

## SECTION 2: USING THE GUIDELINES

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### 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 Code<sup>1</sup>. 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.

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<sup>1</sup> See Section 19 Accountability: 19.3 and Appendix 1: Ofcom Broadcasting Code

### ***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 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 be 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. 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 On occasion, the Editorial Guidelines suggest or require a referral to an internal BBC resource that independent producers are unable to access. In such cases, independents should normally refer to the commissioning editor.

2.2.9 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***

2.2.10 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***

2.2.11 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 Guidelines: 2.6.1 - 2.6.3)

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 our audiences and people in our output (or, where relevant, those closest to them).

## **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 editor (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.

(See Section 10 Politics, Public Policy and Polls: 10.4.1)

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 Safety***

2.6.8 BBC Safety advises on occupational health, safety, security and environmental issues affecting the BBC. BBC Safety has specialists on call 24 hours a day for urgent operational enquiries and to respond to emergencies.

(See Section 11 War, Terror and Emergencies: 11.4.22)