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# BBC Editorial Guidelines 2025

Editorial Values  
and Standards

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# Forewords



# Samir Shah

## Chairman

A director making a film for the BBC intends to do some secret recording. Another is shooting an access documentary in a school. An entertainment producer wants to introduce a competition in her show to make the programme's connection to its audience more interactive. What are the rules governing the BBC's approach to the issues raised by these programme makers?

The answer lies in the pages of this booklet—the BBC's Editorial Guidelines. Every day, here in the UK and all over the world, the BBC commissions, produces or acquires programmes to be aired on BBC channels and on its digital platforms. They must all—without exception—comply with the editorial values and standards of the BBC.

The Board is tasked by the Royal Charter and Agreement to agree the editorial standards which will apply across the BBC. These Editorial Guidelines do that and have been endorsed by the BBC Board. The Guidelines explain the editorial values which underpin them. Importantly, they include the right to freedom of expression as well as defining the balance between that freedom and other rights, privacy for example. The Guidelines also make clear the Board's commitment to the editorial independence of the BBC and the fundamental importance of the editorial integrity of BBC output, free from political, commercial, corporate or personal interests. The Charter also commits the BBC to duly impartial and accurate news and current affairs and factual output. The Guidelines explain how that can be attained and the importance of achieving it by reflecting the views of all the diverse audiences we serve in our content.

The BBC demonstrates the enormous creativity of its output every day. Following these Guidelines enables us to continue to do that, but at the same time to demonstrate the editorial standards audiences expect of us. Both are crucial to the BBC's reputation in the UK and across the world.

**June 2025**



# Tim Davie

## Director-General

In an ever-changing media landscape, the principles underpinning the BBC's content creation become more and more important. For the BBC, the Editorial Guidelines have provided the ethical foundation on which BBC programming has been based for decades; this is the eighth edition.

The Guidelines are derived from the collective wisdom of content makers past and present combined with the requirements of the BBC's Charter and its content regulator, Ofcom, in its Broadcasting Code. The Guidelines are designed to enable ambitions, creativity and risk-taking in our programmes but always based on the highest possible editorial standards.

In a rapidly changing world of digital output, the Guidelines provide editorial values and standards that make the BBC distinctive and reliable. The BBC is committed to freedom of expression but this doesn't mean that anything goes. In a world of misinformation and disinformation, the BBC's editorial values of accuracy, impartiality and fairness are more crucial than ever. So too, in the context of the ugliness of much social media, is the fundamental decency embodied in sections like Harm and Offence or Children and Young People.

The Guidelines have been updated to reflect changes in the law, in particular the development of privacy rights; in the regulatory environment, in which programme makers' duty of care to contributors has been expanded; and in technology in which digital development continues and AI poses fresh challenges. The Guidelines have always moved with the times.

But the values the Guidelines embody are timeless. The BBC's audiences have always expected the highest quality programmes and content. And they also expect the highest possible editorial standards. The Guidelines are designed to enable both.



# 1

## **The BBC's Editorial Standards— Essential Information**



# **The BBC's Editorial Standards— Essential Information**

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## 1.1 Introduction

The BBC's Editorial Guidelines embody the wisdom of more than 100 years of programme making, content production and journalism. They are designed to support creativity and to help content makers weigh up risks and make difficult editorial decisions. The BBC needs the trust of its audience—and maintains that trust by the strength of its editorial decision making. The Guidelines set the editorial standards for all BBC content and also satisfy the requirements of the BBC's regulator Ofcom.

The BBC's Royal Charter<sup>1</sup> specifies the BBC's Mission, which is to act in the public interest, serving all audiences through the provision of impartial, high-quality and distinctive output and services which inform, educate and entertain. The Royal Charter also establishes the BBC's independence from government, guarantees its editorial and creative freedom and safeguards the licence fee.

The Charter sets out the BBC's Public Purposes:

1. To provide impartial news and information to help people understand and engage with the world around them.
2. To support learning for people of all ages.
3. To show the most creative, highest quality and distinctive output and services.
4. To reflect, represent and serve the diverse communities of all of the United Kingdom's nations and regions and, in doing so, support the creative economy across the United Kingdom.
5. To reflect the United Kingdom, its culture and values to the world.

The Royal Charter and the accompanying Framework Agreement<sup>2</sup> establish that it is a duty of the BBC Board to set the standards for the BBC's editorial and creative output and services. The BBC must publish, review periodically and ensure the observance of guidelines designed to secure appropriate editorial standards for its UK Public Services. It must

<sup>1</sup> Broadcasting: Royal Charter for the Continuance of the British Broadcasting Corporation December 2016

<sup>2</sup> Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation December 2016

also safeguard and maintain the editorial integrity and high quality of the BBC World Service and BBC Monitoring.

Producing and upholding these Editorial Guidelines fulfils those requirements. They apply to all content broadcast or published by the BBC whoever creates it and however and wherever in the world it is made or received. The Director-General, as the BBC's editor-in-chief, is ultimately responsible for its editorial content, but everybody involved in making content for the BBC must work to the standards set out in these Editorial Guidelines. All output made in accordance with these Editorial Guidelines will also meet the requirements of the BBC's regulator, Ofcom<sup>3</sup>.

The Editorial Guidelines set out the BBC's regulatory and ethical obligations, which often go further than the law. There will be occasions when content is judged legally safe to publish or broadcast, but still raises regulatory or reputational risks for the BBC. In these circumstances the BBC seeks to behave ethically. While lawyers and the Editorial Guidelines provide advice, editorial responsibility and the final decision whether to publish or broadcast content remains with the editorial management of the BBC.

In exceptional circumstances, there may be a proposal or action that would seem inconsistent with the Editorial Guidelines. This must have very strong justification and must be discussed and agreed with the Divisional Director. Director Editorial Policy and Standards must also be consulted.

Deliberate breaches without referral or negligent breaches of the Guidelines of a serious nature may result in disciplinary action.

<sup>3</sup> The Ofcom Broadcasting Code

## 1.2 The BBC's Editorial Values

Audiences **trust** the BBC and they expect it to adhere to the highest editorial standards.

The BBC has a right to **freedom of expression** under human rights legislation, which is reflected in the Charter. This freedom is at the heart of the BBC's **independence**. Its audiences have a right to receive creative material, information and ideas without interference. But audiences also expect the BBC to balance its right to freedom of expression with its responsibilities to audiences and to contributors.

The BBC operates in the **public interest**—reporting stories of significance to audiences and holding power to account. In its journalism in particular, the BBC seeks to establish the **truth** and use the highest reporting standards to provide coverage that is **fair** and **accurate**. The BBC's specialist expertise provides professional judgement and clear analysis.

The BBC is **impartial**, seeking to reflect the views and experiences of audiences, so that its output as a whole includes a breadth and diversity of opinion, and no significant strand of thought is under-represented or omitted. The BBC is independent of outside interests and arrangements that could compromise its **editorial integrity**. However, its editorial standards do not require absolute neutrality on every issue or detachment from fundamental democratic principles.

