endorse commercial organisations or their products or services.

Sponsored BBC On-Air Events

16.4.28 The BBC may mount public events, such as concerts and award ceremonies, which are held at outside venues and covered on air. These events are key to fulfilling the BBC's public purpose remit to extend its offering and enable the public from around the UK to have closer access to BBC services.

In some cases, in order to defray the costs to the licence payer, it may be acceptable to supplement the cost of mounting a public event by sponsorship from a non-commercial body.

16.4.29 Any proposal for sponsorship of a BBC on-air event must be approved well in advance by Chief Adviser Editorial Policy and the relevant Director..

16.4.30 Any sponsorship of BBC on-air events must comply with:

- the Statement of Policy on Alternative Finance
- the Guidance on Sponsorship of BBC On-Air events broadcast on publicly funded channels

- the BBC's Fair Trading Guidelines and, in particular, the Competitive Impact Principle.

16.4.31 The money from the sponsor may be used only for the costs of mounting the event. No sponsorship money may be used for any broadcast costs. Accounts must show clear separation between event costs and broadcasting costs.

No programme on a BBC publicly-funded service may be sponsored.

16.4.32 Sponsorship is only acceptable for on-air events which are clearly distinctive and of manifest public value. Events which are eligible for sponsorship include:

- concerts, performance, cultural or artistic events including competitive performance events which celebrate artistic achievement
- BBC award ceremonies
- BBC talent, community or youth initiatives which include an on-air event.

16.4.33 News and Current Affairs on-air events, and events based on consumer programmes dealing with a range of topics, must not be sponsored.

16.4.34 In addition:

- sponsored events should only be mounted where there is a strong justification as to why the event would not be possible without sponsorship
- there is a presumption against the conversion of established programme titles into sponsored events
- no impression should be given that a BBC programme or service is being sponsored - credits should make it clear that it is the event itself which has been sponsored
- BBC broadcast events held on BBC premises should not be sponsored
- we must not feature the sponsor in the title of a BBC event
- we aim to credit fairly the enabling role of sponsors and any credits given should be fair without being promotional
- we should not enter into a contractual arrangement which guarantees on-air credits.

Suitable Sponsors for BBC On-Air Events

16.4.35 Suitable sponsors include charities, trusts and foundations, local authorities (such as city or regional councils), regional development agencies, appropriate government agencies, publicly-funded educational institutions, and other suitable public institutions.

The following are not suitable sponsors for BBC events: commercial bodies, religious bodies, organisations involved with promotion of the occult, political organisations, foreign governments, pressure groups and lobby groups.

The choice of sponsor must not lead to any doubt about the objectivity of the event.

16.4.36 The event must always remain under the BBC's editorial control and the sponsor must not influence its editorial content, or that of the BBC programme covering it. The editorial remit of the event or the programme covering it must not be changed because it clashes with the sponsor's agenda.

The event must not become a vehicle for promoting the sponsor or its activities.

Sponsored Awards

16.4.37 Any proposal to offer a sponsored award must conform to the Framework for Funding Prizes and Awards and the Guidance on Sponsorship of BBC On-Air events broadcast on publicly funded channels.

(See Section 17 Interacting with our Audiences: Awards)

BBC Off-Air Events

16.4.38 The BBC may, from time to time, run off-air events to support its programming or outreach activities. Sometimes such events may take limited sponsorship. Such events must be run in accordance with the Guidance on BBC Off-Air Events.

Joint Editorial Initiatives and Events

Joint Editorial Initiatives

16.4.39 A joint editorial initiative is a partnership where the BBC and a partner, or partners, share editorial responsibility for an overall initiative or project which is of public service value. The BBC may undertake outreach activities in relation to the project as well as producing programmes or other content. In some cases the partner may run a related event or publish related articles. Online material relating to the initiative may be co-hosted (i.e. placed on both sites).

16.4.40 When undertaking a joint editorial initiative:

- no money from a partner may go into a BBC programme or online budgets
- the BBC must retain editorial control of all BBC broadcast, online or other content and any element of the project which refers to the BBC
- the initiative must not be used to plug the outside body on-air or online. We should not link directly to any page of the partner's site whose main purpose is to promote or sell any commercial product or service
- referral must be made to Editorial Policy about the suitability of partners and arrangements for a joint editorial initiative.

16.4.41 In some circumstances, for sound editorial reasons, the initiative may be with a magazine or newspaper which publishes material related to the initiative. Any reference on air must be strictly editorially necessary and be referred to Editorial Policy. We must ensure that any reference does not promote the publication and people must not be required to buy it to take part in any activity related to the joint initiative.

Joint Events

16.4.42 In some cases the initiative may consist of joining with a partner to mount an event. The BBC and the partner are jointly responsible for the event. This is not a sponsored event as the partner is jointly involved editorially with the BBC in running the event. These events may sometimes be broadcast.

16.4.43 Joint events of this kind may only be mounted with partners who are suitable as public value partners (see 16.4.22 – 16.4.27 above).

No money from the partner for a joint event may go into a programme budget.

The choice of partners and arrangements for jointly run events which are broadcast must be approved by Editorial Policy.

PART C: OTHER EXTERNAL RELATIONSHIPS

Sponsored Third Party Events

16.4.44 The BBC covers a wide variety of third party events, sports events, awards shows and music events, many of which are sponsored.

In any such coverage:

- 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.

16.4.45 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. Editorial Policy must also be consulted.

Links from BBC web pages covering events to the sponsor's online site are only permissible in exceptional circumstances. We should never give the impression we are driving traffic to a site selling a sponsor's goods or services. However it may be acceptable, for sound editorial reasons, to link to a specific section of a sponsor's site which is not promotional and which only gives significant and further relevant information about the event. Such links must be approved by Editorial Policy.

16.4.46 Referral must be made to Editorial Policy whenever it is proposed 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.

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

The National Lottery

16.4.48 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 that on-air trails publicise BBC coverage of National Lottery draws or programmes which carry National Lottery draws and are not promotions for the National Lottery itself or for buying tickets
- avoid the use of any elements of lottery advertising or promotions in programmes covering lottery draws, or in trails for National Lottery draws or 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.