Freedom of expression enables the exchange of information and ideas without state interference. It helps to inform public debate—encouraging curiosity, criticism and engagement. It allows, for example, dramatists, satirists and comedians to comment on the world around them. However, freedom of expression is not an absolute right—it carries duties and responsibilities and is also subject to legal restrictions and limits.

In exercising freedom of expression, appropriate **protection must be offered to vulnerable groups** and the BBC must avoid **causing unjustifiable offence**. People's **privacy** must be respected; private information should normally only be put into the public domain where the public interest outweighs an individual's legitimate expectation of privacy.

The BBC has a particular responsibility towards children and young people and must preserve their right to speak out and be heard. Where they contribute to or feature in BBC output, due care must be taken to ensure that their dignity and their physical and emotional welfare are protected.

Children have a right to access information and ideas; however, the BBC must ensure that content that might be unsuitable for them is scheduled appropriately.

## 1.3 The Public Interest

The BBC's Mission<sup>4</sup> specifies that it must 'act in the **public interest**'. It is in the public interest that the BBC should fulfil its mission to provide output to inform, educate and entertain. There is no single definition of public interest; it covers a wide range of values and principles relating to what is in the best interests of society, and it includes:

- freedom of expression
- providing information that assists people to better comprehend, or make decisions on, matters of public importance
- preventing people being misled by the statements or actions of individuals or organisations
- exposing or detecting crime or significantly anti-social behaviour
- exposing corruption, injustice, significant incompetence or negligence.

<sup>4</sup> Article 5 The BBC's Mission, Broadcasting: Royal Charter for the Continuance of the British Broadcasting Corporation December 2016

## 1.4 Editorial Justification

The concept of editorial justification recurs throughout the Editorial Guidelines and is central to the application of the BBC's values and standards.

Editorial justification is the judgement that the benefit from any editorial decision or content outweighs any negative impact. Editorial justification should be made on a case-by-case basis and take account of the impact on contributors, or where relevant those closest to them, and audiences. It includes, but is not limited to: balancing the privacy of individuals against the public interest in revealing information about them; and balancing the use of potentially offensive output against the BBC's and audiences' freedom of expression.

## 1.5 Ofcom

Under the Charter, Ofcom must regulate the standards of relevant BBC UK Public Service content to ensure it meets the requirements of Ofcom's Standards and Fairness Codes<sup>5</sup>. It therefore considers complaints against some BBC broadcast content.

Ofcom does not regulate standards for the BBC World Service. BBC commercial broadcast services, provided by BBC companies, are not UK Public Services but they are subject to Ofcom's content standards regulation where they are distributed under Ofcom licences.

Where Ofcom finds a breach of its Broadcasting Code, it may require the BBC to broadcast a statement of its findings. Where Ofcom considers its 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.

<sup>5</sup> Article 46 Principal functions of Ofcom, Broadcasting: Royal Charter for the Continuance of the British Broadcasting Corporation December 2016

## 1.6 Accountability

The Charter sets out the BBC's duty to be transparent and accountable. The BBC must publish an Annual Report and Accounts which must include information showing how appropriate editorial standards have been set, reviewed and met. It must also include information about how the BBC has served the nations and regions of the UK and whether there have been significant changes to any Public Services. The BBC must also report on how complaints have been handled and what has been learned from them.

Additionally, the BBC Board will hold the BBC Executive to account to ensure editorial standards are maintained. It will commission thematic reviews in key areas of public debate and these findings will be published.

## 1.7 Complaints

The BBC is open in acknowledging mistakes when they are made and wants to learn from them. It is required to set and publish procedures for the handling and resolution of complaints. The BBC Complaints Procedure<sup>6</sup> sets out the timeframes that complaints will normally be answered within and relates both to the obligations of its Public Services and also its commercial operations.

Complaints about most BBC content<sup>7</sup> are dealt with by the BBC first, as set out in the Complaints Procedure<sup>8</sup>. Complaints are handled by BBC Audience Services in the first instance, but complainants dissatisfied with the response can ask the BBC's Executive Complaints Unit (ECU) to investigate.

The Executive Complaints Unit deals with complaints about possible breaches of the BBC's editorial standards in connection with specific programmes or items of content. It deals with complaints about any BBC service, platform or product where the BBC has editorial

<sup>6</sup> BBC Complaints Framework and Procedures June 2020 [www.bbc.co.uk/contact/sites/default/files/2024-05/Complaints\\_Framework\\_eng\\_0.pdf](http://www.bbc.co.uk/contact/sites/default/files/2024-05/Complaints_Framework_eng_0.pdf)

<sup>7</sup> Individuals may make first-party complaints relating to fairness and privacy directly to Ofcom

<sup>8</sup> BBC Complaints Framework and Procedures June 2020

responsibility. This includes international, public and commercial services and BBC-branded magazines.

The Executive Complaints Unit will also consider 'general complaints', which may be complaints about editorial issues which are directed at the output as a whole rather than specific items, or about a range of non-editorial matters.

The Executive Complaints Unit's decisions are subject to review by the Director-General, as the BBC's editor-in-chief.

Where the Executive Complaints Unit identifies a serious breach of the editorial standards set out 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.

If complainants are not satisfied with the Executive Complaints Unit finding, and the complaint relates to BBC content regulated by Ofcom, the complainant can refer the matter to Ofcom, after the BBC has finished considering the complaint. Ofcom will adjudicate on whether there has been a breach of the Ofcom Broadcasting Code.

Complaints about BBC World Service content and BBC content on social media do not come within Ofcom's remit and are considered within the BBC's complaints process, in line with the Complaints Procedure.

## 1.8 Accessibility

The BBC is committed to being inclusive and accessible to all audiences and is required by law to make 'reasonable adjustments' to ensure disabled people can access output.

The BBC provides subtitling, audio-description and sign language services, but what is considered 'reasonable' will evolve as technology develops<sup>9</sup>.

Ofcom also sets mandatory requirements for all broadcasters<sup>10</sup>.

Decisions taken throughout the production process will affect whether output is accessible to people with some visual impairment, including colour blindness, hearing loss or speech impairment. Producers must take account of the requirement that, as far as reasonably practicable, BBC content is accessible to those audiences.

See guidance: Visually Impaired and Hearing-Impaired Audiences

## 1.9 How to use the Guidelines

- 1.9.1 Knowledge of and familiarity with the Editorial Guidelines is an essential professional skill. Everyone who makes or presents BBC content is contractually required to observe and abide by them.
- 1.9.2 When applying these Guidelines, individuals and teams are expected to make most of the necessary judgements, but some issues require careful consideration at a higher level. No one should hesitate to ask for advice, and the Editorial Guidelines therefore advise, and sometimes require, reference to more senior editorial figures, Editorial Policy or specialists such as Programme Legal Advice or safety experts.

<sup>9</sup> BBC Policies: Subtitles on TV and Audio description on TV. Available on Gateway for BBC staff or via commissioning editors for independent producers

<sup>10</sup> Ofcom's Code on Television Access Services

- 1.9.3 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 presenters, reporters and other on-air roles.
- 1.9.4 Issues may arise that overlap with, or are separate from, editorial concerns. The BBC has specialist internal advisers on legal, data protection, safety, pronunciation, international filming, health and safeguarding matters, who should be consulted as appropriate. BBC News maintains bureaux around the world, a political research team and a head of statistics.

The BBC has a separate legal team in Scotland who can advise on Scottish legal issues.

Any decision to proceed with content or continued publication of content contrary to BBC legal advice must be referred to the Divisional Director and Director Editorial Policy and Standards.

## Editorial Guidance

- 1.9.5 The Editorial Guidelines are supplemented by further guidance, which is available on the BBC Editorial Guidelines website. The guidance contains additional information about how specific areas of the Guidelines can be applied and interpreted. New guidance is written when necessary.

## Referrals

- 1.9.6 The BBC's reputation rests on sound decision making, and the referrals system ensures that complex editorial decisions are properly considered. 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 BBC output should hesitate to refer editorial dilemmas.
- 1.9.7 The Editorial Guidelines specify a number of Mandatory Referrals. These may be to senior editorial figures within the

output division, Editorial Policy, including Director Editorial Policy and Standards or, on occasion, other areas of the BBC.

Mandatory Referrals are an essential part of the BBC's editorial and compliance process and must be observed.

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

The more important or contentious the issue, the higher the referral needs to be. The content maker is responsible for knowing who to refer their query to. If in doubt, refer.

1.9.8 On occasion, the Editorial Guidelines suggest or require referral to an internal BBC resource that independent production companies are unable to access. In such cases, independents should make the BBC commissioning editor or equivalent aware.

Contracts with independent production companies should define where legal liabilities lie and independent production companies should take independent legal advice as appropriate. However, independent production companies may refer legal questions of an editorial nature through their commissioning editor who may discuss them with Programme Legal Advice.

1.9.9 Any significant breach of the editorial standards in the Guidelines should be referred promptly to an appropriate senior editorial figure, who will consider what action may be needed—including whether content should be amended, corrected or removed or if an apology should be given.

## **Editorial Policy**

1.9.10 While responsibility for editorial content lies with output teams, advice can be sought from Editorial Policy. The Editorial Policy team, led by Director Editorial Policy and Standards, provides advice on how to work within the Guidelines at every stage of the production process for every type of content. The earlier

that potentially contentious content is referred the better. Advice is available 24 hours a day.

In addition to the referrals specified in each section, Editorial Policy can be consulted on questions about how to interpret or apply the Editorial Guidelines.

## Editorial Compliance and Standards

Editorial justification is the judgement that the benefit from any editorial decision or content outweighs any negative impact. Editorial justification should be made on a case-by-case basis and take account of the impact on contributors, or where relevant those closest to them, and audiences.

1.9.11 The BBC's compliance obligations require that all content that is not live is reviewed before publication or broadcast and the results of that review recorded and kept. Separate guidance is available for live output. Most news output is normally treated as live. All live programmes that include pre-recorded inserts are treated as live.

**See** guidance: Live Output

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.

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

# 2

## Impartiality



# **Impartiality**

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## 2.1 Introduction

Impartiality is fundamental to the BBC's purpose and is enshrined in the BBC's Charter. It means not favouring one side over another and reflecting all relevant sides of the debate. It means not taking sides, reflecting all relevant strands of public debate and challenging them with consistent rigour. Impartiality is key to a relationship of trust with audiences, that they know the BBC is not being influenced by any personal or other agenda in what it chooses to broadcast or publish or in how it covers stories and that it seeks to include a wide range of views on any given topic.

The BBC is committed to achieving due impartiality in all its output. The term 'due impartiality' means 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<sup>1</sup>.

The BBC needs to be able to portray and include the full range of interests and views across all the audiences it serves. Those views and interests should be reflected fairly and accurately, and the BBC should not be seen to be promoting or revealing opinions of its own. A key way to do this is in being fact and evidence based, holding authorities and others to account, on behalf of the public, for what they say and do. Applying impartiality effectively in the BBC's output requires discussion and judgement to get it right; it may mean being transparent in explaining how impartiality is achieved on behalf of all audiences and correcting quickly anything which is wrong.

Impartiality will always rest on good judgement, rather than any mathematical formula; it contains many elements, such as 'accuracy', 'fairness', 'objectivity', 'open-mindedness' and it always takes account of context. It usually involves more than a simple matter of 'balance' between opposing viewpoints and does not prevent objective judgements being made, based on evidence.

<sup>1</sup> The section of the Ofcom Broadcasting Code that relates to this is 5: Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions. However, Rule 5.13 of Undue Prominence of Views and Opinions does not apply to the BBC

Impartiality does not mean detachment from fundamental democratic values, including freedom of expression, the right to vote, the rule of law and freedom from discrimination. However, the BBC must still be impartial on the related debates or controversies, on any consequent policies or choices and on the actual implementation of these values.

Audiences expect the BBC's news and current affairs and factual journalism output to meet the highest levels of impartiality and accuracy. References in the Guidelines to factual journalism output relate to content that is produced outside news and current affairs which is journalistic in nature.

Just as important as the BBC's content are the words and behaviours of all the people who represent the BBC. External activities and public expressions of opinion, including on social media, may affect perceptions of the BBC's impartiality as much as its output. This will apply differently according to genre and role; **consequently, this section should be read in conjunction with Section 4: Conflicts of Interest and Section 10: Politics and Public Policy, as well as the guidance on Impartiality and the guidance on Personal Use of Social Media.**

## 2.2 Principles

- 2.2.1 The BBC is committed to achieving due impartiality in all its output.
- 2.2.2 The BBC's impartiality incorporates the principles of a democratic society; it is not separate from its values.
- 2.2.3 The BBC is committed to reflecting a wide range of subject matter and perspectives across its output as a whole and over an appropriate timeframe so that no significant strand of thought is under-represented or omitted. On occasion, that will include attitudes and opinions which some may find unpalatable or offensive.
- 2.2.4 The highest level of impartiality is required in news and journalism in all its forms, giving due weight to events, opinion and the main strands of argument.

- 2.2.5 The BBC may exercise its 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.
- 2.2.6 Achieving impartiality does not preclude making evidence-based judgements or making an editorial judgement to focus scrutiny on a particular position.
- 2.2.7 There is no requirement to give all views equal weight—false equivalence does not achieve impartiality and should be avoided. Minority views or those less supported by evidence, do not need to be given similar prominence or weight to those with more support, to the prevailing consensus, or to those better evidenced<sup>2</sup>.
- 2.2.8 The BBC’s output should take account of the different political cultures and structures across the UK and the distinct views of some communities and sections of society. It should recognise when main strands of argument differ, especially in the Nations and English Regions, giving them due weight and prominence in UK-wide output.
- 2.2.9 Audiences expect artists, writers and entertainers to have freedom to explore subjects from a particular perspective and to create content that reflects their own distinctive voice. It must be clear to audiences where personal views are being expressed.
- 2.2.10 Where BBC content highlights issues on which others campaign, care must be taken to avoid endorsing those campaigns, or allowing the BBC to be seen as campaigning to change public policy. But this should not prevent output highlighting issues and offering audiences information and choices about how to understand and relate to them.