16.4.49 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.

16.4.50 All programmes covering lottery draws must be in accordance with the Guidance on Coverage of the National Lottery.

16.4.51 Programmes, apart from those covering the lottery draws, may wish to carry items about the National Lottery. Care should be taken to use pictures, sound or stills of the draws themselves, rather than pictures of other elements of BBC lottery programmes, when illustrating stories about the National Lottery or lottery operator.

Use of archive material featuring presenters, titles, trails or lottery programme content other than pictures or sound of the actual draws should be referred to Editorial Policy.

It is also advisable to consult Programme Legal Advice about the legal restrictions on the use of lottery logos and archive pictures from lottery programmes.

Charities

Broadcast Appeals

16.4.52 The BBC runs broadcast appeals for charities as part of its remit as a public service broadcaster. Broadcast appeals should reflect the diverse range of the charitable sector.

Regular appeals for individual charities are broadcast in the weekly Radio 4 Appeal and the regular Lifeline monthly appeal programme on BBC Television. Appeals for relevant charities are broadcast in the Nations and on local radio stations in the English Regions. There is also an annual Blue Peter Appeal for a specific charity.

The choice of charities is overseen by the BBC's Charity Appeals Adviser and the BBC Appeals Advisory Committee (which is made up of external specialists in the charity field), and in the Nations and English Regions by other similar committees of external advisers.

16.4.53 All appeals must be conducted in accordance with the Guidance on Charitable Appeals and must be referred to the BBC's Charity Appeals Adviser. Further information about BBC policy on charity appeals can be found on the BBC Charity Appeals website.

Disaster Emergency Appeals

16.4.54 In the case of a major disaster overseas, the BBC may broadcast an appeal on behalf of the Disasters Emergency Committee, an organisation which represents the UK's leading humanitarian aid charities. The BBC must retain editorial control and the broadcast must comply with the Editorial Guidelines.

The approval process and arrangements for the broadcast of such appeals must be in accordance with the BBC's Guidance for Disaster Emergency Appeals and referral must be made to the BBC Charity Appeals Adviser.

Cross-BBC Fundraising Initiatives

16.4.55 The BBC runs major cross-BBC charity fundraising initiatives such as Children in Need, Red Nose Day (for Comic Relief) and Sport Relief. These initiatives should be conducted in accordance with the Guidance on Cross-BBC Charity Fundraising Initiatives and advice must be sought from Chief Adviser Editorial Policy.

References to Charities in Other BBC Output

16.4.56 Apart from the BBC Appeals and cross-BBC charity fundraising initiatives outlined above, BBC programmes and online content should not appeal for funds for charities or urge audiences to give money to any particular charity.

16.4.57 We must retain our impartiality and independence when we cover the work of charities and not appear to favour one charity over another.

16.4.58 We may, from time to time, enter into public value partnerships with charities or they may sponsor events or support material. However, we must take care that such arrangements do not give the impression that the BBC is promoting the charity or endorsing it above other charities working in the same field.

(See Section 14 Editorial Integrity and Independence: BBC Support Services)

SECTION 17: INTERACTING WITH OUR AUDIENCES

17.1 Introduction

17.2 Principles

17.3 Mandatory Referrals

17.4 Practices

Competitions

Voting

Awards

Pre-Recorded or Repeated Programmes

Prizes

The Interactivity Technical Advice and Contracts Unit

Telephone Services

Game Shows and Quizzes

Talent Shows and Programmes Offering Life Changing Opportunities

Phone-in Programmes, User Generated Content Online, Mobile Content, Games and Interactive TV

17.1 INTRODUCTION

Interactivity allows our audiences to engage with us in many different ways; from voting for a contestant who could win a life-changing opportunity, taking part in viewer, listener or online competitions, raising money for charity, or playing an online game, to contributing to radio phone-ins and even deciding which match to watch at Wimbledon or the ending to a popular series or drama.

Interactivity provides choice and gives opportunities to be heard, participate 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 choose not to interact.

Trust is the BBC's most important value and we must not undermine public trust in the BBC. We will maintain an honest and open relationship with our audiences and we will not intentionally mislead them. When the public engages with us through interactivity they will be treated with respect, honesty and fairness.

We must collect, store and dispose of their personal details securely and in accordance with the guidelines issued by Information Policy and Compliance.

(See Section 18 The Law: Data Protection Act and Section 7 Privacy: Personal Information.)

17.2 PRINCIPLES

17.2.1 All audience interactivity must be conducted in a manner that is honest, fair and legal. In particular:

- Winners must always be genuine and never invented or pre-chosen
- Interactive competitions and votes must be handled with rigorous care and integrity

- Competitions, contests and votes must have clear rules, which must be made known as appropriate
- Prizes must be described accurately, and be appropriate for the target audience
- The audience must be made aware if the opportunity for interactivity is no longer available when content which includes interactivity is repeated, made available via an on-demand service or otherwise time shifted
- Production values must not override these principles.

17.2.2 All BBC competitions, votes and awards must conform with the BBC's Code of Conduct for Competitions and Voting.

(See Code of Conduct for Competitions and Voting)

17.2.3 When we offer interactivity to our audiences, it must add public value and enhance our output in a way which fits our public service remit. It must also be distinctive, have a clear editorial purpose and match the expectations of the likely audience.

17.2.4 We must respect the privacy of everyone who interacts with us and only collect personal information with their consent.

17.2.5 Audience interactivity must not act as a commercial service, cost a prohibitive amount to participate, or be designed to make a profit unless it is specifically set up and approved in advance as a method of raising money for a BBC charitable initiative.

17.2.6 Jointly-organised competitions, donated prizes for a viewer, listener or online competition, and external funding of a prize, bursary or award, must conform to the Framework for Funding Prizes and Awards.