<sup>2</sup> For information about impartiality during referendums and elections, see Section 10: Politics and Public Policy

## 2.3 Mandatory Referrals—must be referred in advance

*Mandatory referrals are an essential part of the BBC's editorial and compliance process and must be observed.*

### Referrals to Chief Adviser Politics

2.3.1 Exceptionally, there may be circumstances where an individual programme or other BBC content, such as a personal view documentary or a drama, which is not part of a series or long-running or continuous output, may include the expression of a particular or singular view on a 'controversial subject', current public policy or a political issue. Any such proposal must be referred to Chief Adviser Politics to ensure it still meets the requirements of due impartiality.

See 2.4.30

2.3.2 Chief Adviser Politics must be consulted in advance of any proposal to invite a politician to take part in output which would not normally include politicians, political opinions or 'controversial issues', irrespective of whether the proposed contribution is itself 'political'. Any offer from a politician to take part in such output must also be referred before it is either accepted or declined.

See 2.4.31

See Section 10 Politics and Public Policy: 10.4.3–10.4.5

### Other Referrals

2.3.3 Any individual in a role requiring impartiality<sup>3</sup> who is intending to express opinions publicly on matters of current public policy, politics or any controversial issue, or taking part in political

<sup>3</sup> Guidance: Personal Use of Social Media

activity, must inform their line manager in advance, who should consult Chief Adviser Politics if there is a risk to impartiality, or the perception of impartiality.

**See 2.4.14**

**See Section 4 Conflicts of Interest: 4.4.13–4.4.20**

2.3.4 Any individual who intends to seek nomination as a party candidate for election at national or local level, or intends declaring publicly their independent candidacy, must notify their line manager in advance, who should then consult Chief Adviser Politics before the intention is made public.

**See 2.4.14**

**See Section 4 Conflicts of Interest: 4.4.21–4.4.23**

2.3.5 Unless it is a professional responsibility, any individuals commenting publicly—such as on social media—on BBC matters, stories about the BBC, or issues concerning other broadcasters or broadcasting policy, must consult their line manager in advance.

**See 2.4.15**

2.3.6 There are some views and language which may cause serious offence, but a failure to reflect them could have implications for the BBC's impartiality; if there is a risk either of causing serious offence or jeopardising impartiality, referral must be made to a senior editorial figure, who should consult Editorial Policy.

**See 2.4.16**

**See Section 5 Harm and Offence: 5.4.24–5.4.36**

2.3.7 When commissioning drama, entertainment or cultural output covering matters of current public policy, political or industrial controversy, or other 'controversial subjects', Editorial Policy must be consulted in advance.

**See 2.4.33**

2.3.8 A senior editorial figure must be responsible and accountable for overseeing the deployment and continuing use of any Artificial Intelligence (AI). They should seek advice from Editorial Policy, who may consult the AI Risk Advisory Group, before any decision to deploy the AI.

For independent production companies any proposed use of AI, where there may be a material impact on audience-facing content, should be discussed as part of the commissioning process. A senior editorial figure, who is responsible for compliance within the production team, should be responsible and accountable for its use of AI.

See 2.4.19

## 2.4 Guidelines

### Due Impartiality, Due Weight and Diversity of Opinion

2.4.1 Impartiality itself means not favouring one side over another. '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.

Due impartiality does not mean an equal division of time has to be given to every view, or that every argument and every facet of every argument has to be represented on every occasion. Context is important, as is the output genre and platform.

2.4.2 The BBC must be inclusive, reflecting a breadth and diversity of opinion, across the output as a whole.

Breadth and diversity of opinion may require not just a political and cultural range, but also consideration of other variations, such as between older and younger, poorer and wealthier, urban and rural, the innovative and the status quo. It may involve exploration of perspectives in different communities, interest groups and geographic areas. At times, it will require the inclusion of opinions which some of those communities or groups may argue ought not to be included, because they find them unpalatable or offensive.

2.4.3 Impartiality does not necessarily require all perspectives or opinions to be covered in equal proportions either across the

output as a whole, or within a single programme, webpage or item. Instead, content makers should seek to achieve ‘due weight’. For example, minority views or those less supported by evidence, should not necessarily be given similar prominence or weight to those with more support, to the prevailing consensus, or to those better evidenced<sup>4</sup>.

See 2.4.22

2.4.4 There may be occasions when the omission of views or other material could jeopardise impartiality or accuracy. There is no view on any subject which must be excluded as a matter of principle; content producers should make reasoned decisions and apply consistent editorial judgement about whether to include or omit such perspectives.

See 2.4.16

## Controversial Subjects, Current Public Policy and Political Issues

2.4.5 The BBC applies due impartiality to all subjects; however, there are particular requirements regarding matters of ‘political or industrial controversy and matters relating to current public policy’, including where they occur in any output outside news, current affairs and factual journalism, such as in sport, drama, entertainment, comedy and elsewhere<sup>5</sup>.

Controversial subjects will arise in areas of public policy, such as health, education or world events, and with regard to politics, social or economic issues or industrial matters. As well as matters that are the subject of current public policy discussion, any other area may include controversial subjects, such as religion, science, culture, identity or ethics. Historical issues, subjects which may previously have seemed settled or those that have been legislated upon may also become controversial again.

<sup>4</sup> For information about impartiality during referendums and elections, see Section 10: Politics and Public Policy

<sup>5</sup> See Ofcom Code Section 5 for Meaning of ‘matters of political or industrial controversy and matters relating to current public policy’

2.4.6 When content makers are determining whether subjects are controversial, in the UK or internationally, they should take account of:

- the level of public and political contention and debate
- whether the subject is a matter of substantive debate or importance in a particular nation, region, community or discrete area which may resonate with a particular or substantial part of the audience
- how topical the subject is
- the sensitivities of relevant audiences' beliefs and cultures
- a reasonable view on whether the subject is serious
- the distinction between matters grounded in fact and those which are a matter of opinion.

Advice on whether a subject is 'controversial' is available from Editorial Policy.

2.4.7 When dealing with 'controversial subjects', current public policy or political issues, the BBC 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.

See 2.4.28–2.4.30

2.4.8 Particular care must be taken to achieve due impartiality when a 'controversial subject' may be considered to be a major matter<sup>6</sup>. 'Major matters' are generally matters of current public policy or political or industrial controversy that are of national or international importance, or of a similar significance within a smaller coverage area.

<sup>6</sup> See Ofcom Code Section 5.11 for Meaning of 'matters of major political or industrial controversy and major matters relating to current public policy'

When dealing with 'major matters', or when the issues involved are highly controversial and/or a decisive moment in the controversy is expected, an appropriately wide range of significant views must be included and given due weight in each programme or web item or in clearly linked and timely programmes or items. Views and facts must not be misrepresented.

2.4.9 Due impartiality normally allows for output to explore or report on a specific aspect of an issue, to provide an opportunity for a single view to be expressed or for scrutiny to be focussed on a particular position. This should be clearly signposted when dealing with 'controversial subjects' or current public policy or political issues. The existence of a range of views and their respective weights should be acknowledged, and neither those views nor their respective weights should be misrepresented.

**See 2.4.3–2.4.4**

Consideration should be given to the appropriate timeframe for reflecting other perspectives and whether or not they need to be included in other connected output. It may be necessary to 'signpost' to audiences where separated elements of output are clearly linked, for instance across a series of interviews over time, or to another programme on the same service, so that impartiality is being achieved overall. Where appropriate, signposting should point back to previous output, as well as forwards to planned output; the link should normally be stated explicitly.

**See 2.4.27–2.4.29**

If such output contains serious allegations a response may be required, either as part of the same output, or in a linked and clearly signposted alternative.

**See Section 6 Fairness: 6.4.43–6.4.46**

2.4.10 Where a BBC online site covering 'controversial subjects' offers links to external sites, it should try to ensure that the information on those external sites, taken together, represents a reasonable range of views about the subject.

**See Section 15 Independence from Commercial and Other External Interests: 15.4.22**

**See guidance: Links and Feeds**

## Impartiality for News, Current Affairs and Factual Journalism Output

- 2.4.11 News in whatever form must be treated with due impartiality, giving due weight to events, opinion and main strands of argument. The approach and tone of news stories must always reflect the BBC's editorial values, including its commitment to impartiality.
- 2.4.12 Presenters, reporters, correspondents and on-air editors are the public face and voice of the BBC; they can have a significant impact on perceptions of whether due impartiality has been achieved. Audiences should not be able to tell from BBC output—or anywhere else—the personal opinions of its journalists or presenters in news and current affairs or factual journalism on matters of current public policy, political or industrial controversy, or on 'controversial subjects' in any other area.

They may provide professional judgements, rooted in evidence and professional experience, but may not express personal views on such matters publicly, including in any BBC-branded output or on personal blogs and social media.

- 2.4.13 Achieving due impartiality requires awareness that unintended biases can result from the use of loaded language, from subconscious assumptions and from choices about prominence. For example, a phrase like 'the burden of taxation' might imply a view of taxation that is biased. Advice is available from Editorial Policy.

## Public Expressions of Opinion

- 2.4.14 All individuals for whom impartiality in their role is paramount will need to assess risk and take personal responsibility in terms of what constitutes the 'public' expression of an opinion, for instance, within closed social media groups, private meetings (online or in person) or other circumstances they may consider, normally, to be confidential.

Any individual in a role requiring impartiality who is intending to express opinions publicly on matters of current public policy, politics or any controversial issue, or taking part in political activity, must inform their line manager in advance, who should consult Chief Adviser Politics if there is a risk to impartiality, or the perception of impartiality.

See Section 4 Conflicts of Interest: 4.4.14–4.4.18

See guidance: Personal Use of Social Media

Any individual who intends to seek nomination as a party candidate for election at national or local level, or intends declaring publicly their independent candidacy, must notify their line manager in advance, who should then consult Chief Adviser Politics before the intention is made public.

See Section 4 Conflicts of Interest: 4.4.19–4.4.23

## Where the BBC or its Content or Presenters are the Story

2.4.15 When dealing with issues concerning the BBC itself, the BBC's reporting must remain duly impartial, as well as accurate and fair.

There should be clear editorial separation between those reporting the story and those responsible for presenting the BBC's corporate position. Presenters and reporters should take care to avoid any potential conflicts of interest. When reporting about the BBC, it will normally be inappropriate to refer to the BBC as either 'we' or the content as 'ours'.

See Section 4 Conflicts of Interest: 4.4.16

The personal experience of reporters and presenters—for instance, in relation to their identity—can be a relevant part of storytelling; the context of any such reporting should be appropriate, generally signposted in advance to the audience and must not compromise their impartiality or the BBC's.

Unless it is a professional responsibility, any individuals commenting publicly—such as on social media—on BBC matters, stories about the BBC, or issues concerning other broadcasters or broadcasting policy, must consult their line manager in advance.

## Contentious Views and Possible Offence

2.4.16 Freedom of expression is crucial for the BBC; at times, this will mean the inclusion of views or statements which some parts of the audience may find offensive or unacceptable.

Contributors expressing contentious views, either through an interview or other means, must be challenged while being given a fair chance to set out their response to appropriate scrutiny; alternative perspectives should normally be offered as part of the same output, over time if necessary. Minority views should be given appropriate space in output.

Coverage should acknowledge the possibility of offence, and be appropriately robust, but it should also be fair and dispassionate.

See Section 5 Harm and Offence: 5.4.43–5.4.44 and Section 8 Crime and Anti-Social Behaviour: 8.4.3

If there are plans in any output to include content, such as language or views, which may cause serious offence, that must be weighed alongside the public interest.

There are some views and language which may cause serious offence, but a failure to reflect them could have implications for the BBC's impartiality; if there is a risk either of causing serious offence or jeopardising impartiality, referral must be made to a senior editorial figure, who should consult Editorial Policy.

See Section 5 Harm and Offence: 5.4.24–5.4.36

The public expression by staff and presenters of their own personal reactions to a statement or issue—such as personal offence or indignation; or agreement or approval—may jeopardise perceptions of the BBC's impartiality and might give an impression of bias. Similar perceptions may result from the tone or attitude with which an item or programme is presented.

## Contributors' Affiliations and Supplied News Material

2.4.17 It should not be assumed that contributors to BBC output are unbiased or impartial. For those from organisations such as charities, think-tanks or universities, it may be necessary, when relevant, to give appropriate information about affiliations, funding or particular viewpoints. The same applies to individual researchers, journalists, scientists or other experts and, on occasion, to contributors who may be relating their own experiences. The key test is to consider whether the audience would be misled if such information was not made available. It may also be necessary to consider whether such affiliations might risk undermining trust in the contributor's professional credentials or in the perceived authenticity of their experiences.

2.4.18 Video and audio news releases or other material (for example, voice notes being used as pre-recorded rights of reply) supplied by outside organisations, such as companies, emergency services, government agencies, interest groups, sports clubs, campaigners, charities or other organisations seeking a platform, may sometimes be offered as a way of avoiding appropriate scrutiny. Such use may jeopardise impartiality or the perception of impartiality; the BBC should normally only use extracts from such material when it is not itself able to gather it and its use is justified by its editorial significance.