(See Framework for Funding Prizes and Awards)

17.2.7 The BBC must maintain overall editorial control of interactivity when working in partnership with others.

17.3 MANDATORY REFERRALS

(Mandatory Referrals are part of the BBC's editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)

Referrals to Editorial Policy

17.3.1 Any proposal to run a competition, vote or award must follow the mandatory approvals process in the detailed guidance on interactivity, including the referrals it specifies to Editorial Policy, the Interactivity Technical Advice and Contracts Unit (ITACU) and senior editorial figures in the relevant division.

17.3.2 Any proposal to run a competition jointly with a third party must be referred to Editorial Policy and ITACU at an early stage.

17.3.3 Any proposal to run a vote jointly with a third party must be referred to Editorial Policy and ITACU at an early stage.

17.3.4 . Any proposal to take sponsorship for a BBC Award must be referred to Chief Adviser Editorial Policy well in advance.

17.3.5 Any proposal to offer a prize of significant value must be referred to Editorial Policy.

17.3.6 Any proposal to accept a donated prize for a game show must be referred to Editorial Policy.

17.3.7 Any donation of a substantial prize for a BBC charitable initiative must be referred to Editorial Policy.

17.3.8 Any proposal to use premium rate lines to raise money for charity through any form of audience interaction must be referred well in advance to Editorial Policy and ITACU. Sign off will also be required at a high divisional level.

17.3.9 Any proposal to use premium rate lines for services aimed at children must be referred to Editorial Policy and the relevant divisional Director.

17.3.10 Any proposal for an Event Information Line to be run at a premium rate, or be a means of purchasing tickets, must be referred to Editorial Policy.

17.3.11 Any proposal to accept a donated career or life changing opportunity as a prize must be referred to Editorial Policy at an early stage.

17.3.12 Any proposal to moderate an online space other than by pre, post or reactive moderation must be referred to Editorial Policy.

17.3.13 Any proposal to run BBC mobile interactivity in which users of some mobile networks cannot take part must be referred to Editorial Policy.

Other Referrals

17.3.14 Any proposal to offer a cash prize for a game show must be referred to, and approved by, the relevant Output Controller. Significant cash prizes must also be approved by Editorial Policy.

17.3.15 All uses of telephony must be referred to the Interactivity Technical Advice and Contracts Unit (ITACU). All proposals to use premium rate numbers must be referred at an early stage.

17.3.16 Referral must be made to ITACU when it is proposed to invite people to be part of a programme by ringing a contestant line.

17.3.17 Any incident of suspected “grooming” online must be referred promptly to the Executive Management Team, CBBC Interactive.

17.4 PRACTICES

Competitions

17.4.1 Competitions may be run in all our output and services. They can often be a valuable tool to help us promote our content and services, reach underserved audiences and be more innovative and creative. In some cases the outcome of a competition may represent a life-changing opportunity for the winner or winning organisation.

All BBC competitions must adhere to the BBC Code of Conduct for Competitions and Voting. They must be honest, open, fair and legal, meeting the high editorial, ethical and technical standards that our audiences expect. Prizes must be described accurately.

(See Code of Conduct for Competitions and Voting)

In addition to the Editorial Guidelines, there is detailed guidance on all stages of setting up and running a BBC competition, including a mandatory approvals process.

In particular:

- We must ensure there is a clear editorial purpose for any competitions in any medium
- Competitions must be properly resourced to ensure they can be administered appropriately. Careful contingency planning must be carried out, both editorial and technical
- The closing deadline for entries must be made clear to the audience, and sufficient time allowed between closing the competition and announcing the result to ensure that it can be verified
- All qualifying entries must have the same chance of winning and the winner selection process must be designed to achieve that
- We should offer a genuine test of skill, knowledge or judgement appropriate to the audience. Appropriate skill must be required to win when premium rate lines are used for competitions, otherwise the competition may be illegal
- Competitions must be run properly, fairly and openly, and the rules should be published
- Where a competition is to be judged by a panel, clear criteria should be set and made readily available
- We must not directly promote any competition which is not organised by or run in conjunction with the BBC
- We must retain our editorial independence and not promote any service, product or publication

- We must not require people to buy anything to enter a competition unless it is linked to a BBC charity appeal
- Questions and answers must require an appropriate level of skill from the likely audience and be suitable in tone and subject matter. They must be factually accurate. They should not refer to branded goods or services which are offered as prizes
- There are specific regulatory requirements governing the acceptance or use of a donated prize for a viewer, listener or online competition, external funding of a prize, bursary or award, or a jointly organised competition. Any such arrangements must conform to the Framework for Funding Prizes and Awards which is referred to in the BBC's Agreement.

(See Framework for Funding Prizes and Awards)

Jointly Run Competitions

17.4.2 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.

The BBC must retain editorial control and have technical oversight and approval of the overall competition.

Referral must be made to Editorial Policy and the Interactivity Technical Advice and Contracts Unit (ITACU) at an early stage.

17.4.3 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.

Voting

17.4.4 Votes can be used to provide entertainment, to raise money for charitable appeals or to help the audience register an opinion on topics ranging from light subjects to matters of public policy or politics.

In some cases the outcome of the vote may represent a life-changing opportunity for the winner or winning organisation, could be of interest to lobby groups, or could represent a potential commercial advantage.

All BBC competitions must adhere to the BBC Code of Conduct for Competitions and Voting. They must be honest, open, fair and legal, meeting the high editorial, ethical and technical standards that our audiences expect.

(See Code of Conduct for Competitions and Voting)

In addition to the Editorial Guidelines, there is detailed guidance on all stages of setting up and running a BBC vote, including a mandatory approvals process.

In particular:

- The results must be accurately reported to the audience
- We must be fair to anyone who is judged by an audience vote and must also fairly and accurately reflect the opinions of the voting audience
- At all times we must take appropriate measures to protect the integrity of the vote and the result
- We must not mislead the audience about the purpose of a vote
- Very careful consideration should be given at the outset to whether a public vote is the most editorially appropriate method of deciding a result
- We should ensure the robustness of the voting mechanism matches the vote's editorial significance. Particular care must be taken with the robustness and integrity of votes for competitive projects. A great deal may ride on the result for contestants
- We must publish rules when running votes and issue contestants with rules governing their participation
- The closing deadline for votes must be made clear to the audience, with sufficient time allowed between closing the vote and announcing the result to ensure that it can be verified
- Careful planning must be carried out when setting up a vote, including contingency planning for both editorial and technical matters
- We should consider very carefully whether to announce running totals before broadcasting the final verified results
- Clear information must be given about when votes open and close
- If contestants stand to win a significant prize or opportunity as the result of a public vote, referral must be made to Editorial Policy.