Any use of video and audio news releases, or other material supplied by outside organisations, should be clearly labelled, stating who supplied it and explaining any relevant circumstances in which it was produced.

See Section 3 Accuracy: 3.4.14

## Use of Technology

2.4.19 The increasing use of technologies, such as automation or artificial intelligence, may impact the perception or reality of the BBC's impartiality. New technologies may provide editorial or operational benefits, but content makers should also consider the editorial risks presented by any use of AI in the

direct creation of content, in supporting editorial production or research, or in the distribution and curation of content. Other issues, including legal, rights, data protection and information security should also be taken into account.

A senior editorial figure must be responsible and accountable for overseeing the deployment and continuing use of any AI. They should seek advice from Editorial Policy, who may consult the AI Risk Advisory Group, before any decision to deploy the AI.

For independent production companies any proposed use of AI, where there may be a material impact on audience-facing content, should be discussed as part of the commissioning process. A senior editorial figure, who is responsible for compliance within the production team, should be responsible and accountable for its use of AI.

Any product that uses AI to distribute or curate content is considered to be an editorial experience and is therefore subject to editorial approval and human oversight.

See guidance: The Use of Artificial Intelligence

## Impartiality and Audiences

2.4.20 Listening to and engaging with audiences and including their perspectives is central to the BBC's output. But responses should not be given a wider significance than they merit and care should be taken not to misrepresent the relative weight of opinions expressed. Appropriate scrutiny may also need to be applied to audience opinions and ensure that debate does not appear to discount members of the audience who support a minority view.

See 2.4.16

See Section 11 Statistics, Data, Polls and Surveys: 11.4.25–11.4.46

See guidance: User-Generated Contributions

## Protests and Demonstrations

2.4.21 Protests and demonstrations are an important part of the democratic process and they are routinely covered as part of the BBC's news output. Interviews with organisers, protesters and demonstrators should be impartial, rigorous and challenging; the output should include alternative perspectives.

In addition, it is important that content makers:

- assess the risk that previewing protests and demonstrations might encourage people to take part and therefore change the nature of the event; however, this should not prevent advance discussion about the issues that underpin the protest
- should withdraw immediately if a peaceful protest or demonstration becomes violent and they believe their presence is inflaming the situation and/or contributing to the nature of the event changing
- take particular care when considering using material posted by protesters to publicise and justify their actions on social media.

See Section 3 Accuracy: 3.4.12, Section 7 Privacy: 7.4.10, Section 12 War, Terror and Extreme Violence, Disaster and Disorder: 12.4.10 and Section 17 Competitions, Votes and Interactivity: 17.4.68

## Scrutiny, Campaigns and Consensus

### Scrutiny

2.4.22 The BBC's journalism should scrutinise arguments, question consensus and hold power to account with consistency and due impartiality. Assessing levels of appropriate scrutiny should be based on the degree of power, responsibility and accountability of the contributor.

Appropriate levels of scrutiny should be applied to those who are in government, as well as other bodies or organisations holding power and responsibility; but appropriate scrutiny should also be applied to those who oppose or seek to

influence, including opposition parties, campaigners, experts and academics. On occasion, views expressed by members of the public may also require scrutiny.

BBC content makers should question, check and, where appropriate, test facts and challenge opinions put forward by contributors, when relevant. They should be careful to source and attribute alternative or contradictory information and data where appropriate, so it is clear the scrutiny is not based on beliefs or opinion held by the BBC, its journalists or presenters.

When interviewers use 'devil's advocate' questions it should be clear to the audience that they are not expressing their own opinions or those of the BBC.

## Campaigns, Initiatives and Social Action

2.4.23 Where BBC content highlights issues on which others campaign, it should not endorse those campaigns, or allow itself to be used to campaign to change public policy. But this should not prevent the BBC highlighting issues and offering audiences information and choices about how to understand and relate to them.

The BBC (and relevant staff individually) 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.

Careful thought will be necessary to ensure perceptions of the BBC's impartiality are maintained when content is scheduled topically and coincides with a third party's campaign or initiative. Advice is available from Editorial Policy.

See Section 15 Independence from Commercial and Other External Interests: 15.4.22

2.4.24 Some issues, when relating to matters of current public policy, may lend themselves to sympathetic case studies or may be more likely to be approached from the perspective of an individual, such as someone affected by poverty or a particular illness. Where such an approach may jeopardise perceptions of the BBC's impartiality (for instance, if the individual may have relevant affiliations), consideration will need to be given to the inclusion of wider context or different perspectives whether within the item or over time.

Where due impartiality requirements may be met within such an item, consideration may still need to be given to a possible cumulative effect if a similar approach is taken repeatedly across the same service. Relevant output controllers may also need to take account of such a cumulative effect across different services to ensure there is no impression of bias.

2.4.25 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. Content makers should ensure that:

- output does not simply embrace the agenda of any particular campaign groups or charities (except for BBC charitable appeals) and that groups are treated objectively, not favouring one above another
- if BBC social action programmes coincide with a government campaign or lobbying initiative, an arm's-length position is retained
- the BBC does not lobby on matters of public policy when raising awareness of important social issues
- news reporting of BBC social action campaigns is duly impartial.

Social action initiatives must not involve any element of on-air fund raising except for BBC charitable appeals.

See Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.11–16.4.15

## Consensus

2.4.26 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, these issues may present a significant risk to the BBC's impartiality; for instance, where opinion may change over time, or where a minority holds a view it is either reluctant to express or its opportunity to do so is limited. In such cases, the BBC should continue to report where the consensus lies and give it due weight. However, even if it may not be necessary or appropriate to seek out voices of opposition, reporting should not use language and tone which appear to accept consensus or received wisdom as fact or self-evident.

Content makers must challenge their own assumptions and experiences and also those which may be commonly held by parts of the 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. Care should be taken to treat areas of apparent consensus with appropriate rigour; advice is available from Editorial Policy.

## Elections and Referendums

2.4.27 There is no area of broadcasting where the BBC's commitment to due impartiality is more closely scrutinised than during election and referendum campaigns, in the UK and around the world. Special considerations apply during election and referendum periods (ie when content is being directly consumed by those about to vote), but may also be relevant in the run-up to those formal campaign periods, in some cases for several

months before. This is likely to involve greater sensitivity with regard to due impartiality in all output genres. Specific advice is available from Chief Adviser Politics, who, for the UK, will publish specific guidelines for each campaign<sup>7</sup>.

See Section 10 Politics and Public Policy: 10.4.21–10.4.23

## Impartiality in Series and Over Time

2.4.28 In achieving due impartiality, a ‘series of programmes’ may be considered as a whole<sup>8</sup>.

The term ‘series of programmes’ applies to the following:

- multiple pieces of content on the same service, editorially linked, dealing with the same or related issues, within an appropriate period and aimed at a like audience.

This may include different types of linked programmes (such as a drama with a following debate); a clearly identified season or cluster of programmes or items on the same subjects; or a set of linked webpages or social media posts. Such content, items or webpages need to achieve due impartiality across the series, and should include appropriate links or signposting.

The intention to achieve due impartiality in this way should be planned in advance and made clear by signposting as part of the output.

- programmes dealing with widely disparate issues from one edition to the next, but also clearly linked as a continuing strand with a common title and a particular remit. In such strands, due impartiality should normally be achieved within individual programmes, or across a specific number

<sup>7</sup> In the run-up and during the election period, see the Editorial Policy website for Election Guidelines

<sup>8</sup> See Ofcom Code Section 5 for Meaning of ‘series of programmes taken as a whole’

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.

2.4.29 On long-running or continuous output (such as general daily news programmes, the BBC News channel, the BBC News website and social channels) due impartiality may be achieved over time by the consistent application of editorial judgement in relevant subject areas; for instance, an appearance by a politician, or other contributor with partial views, does not normally have to be followed by someone taking a contrary view, although it may sometimes be necessary to offer the opportunity to respond.

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

- it reflects a broad range of individuals and views, including, where editorially appropriate, all main strands of argument
- differing views are given due weight and treated fairly, including in terms of prominence, treatment and time of day
- there is an appropriate timeframe for assessing that due impartiality has been achieved.

Where a single programme is unable to reflect important elements of debate on a particular issue, but is achieving impartiality by reference to another programme (for instance, relying on the same programme the next day, or a different daily programme on the same service), then that should normally be made clear to the audience. If the issue is a 'major matter', achieving due impartiality may require an explicit reference to a clearly linked and timely programme<sup>9</sup>.

<sup>9</sup> See Ofcom Code Section 5.11 and 5.12 including Meaning of 'major matters'

In all instances where the aim is to achieve due impartiality regarding politics or current public policy over a series or over time, particular care and additional consideration is required in the approach to and during election and referendum periods; advice is available from Chief Adviser Politics.

2.4.30 Exceptionally, there may be circumstances where an individual programme or other BBC content, such as a personal view documentary or a drama, which is not part of a series or long-running or continuous output, may include the expression of a particular or singular view on a 'controversial subject', current public policy or a political issue. Any such proposal must be referred to Chief Adviser Politics to ensure it still meets the requirements of due impartiality.

See 2.4.9 and 2.4.34–2.4.35

## Politicians and Political Content in Non-Political Output

2.4.31 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 who are otherwise known for their partiality, for example politicians, campaigners or others who are identified with particular views. Over time, an appropriate range of such contributors should be considered. There will be different considerations during the run-up to election and referendum periods.

Chief Adviser Politics must be consulted in advance of any proposal to invite a politician to take part in output which would not normally include politicians, political opinions or 'controversial issues', irrespective of whether the proposed contribution is itself 'political'. Any offer from a politician to take part in such output must also be referred before it is either accepted or declined.

Where there is a proposal to involve others in such output who may have taken a prominent political stance, advice is available from Editorial Policy.

2.4.32 Where content would not normally include political opinions, current public policy or 'controversial issues' (for example in sport, music, quiz/panel shows, factual entertainment, lifestyle output), it is advisable to consult Editorial Policy in advance before doing so.

See 2.4.5

See Section 10 Politics and Public Policy: 10.4.3–10.4.9

## Drama, Entertainment and Culture

2.4.33 Audiences will expect artists, writers and entertainers to have freedom to explore subjects from a particular perspective, to create content that reflects their own distinctive voice and gives them scope for individual expression in drama, entertainment and cultural output. The BBC is committed to offering such content.

Consideration should be given by commissioners and heads of relevant genres to the range of perspectives represented over time. On occasion, it may be necessary to signpost other connected output to achieve due impartiality.

When commissioning drama, entertainment or cultural output covering matters of current public policy, political or industrial controversy, or other 'controversial subjects', Editorial Policy must be consulted in advance.

Particular consideration is needed during the run-up to election and referendum periods. Advice is available from Chief Adviser Politics.

Potential conflicts of interest may also need to be considered.

See 2.4.5–2.4.9

See Section 3 Accuracy: 3.4.31 and Section 4 Conflicts of Interest

## Personal View Content

2.4.34 The BBC has a tradition of enabling 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 audiences. All of these can add to the public understanding and quality of debate, especially when they allow audiences to hear fresh and original perspectives on familiar issues.

The nature of such personal view content must be made clear to audiences in advance.

2.4.35 Additionally, when personal view content covers 'controversial subjects', especially those concerning matters of current public policy or political or industrial controversy, they should:

- maintain factual accuracy
- fairly represent opposing viewpoints when included
- provide an opportunity for response or alternative perspectives when appropriate, for example in a pre-arranged and signposted discussion programme.

See 2.4.30

See Section 6 Fairness: 6.4.43–6.4.46

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

See 2.4.15

# 3

## Accuracy



# Accuracy

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## 3.1 Introduction

The BBC is committed to achieving due accuracy in all its output. This commitment is fundamental to its reputation and the trust of audiences. 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 additional information provided by the BBC that may influence that expectation<sup>1</sup>.

The due accuracy required of, for example, drama, entertainment and comedy, will not usually be the same as for most 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<sup>2</sup>.

## 3.2 Principles

- 3.2.1 The BBC must do all it can to ensure due accuracy in all its output.
- 3.2.2 All BBC output, as appropriate to its subject and nature, must be well sourced, based on sound evidence, and where possible corroborated. Content producers should be honest and open about what they 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. Content producers should not distort known facts, present invented material as fact or otherwise undermine audiences' trust in the BBC's content.

<sup>1</sup> The section of the Ofcom Broadcasting Code that relates to this is 5: Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions

<sup>2</sup> The Framework Agreement accompanying the BBC Charter requires the BBC to observe the accuracy requirements of the Broadcasting Code; however, by applying 'due accuracy' to all output, the BBC exceeds that requirement

- 3.2.4 Serious factual errors should normally be acknowledged and corrected quickly, clearly and appropriately.
- 3.2.5 In news and current affairs content, achieving due accuracy is more important than speed.

### **3.3 Mandatory Referrals— must be referred in advance**

*Mandatory referrals are an essential part of the BBC's editorial and compliance process and must be observed.*

#### **Referrals to Director Editorial Policy and Standards**

- 3.3.1 Any proposal to rely on a single unnamed source making a serious allegation or to grant anonymity to a significant contributor making a serious allegation must be referred to Director Editorial Policy and Standards and Programme Legal Advice.

**See 3.4.21**

#### **Other Referrals**

- 3.3.2 Where content producers believe they have broadcast a defamatory inaccuracy, Programme Legal Advice must be consulted.  
**See 3.4.34**
- 3.3.3 Any content producers intending to produce output about Northern Ireland or significant projects involving the Republic of Ireland, should notify Director Northern Ireland of their proposals at an early stage. Similarly, content producers creating material which deals with significant national or regional issues or themes about England, Scotland and Wales who are not based in the relevant nation should inform the director of that nation.  
**See 3.4.37**

3.3.4 A senior editorial figure must be responsible and accountable for overseeing the deployment and continuing use of any Artificial Intelligence (AI). They should seek advice from Editorial Policy, who may consult the AI Risk Advisory Group, before any decision to deploy the AI.