There is also additional detailed guidance for audience voting on matters of public policy, political or industrial controversy or any other 'controversial subject'³¹.

(See Section 10: Politics, Public Policy and Polls)

Jointly Run Votes

17.4.5 In some cases it may be appropriate to mount a joint vote with a suitable outside organisation that is consistent with the BBC's values. The BBC must be

³¹ See Section 4 Impartiality and Diversity of Opinion: Controversial Subjects

satisfied with the systems and procedures for running the vote and should usually be in direct control.

Referral must be made to Editorial Policy and the Interactivity Technical Advice and Contracts Unit (ITACU) at an early stage.

The BBC should not normally run votes with a commercial organisation.

Awards

17.4.6 The BBC may sometimes establish its own awards to recognise the achievements and talents of members of the public or certain groups such as writers, musicians and sports stars. These awards may sometimes be run in conjunction with suitable outside organisations.

BBC Awards bear the BBC brand and therefore give a stamp of approval for achievements of individuals or third party organisations. They should only be set up to serve a serious purpose. Very careful organisation and resourcing is required.

In addition to the Editorial Guidelines, there is detailed guidance on all stages of setting up and running a BBC Award, including a mandatory approvals process.

In particular:

- The subject matter of BBC awards should be appropriate and should not compromise our editorial independence, impartiality or integrity
- We should not set up an award if we do not intend its recipient to be able to make reference to their achievements
- There must be clear terms and conditions and criteria for the nominees, and also for the judges
- Consideration should be given at a senior level to see whether the establishment of a BBC award is appropriate
- In certain cases it may be possible for a BBC award which is given at a BBC event to be supported by a non-commercial sponsor
- All funding arrangements must conform to the Framework for Funding Prizes and Awards and the Guidance on Sponsorship of On-Air events broadcast on publicly funded channels. Any proposal to take sponsorship for a BBC Award must be referred to Chief Adviser Editorial Policy in advance.

(See Framework for Funding Prizes and Awards)

Pre-Recorded or Repeated Programmes

17.4.7 The audience may assume that a vote or competition in a programme indicates that it is live. We must take any necessary steps to ensure that the audience is not misled.

(See Section 3 Accuracy)

17.4.8 If a programme has been pre-recorded and a problem with a vote or competition has been identified prior to transmission, casting doubt on the result, then the programme must not be transmitted without appropriate changes.

17.4.9 If a programme is to be repeated or time shifted, for example on a catch-up service, we must ensure that it is clear to the audience if the opportunity for interactivity has passed, for example by thoroughly obscuring on screen entry information, or editing out references to voting or entry mechanisms.

Prizes

17.4.10 Prizes must be described accurately. They should meet the expectations of the likely audience and must not bring the BBC into disrepute.

17.4.11 We should normally pay for the prizes we offer in our competitions and aim to offer original, rather than expensive prizes. Any proposal to offer a prize of significant value must be referred to Editorial Policy.

Prizes for children 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.

We should not offer cash prizes for viewer, listener and online competitions. Any proposal to offer a cash prize for a game show must be referred to, and approved by, the relevant Output Controller. Significant cash prizes must also be approved by Editorial Policy. Cash prizes must never be offered for any children's game show or competition.

17.4.12 Whether a prize has been donated or not we must take care to avoid undue product prominence.

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.

Great care must be taken over the use of BBC commercial products as prizes. Advice is available from Editorial Policy.

(See Section 14 Editorial Integrity and Independence: Product Prominence)

Donated Prizes For Viewer, Listener, Online and Multimedia Competitions and Game Shows

17.4.13 Any acceptance of a donated prize must conform to the Framework for Funding Prizes and Awards which is referred to in the BBC Agreement.

(See Framework for Funding Prizes and Awards)

In particular:

- We must never accept cash to pay for prizes
- We should normally only accept modest donated prizes such as theatre tickets, football tickets, books, CDs or DVDs
- We should use a wide range of donors over time, to ensure we do not appear to favour any organisation or company
- Programmes must never give an assurance that there will be an on air or online credit or link or any publicity in exchange for the donation of a competition prize.

We do not normally accept donated prizes for game shows. Any proposal to do so must be referred to Editorial Policy.

Prizes for Charity Competitions

17.4.14 In certain circumstances it may be possible to offer or accept the donation of a substantial prize for a BBC charity competition. Any donation of a substantial prize for a BBC charitable initiative must be referred to Editorial Policy.

The Interactivity Technical Advice and Contracts Unit (ITACU)

17.4.15 The Interactivity Technical Advice and Contracts Unit (ITACU) is a specialist unit which provides advice on all technical aspects of running a competition, vote or award on any platform and in particular in the use of premium rate telephony.

ITACU contracts telephone service providers and verifies those providers' processes. The Unit also provides legal advice and terms and conditions for competitions and votes. ITACU does not offer editorial or editorial policy advice but it liaises closely with Editorial Policy.

ITACU does not advise BBC Worldwide. Whenever ITACU is referred to throughout the Editorial Guidelines, BBC Worldwide should consult BBC Worldwide Commercial Policy in the first instance.

Telephone Services

17.4.16 Telephone services are often used for competitions, programme support, phone-ins and comment, voting, raising money for charities, sending and receiving BBC and user generated content, contestant lines and interacting with game shows. All uses of telephony must be referred to the Interactivity Technical Advice and Contracts Unit (ITACU) for technical, contracting and legal advice and to ensure that the relevant approval forms are completed and logged.

Premium Rate Telephony

17.4.17 All proposals to use premium rate numbers in BBC programming must be referred to ITACU at an early stage.

Premium rate lines are normally used when they are the most suitable and safest way to handle large volumes of calls effectively.

In addition to the Editorial Guidelines, there is a mandatory approvals process for premium rate telephony, and separate legal and regulatory constraints. Advice is available from Editorial Policy.

In particular:

- The lowest viable tariff must be charged;
- We do not use premium rate lines with the aim of making a profit except where their use has been specifically approved to raise money for a BBC charitable appeal
- Any proposal to use premium rate lines to raise money for charity through any form of audience interaction must be referred well in advance to Editorial Policy and the Interactivity Technical Advice and Contracts Unit (ITACU). Approval will also be required at a high divisional level
- Any proposal to use premium rate lines for services aimed at children must be referred to Editorial Policy and the relevant divisional Director. If such lines are to be used then we must prompt children to seek permission to call from the bill payer
- The audience must be clearly informed how much it will cost them to interact with BBC programming and content via premium rate telephony. The BBC must also ensure that technical systems are used which prevent callers from being charged should they try to use the system when the lines are not open
- We must comply with the code of practice issued by the industry regulator, PhonepayPlus.

Use of Text Messaging (SMS)

17.4.18 There are specific technical issues involved in the use of SMS and these can lead to editorial issues. ITACU and Editorial Policy should be consulted.

In particular, careful consideration must be given as to whether enough time has been allowed for receipt, collation and examination of texts as there can be delays in this form of interaction.

Contestant Lines

17.4.19 In some cases it may be appropriate to invite people to apply to be part of a programme by ringing a contestant line. Referral must be made to ITACU. Consideration should be given to whether applications could also be made online, by post or by other methods.

Event Information Lines

17.4.20 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 Editorial Policy

Helplines

17.4.21 When we broadcast content raising difficult or distressing issues, we should consider whether it is appropriate to provide a helpline offering further information or support and/or supply similar information online. BBC Audience Lines should normally be consulted.

The following conditions apply to such support services:

- We must not use premium rate numbers for helplines or action lines. They should be free or priced at cost recovery, and therefore not designed to make a profit
- We must seek to ensure that information provided is impartial, objective and accurate. We should give details of and/or links to a wide range of agencies, charities and statutory organisations. No single body should be unduly promoted at the expense of others
- We must ensure that any helpline, whether provided by the BBC or an outside agency, is capable of offering a robust service
- We should not normally trail helplines or action lines run by other organisations, except where they offer a specialised service such as the Samaritans.

(See Section 14 Editorial Integrity and Independence: BBC Support Services)

Automated Information Services

17.4.22 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 audience should be informed of the cost. The service must not be used to promote any commercial product, retailer or supplier.

(See Section 16 External Relationships and Funding: BBC Support Services)

Game Shows and Quizzes

Selection of Contestants

17.4.23 The choice of contestant should not bring the BBC into disrepute. Reasonable steps should be taken to screen out contestants who are clearly unsuitable. This could include those who have been convicted of serious offences or offences which are clearly incompatible with the prize on offer. Advice is available from Programme Legal Advice and Editorial Policy.

Fairness to Contestants

17.4.24 Members of the public who take part should be treated honestly, fairly and with regard for their dignity. They must be made aware of the rules, and should normally be given clear information about what is likely to happen to them and what we expect of them. If they are to appear in a humorous way it is important that they feel part of the joke rather than ridiculed. Particular care needs to be taken where contestants have been volunteered by family or friends.

(See Section 6 Fairness, Contributors and Consent, Section 7 Privacy: Secret Recording and Section 5 Harm and Offence)

Safety

17.4.25 We should not put the health or safety of contestants or any other participants at any significant risk. Participants must not be asked to do anything which involves danger to life. Where relevant, specialist advice should be sought.

To avoid imitative behaviour or allegations of irresponsibility, it may be useful to make clear in the output when suitable safety precautions have been taken.

Setting Questions

17.4.26 Questions and their answers should be accurate, legal, require a reasonable level of skill, and be appropriate in subject matter and tone to the likely target audience and time of transmission.

Rules or Terms and Conditions

17.4.27 There must be clear rules governing how a quiz or game show will work, what is expected of contestants and the terms under which we expect them to participate in our output.

Contestants should be clearly informed of the rules before they take part and should confirm that they accept and understand the terms of their participation. Advice is available from Programme Legal Advice and Editorial Policy.

(See Section 17 Interacting with our Audiences: Prizes)

Talent Shows and Programmes Offering Life Changing Opportunities

17.4.28 In addition to the Editorial Guidelines, there is also detailed guidance in this area and a mandatory approvals process.

17.4.29 The BBC may enter into editorially appropriate agreements with a suitable third party to offer winning contestants an opportunity or chance of a lifetime that the BBC alone could not deliver. For example a third party may be able to offer a specialist career opportunity, an investment into a start up business, or a performance-based opportunity such as a concert or recording contract or chance to appear in a professional production on stage or film.

In all such cases the BBC must maintain editorial control and be able to demonstrate that it has put in place suitable processes to maintain editorial control. The choice of partner must be editorially justifiable and the relationship should not bring into question the BBC's impartiality or integrity.

17.4.30 The acceptance of donated career or life changing opportunities must be referred to Editorial Policy at an early stage and conform to the Framework for Funding Prizes and Awards.

(See Framework for Funding Prizes and Awards)

A series of measures to ensure there is no undue promotion on air must be agreed with Editorial Policy at the planning stages.

17.4.31 It is essential that no monies from the third party go into the production budget.

(See Section 16 External Relationships and Funding)

Selection of Contestants

17.4.32 Contestants may often need to have specialist skills and may be recruited from a variety of sources. Often such contestants may appear on air for many weeks and receive considerable exposure.

Care should be taken to ensure that the background of prospective contestants is carefully checked before final selection is made, to ensure suitability to appear in BBC content. It is important to consider factors such as their ability to withstand the pressure of a competitive and sometime live format, as well as previous criminal convictions or other matters which could bring the BBC into disrepute.

Care of Contestants

17.4.33 At the outset, contestants may not appreciate the life changing impact of appearing in programmes of this nature. Processes should be put in place to ensure they are appropriately briefed, prepared and supported.

Particular support may be needed if the series is likely to attract considerable press and marketing attention.

Fairness

17.4.34 All contestants must be treated honestly and fairly at all times and appropriate steps should be taken to ensure they understand and appreciate the criteria which will be used to judge them.

Contestants should be given copies of the specific terms and conditions governing their participation. The penalties for cheating must be clearly outlined. This is even more important when a show involves an audience vote.

Children in Talent Shows

17.4.35 There are specific issues to consider when working with children in the context of a talent show, particularly if the output is to be broadcast live.

(See Section 9 Children and Young People as Contributors)

Phone- in Programmes, User Generated Content Online, Mobile Content, Games and Interactive TV

Phone-in Programmes

17.4.36 Phone-in programmes play an important part in BBC output. They may use comments sent via text, email and the red button as well as talking to callers directly.

Because phone-ins are live, we should be ready to deal with contributions that may cause widespread offence, or break the law. We should also be careful not to allow phone-ins to become a vehicle for the opinions of the presenter.

The following practices may help to minimise the risks:

- Contributors to phone-ins should normally be called back and if necessary briefed before they go on air. Care should be taken to establish whether they are appropriate to put to air, and appropriate referral made in cases of doubt
- A breadth and diversity of views should be sought and the requirements of due impartiality should be met

(See Section 4 Impartiality and Diversity of Opinion)

- If a programme has attracted no callers then it should seek alternative content. Under no circumstance should programmes make up callers, or other interactions such as emails and texts. We must be honest with our audiences at all times
- Presenters must be adequately briefed on the Editorial Guidelines and the law and should be able to extricate the programme from tricky situations with alacrity and courtesy. Emails and texts should be read before they are broadcast
- When producing a phone-in on a difficult or sensitive subject, the production team should be briefed on how to deal carefully with contributors and, if appropriate, support systems should be in place. Particular care should be taken when children and young people interact with phone-in programmes

(See Section 9 Children and Young People as Contributors)

- When a programme is contacted unexpectedly by someone wishing to share their difficult or sensitive story, we should consider the implications and refer if necessary.

(See Section 6 Fairness, Contributors and Consent: Anonymity)

User Generated Content Online

17.4.37 We will take advantage of the full range of user generated content provided it fulfils our public purposes and matches the standards our users expect of us on the Internet. User generated content may be hosted on BBC Online, integrated with BBC created content or with user generated content from third party sites, or on occasion it may be run on BBC branded spaces on third party sites.

Every online space where user generated content is published must have a moderator who can remove illegal and inappropriate content and it should normally have a host to provide a visible and active presence. There must also be a named individual in the relevant Division to take editorial responsibility for the content, ensuring that the space maintains appropriate overall standards of moderation and hosting.

(See Section 17 Interacting with our Audiences: Moderation)

17.4.38 Every online space must be able to implement a swift and robust escalation strategy if, for example, illegal material is posted or if illegal conduct is suspected. Where necessary, it should be possible to move a space quickly from one form of moderation to another.

17.4.39 Any incident of suspected “grooming” online must be referred promptly to the Executive Management Team, CBBC Interactive who will report it to the appropriate authorities.

17.4.40 In addition:

- We should be transparent with our users about how we may use their content and what rights they have in it
- We should be transparent with our users about how we may use their personal information for example when we collect information about users’ interests and preferences using cookies

(See Section 7 Privacy)

- Every interactive space should publish simple, easily accessible rules of conduct
- Every interactive space should offer users a simple, easily accessible method of alerting the BBC to breaches of any rules of the community
- Content which breaks the rules should normally be removed. However it may sometimes be possible for material to remain if for example the online community responds robustly and in an authoritative way to an offensive comment
- We should aim to accommodate the widest possible range of opinions consistent with any rules of the community and the requirements of due impartiality

- We should take special care to mitigate risk around content, contact and conduct when running interactive online spaces designed to appeal to children

(See Section 9 Children and Young People as Contributors)

- Content which is critical of the BBC, for example of talent, programmes or policies should not be removed unless it breaks the rules.

Moderation

17.4.41 This may be done in one of three ways:

- *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. Spaces designed to appeal to children are usually pre-moderated

(See Section 9 Children and Young People as Contributors: Online Protection)

- *Post-moderation* is where the moderator sees the material after it has been published and decides whether it is suitable to remain. This is likely to be suitable for sites which attract robust debate about current affairs
- *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 little user content has to be removed. It is not suitable for a site which is likely to attract a high proportion of children. Proposals for reactive moderation should be referred to the Social Media Executive, FM&T.

Any proposals to try out alternative forms of moderation must be referred to Editorial Policy.

Additional measures may be necessary at times of special sensitivity, for example during armed conflict or elections.

(See Section 10 Politics, Public Policy and Polls and Section 11 War, Terror and Emergencies)

User Generated Content on Third Party Sites and Services

17.4.42 A named individual must be editorially responsible for every BBC branded or other official BBC space which hosts user generated content on the web, whether the presence is formal (that is, based on a contractual relationship) or informal.

17.4.43 In addition:

- The space should have a clear editorial purpose
- Our choice of third party sites should not risk bringing the BBC into disrepute
- We will be sensitive to user expectations, bearing in mind these sites are not hosted or operated by the BBC
- Any intervention will be light touch and informed by audience research. However we may, for example, remove material that causes unjustifiable

offence

- We must not join third party spaces or sites which pose unacceptable risks to children or young people or otherwise risk the BBC's reputation
- We should maintain a clear distinction between BBC spaces which are run by the BBC for BBC purposes and personal spaces which are run by staff or BBC talent for their personal purposes.

Mobile

17.4.44 Mobile devices are constantly evolving and with them the creative possibilities they offer. When offering content for mobile devices:

- 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 specifically approved BBC fundraising charitable initiatives
- Content distributed via mobile devices should be suitable for and meet the expectations of the likely audience. Special care should be taken when editing material for mobile to ensure that this does not affect the suitability or integrity of the original material and that it has not been taken out of context

(See Section 13 Re-use and Reversioning)

- Appropriate cost information and, where relevant, content information should be included with mobile content.

Games

17.4.45 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 editorial justification for 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.

Interactive TV Services

17.4.46 Interactive services broadcast on television should not promote any specific platform.

They must observe the Watershed and be appropriate for the audience of any associated television programme.

(See Section 5 Harm and Offence: The Watershed and Scheduling for TV, Radio and Online)

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.

SECTION 18: THE LAW

- 18.1 Introduction
- 18.2 Mandatory Referrals
- 18.3 General
- 18.4 Defamation
- 18.5 Privacy
- 18.6 Contempt
- 18.7 Victims of Sexual Offences
- 18.8 Other Reporting Restrictions
- 18.9 Children and the Law
- 18.10 Copyright and Other Intellectual Property Rights
- 18.11 Data Protection Act

18.1 INTRODUCTION

BBC producers, whether making programmes or other content, should seek the advice of Programme Legal Advice whenever legal problems are encountered or suspected.

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 and reporting restrictions.

Advice on other issues should be sought from the relevant department (see below).

There are significant differences between the legal systems of England and Wales, Scotland and Northern Ireland which, if not observed, can cause serious problems.

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 Principal Solicitor, Scotland

In addition, Programme Legal Advice keeps a list of lawyers in various countries and may be able to assist with advice on foreign law.

In this section, children are referred to according to legal definition rather than the ages used elsewhere in the Editorial Guidelines.

18.2 MANDATORY REFERRALS

(Mandatory Referrals are part of the BBC's editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy and Standards

18.2.1 Any decision to proceed with a programme despite legal advice must be referred to the most senior editorial level in the relevant Division and Director Editorial Policy and Standards.

Other Referrals

18.2.2 Any proposal to break the law must be referred to a senior editorial figure, or for independents to the commissioning editor, who may consult Programme Legal Advice and, if necessary, Director Editorial Policy and Standards.

18.2.3 Any formal requests for information or notices to stop processing under the Data Protection Act must be referred in good time to Information Policy and Compliance (IPC).

18.3 GENERAL

18.3.1 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 may consult Programme Legal Advice and, if necessary, Director Editorial Policy and Standards.

Any decision to proceed with a programme despite legal advice must be referred to the most senior editorial level in the relevant Division and Director Editorial Policy and Standards.

18.4 DEFAMATION

18.4.2 An individual can sue for damage to their reputation caused by material broadcast to a third party, including material published 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 (or pursuer in Scotland) does not need to show that they suffered any actual damage, nor that what was said was false. On the contrary, the defendant (or defender in Scotland) generally has to prove that it was true.

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

18.5 PRIVACY

18.5.1 The Human Rights Act, which came into effect in 2000, includes a right to privacy.

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.

When broadcasting 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.

18.6 CONTEMPT

18.6.1 Contempt of Court is the body of law which protects the integrity of the legal process from outside influence. Contempt can take many forms but the most serious for the BBC is publication of prejudicial material 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, 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 (for example, in criminal trials) and particular care should be taken with coverage immediately before a jury trial. Reports of the trial itself are generally safe so long as they are fair and accurate and no reporting restrictions have been put in place.

18.7 VICTIMS OF SEXUAL OFFENCES

18.7.1 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, or to 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.

We should be aware of the risk of 'jigsaw identification'.

(See Section 9 Children and Section 7 Reporting Crime and Anti-Social Behaviour)

18.8 OTHER REPORTING RESTRICTIONS

18.8.1 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
- reports of proceedings in Youth Courts (see below)
- proceedings under the Children Act. We must not broadcast 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 eighteens 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.

Note that any queries involving legal proceedings in Scotland should be referred to the BBC Principal Solicitor, Scotland.

18.9 CHILDREN AND THE LAW

18.9.1 Programme Legal Advice should be consulted whenever there are queries about the law as it affects children.

Children Involved in Criminal Cases

18.9.2 In England, Wales and Northern Ireland people accused of committing offences while under eighteen are usually dealt with in Youth Courts. In Scotland, a young person accused of criminal behaviour is treated as an adult from the age of sixteen, except in children's hearings.

(See Section 18 The Law: The Children's Hearing 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 eighteen.

This includes a prohibition of giving the name, address or school, as well as the use of pictures.

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

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

Children Involved in Civil Cases

18.9.3 Other court proceedings involving children may be heard in Magistrates' Courts, County Courts, or the High Court. They may deal with care proceedings, adoption or guardianship.

The Children's Hearing Systems

18.9.4 The Children's Hearing 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 broadcast 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.

For children's hearing purposes, a person remains a child until he or she turns eighteen.

Courts Sitting in Private

18.9.5 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 and guardianship of an infant.

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

Protection of Children Act

18.9.6 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
- involve a child under sixteen in a photograph that is itself indecent even if the child's role is not.

18.10 COPYRIGHT AND OTHER INTELLECTUAL PROPERTY RIGHTS

18.10.1 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 Litigation and Intellectual Property Department (L&IP) give advice on the protection and exploitation of the BBC's intellectual property rights and on the infringement risks to the BBC of using third parties' intellectual property rights. Litigation lawyers in that department give advice on the infringement of intellectual property rights.

18.10.2 Advice must be sought from the Talent and Rights Negotiation Group (TRNG) in Rights and Business Affairs about the commissioning or clearance of copyright works for use in BBC programmes or the contracting of performers. TRNG will generally provide the contracting service and contact should be made with them in good time.

There may be circumstances where a copyright work, in which rights have not been cleared, can nevertheless be included in a programme under fair dealing or other copyright exceptions. Anyone requiring advice on this from News and Current Affairs should contact the Intellectual Property Lawyers in L&IP. Other departments should contact TRNG.

18.10.3 If negative checks searches cast any doubt on the use of a particular programme title or associated products, titleclearance@bbc.co.uk should be consulted.

18.11 DATA PROTECTION ACT

18.11.1 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 content, including images and sound recordings.

18.11.2 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
- not excessive (i.e. we only collect and use the data necessary for the BBC's purposes)
- accurate
- stored for the minimum time relevant to the use for which it is collected
- stored and used securely, for example, by using encrypted memory sticks or CD ROMs and in accordance with any further applicable guidelines issued by the BBC
- 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 or other special arrangements are also needed if personal information is being sent to a third party or agent of the BBC located outside the EU.

(See Section 7 Privacy: Personal Information)

18.11.3 Material acquired and used for journalistic, artistic or literary purposes is exempt if compliance with the act would frustrate those purposes. For example, we do not need the consent of someone being filmed committing crime. It must be incompatible with the journalistic, artistic or literary purpose to comply with the Act – inconvenience is not enough. Note that the requirement to store and use data securely applies at all times.

18.11.3 People have certain rights under the act in relation to information stored about them and can make a request to the BBC to be provided with a copy of that information.

Any formal requests for information or notices to stop processing under the act must be referred in good time to the Information Policy & Compliance Department (IPC).

18.11.4 IPC or the Commercial and Regulatory Legal department can advise on queries about the act.

SECTION 19: ACCOUNTABILITY

- 19.1 Principles**
- 19.2 BBC Trust**
- 19.3 Ofcom**
- 19.4 Feedback and Complaints**

19.1 PRINCIPLES

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

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

19.1.3 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.

19.2 BBC TRUST

19.2.1 The BBC Trust is the sovereign body of the BBC, its independent trustees act in the public interest. It aims to ensure:

- that the BBC remains independent, resisting pressure and influence from any source
- that the BBC's management delivers public value by providing distinctive services of the highest quality to all the people and all the communities across the United Kingdom
- that the BBC contributes to the standing of the United Kingdom in the world, to the economy and to British culture

19.2.2 Its tasks include:

- ensuring that the BBC meets its mission to inform, educate and entertain with ambition and fulfils the public purposes laid down in its Royal Charter
- ensuring that the BBC's journalism meets the highest standards of accuracy and impartiality to sustain public trust
- that the BBC promotes its reputation and values around the world
- appointing the BBC's Director-General
- ensuring that complaints are properly handled, and acting as a final arbiter on complaints previously handled by the Editorial Complaints Unit and divisional directors

- Commissioning and approving these Editorial Guidelines which, as well as providing a manual of best practice for those making content for the BBC, are also used as a basis for the adjudication of complaints.

19.2.3 The Trust draws 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 Audience Councils for England, Scotland, Wales and Northern Ireland, and Regional Advisory Councils for the English Regions. It commissions reviews of aspects of the BBC's activities, and is supported by the Trust Unit, which is independent of BBC management.

19.3 OFCOM

19.3.1 Ofcom has certain powers to regulate the BBC's licence fee funded television and radio services aimed at audiences in the UK, but not the World Service which is grant-in-aid funded. Ofcom's Broadcasting Code applies in the following areas

- Protection of under-18s
- Harm and Offence
- Avoidance of inciting crime or disorder
- Responsible approach to religious content
- Prohibition of use of images of very brief duration
- Fairness
- Privacy.

The Editorial Guidelines reflect the provisions of the Ofcom Broadcasting Code in these areas.

19.3.2 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.

(See Ofcom Broadcasting Code)

19.3.3 Where Ofcom finds a breach of the privacy or fairness sections of its Code, it may require the BBC to broadcast a statement of its findings. Where Ofcom considers that the Code has been breached "seriously, deliberately, repeatedly, or recklessly", it can impose sanctions, which range from a requirement to broadcast a correction or statement of finding to a fine of no more than £250,000.

19.4 FEEDBACK AND COMPLAINTS

19.4.1 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.

19.4.2 The BBC Trust has created a complaints framework, which lays out practices for complaints handling:

- Complainants should be treated politely and with respect.
- The stages of all procedures will be published on the BBC website so that information about complaints procedures is clear and readily available to the complainant and will be provided on request.
- A complainant/member of the audience who contacts the BBC at Stage 1 with a comment or complaint should be informed in the reply that there is a complaints process and that there may also be a way of pursuing a complaint outside the BBC.
- Any response to a complaint should inform the complainant of the next step in the process for taking the complaint further if applicable and where, if applicable, to pursue the complaint outside the BBC.
- Complaints should be responded to in a timely manner.
- Reasonable provision must be made to ensure that complaints procedures are accessible to all. Assistance will be provided to those who are unable to make their complaint in the usual format and contact details will be provided.
- There should be a presumption that Executive and Trust decisions to uphold a complaint will be reported on. Exceptions to this will be where information is provided in confidence or publication would be inappropriate, for example details of an upheld first party editorial complaint where there has been a breach of privacy or a commercially sensitive complaint. Details about complainants and complaints will be anonymous unless otherwise discussed with the complainant.
- When considering complaints on substantive matters the BBC must provide adequate reasoning for its decision, setting this reasoning within the context of any relevant BBC guidelines

19.4.3 In practice, the first point of contact for a complaint should be BBC Information, although people can contact editorial managers 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.

19.4.4 A complainant may not be satisfied by the response from BBC Information or an editorial manager. 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.

19.4.5 The BBC has a Code of Practice for complaints handling which sets out these procedures in more detail.

Editorial Complaints Unit

19.4.6 The Editorial Complaints Unit deals with serious complaints about breaches of the BBC's editorial standards in connection with specific programmes or items of content. 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 Editorial Standards Committee of the BBC Trust.

19.4.7 When the Editorial Complaints Unit identifies a serious breach of the standards in these guidelines, its finding will normally be published on the BBC complaints website. It may also direct the BBC to broadcast an apology or correction.

Editorial Standards Committee of the BBC Trust (ESC)

19.4.8 The ESC may consider any matter which raises questions of a potential breach of the BBC's editorial standards, set out in these Guidelines, including appeals against decisions and actions of the Editorial Complaints Unit and Divisional Directors in dealing with editorial complaints. All the ESC's findings are normally published on the BBC complaints website. It may direct the BBC to broadcast an apology or a summary of its finding.

Keeping Content

19.4.9 The BBC is obliged by law to keep recordings of all broadcast programmes: television (including interactive content) 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.