For independent production companies a senior editorial figure, who is responsible for compliance within the production team, should be responsible and accountable for its use of AI.

See 3.4.27

## 3.4 Guidelines

### Gathering Material

3.4.1 Accuracy is not simply a matter of getting facts right. Relevant opinions as well as facts may need to be weighed and considered to get at the truth.

Where appropriate to the output and wherever possible, content makers should:

- gather material using first-hand sources
- check facts and statistics, identifying important caveats and limitations
- validate the authenticity of documentary evidence and digital material
- corroborate claims and allegations made by contributors
- weigh, interpret and contextualise claims, including statistical claims.

See guidance: Reporting Statistics; and Investigations

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

3.4.3 Content producers should try to witness events and gather information first hand. Where this is not possible, talk to first-hand sources and, where practicable, corroborate evidence.

See 3.4.20–3.4.23

3.4.4 Content producers should be reluctant to rely on a single source. If they do rely on a single source, it should be credible, and a named, on-the-record source is always preferable.  
**See 3.4.20–3.4.23**

3.4.5 Research interviews with sources making serious allegations should, wherever practicable, be recorded. 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.  
**See 3.4.15**  
**See Section 7 Privacy: 7.4.30**

3.4.6 Information, facts, documents and digital material must be checked and verified to achieve due accuracy. If content producers have been unable to verify material, they should usually say so and attribute the information.

## Accuracy in Live Content

3.4.7 Achieving due accuracy in live content can be challenging, as there may be little opportunity to verify factual claims. Where possible, and particularly if an issue is controversial, risks should be identified in advance and measures taken to mitigate them. This may include ensuring the appropriate preparation is undertaken so that the content contains sufficient challenge or context; or ensuring other contributors are able to provide additional challenge. Significant inaccuracies that may arise should be corrected quickly.  
**See Section 2 Impartiality: 2.4.5–2.4.10**  
**See guidance: Live Output**

## Reporting Statistics and Risk

3.4.8 The same scepticism that is used when gathering information should be applied to statistics and numbers and they should not necessarily be taken at face value. When output includes statistics, numbers should be explained clearly, put into context, weighed, interpreted and, where appropriate, challenged. They should be presented clearly and attributed. The statistics must be accurate and verified where necessary, with important caveats and limitations explained. A range of evidence should be used to put statistical claims into context and help audiences to judge their magnitude and importance. Where claims are wrong or misleading, they should be challenged.

3.4.9 The reporting of risk can have an impact on the public's perception of that risk, for instance with health or crime stories, or stories about the economy, weather or climate. Content makers should avoid worrying audiences unduly and contextualise reports to be clear about the scale of the risk. This is particularly true in reporting health stories that may cause individuals to alter their behaviour in ways that could be harmful. The emotional impact of pictures and personal testimony should be considered, particularly on perceptions of risk.

See Section 8 Crime and Anti-Social Behaviour: 8.4.10

See guidance: Reporting Statistics

## User-Generated Content, Social Media and Other Online Material

3.4.10 It should not be assumed that user-generated material is accurate; it may need to be verified and it should always be clearly identified. Care must be taken with content that may have been supplied by anyone with a vested interest, rather than a disinterested bystander. User-generated content may not provide a complete picture.

See guidance: User-Generated Contributions

3.4.11 Even apparently reliable sources of information on the internet may not always be accurate or complete. It may be necessary to check who is running the website or confirm with an individual or organisation that the material is genuine.

**See guidance: Internet Research**

3.4.12 Fact must be distinguished from rumour, particularly—but by no means exclusively—on social media, where misinformation and disinformation may be deliberate. Error or rumour can spread quickly and corrections rarely attract the same attention as the original story.

Additional scrutiny may be necessary if material from a social media site or other internet source is being used to corroborate a fact. Material that content producers did not gather themselves should be attributed.

## **Material from Third Parties Including Video and Audio News Releases**

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

The BBC should normally only rely on an agency report if it can be substantiated by one of its journalists or if it is sourced from a reputable news agency.

Material supplied by third parties should only be used if it is credible and reliable.

Any credit or attribution that is included relating to the use of third-party material should be in accordance with the appropriate BBC credit guidelines.

**See Section 12 War, Terror and Extreme Violence, Disaster and Disorder: 12.4.1–12.4.4 and 12.4.19**

**See guidance: Crediting and Labelling External Relationships**

3.4.14 Content makers should be reluctant to use video and audio news releases or other material including voice notes supplied by outside parties who may have vested interests. This includes material from companies, emergency services, government agencies, interest groups, sports clubs, campaigners, charities or other organisations or individuals seeking a platform. It can often be offered to avoid the scrutiny of an interview and may be inaccurate. Whilst the organisation supplying the material may claim that it has been produced objectively, the BBC cannot vouch for the circumstances in which it was produced or the editorial standards applied.

Extracts from such material should not normally be used unless content makers are not able to gather it themselves and its use is editorially justified.

Any use of video and audio news releases, or other material supplied by outside parties, should be clearly labelled. It must be stated who supplied it and any relevant circumstances in which it was produced must be explained.

See guidance: Video and Audio News Releases

See Section 2 Impartiality: 2.4.18

## Note-Taking

3.4.15 Accurate, reliable and, wherever possible, contemporaneous notes of all significant research and other relevant information must be taken. Records of research must be kept, including documents, background notes, emails and any other written correspondence, as well as messages and information exchanged on social platforms. 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 the BBC broadcasts serious allegations made by an anonymous source, full, timely notes must be kept of interviews, conversations and information that provide the basis for the story.

See 3.4.5

See Section 6 Fairness: 6.4.31–6.4.36 and Section 7 Privacy: 7.4.30

See guidance: Investigations

## Avoiding Misleading Audiences

- 3.4.16 The BBC must not knowingly and materially mislead audiences with the content it produces. Producers 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.
- 3.4.17 Due 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 additional information provided by the BBC that may influence that expectation.

The requirements may even vary within a genre, so the due accuracy required of content may differ depending on whether it is, for example, factual entertainment, content about the natural world, documentaries including historical content, drama, comedy, current affairs or news.

Content producers may use different techniques to bring a narrative to life but must still be accurate.

**See** guidance: Recording the Natural World; Fictitious News Bulletins; and Reporting and Portrayal of Tribal Peoples

- 3.4.18 When analysing datasets the methodology should normally be available to the audience, including any relevant uncertainty or margins of error.

Content producers using any automated analysis of data should give it a sense check, particularly if the outcomes appear unusual or surprising.

**See** Section 11 Statistics, Data, Polls and Surveys: 11.4.23

- 3.4.19 Omitting significant details may lead to inaccuracy. Audiences should be provided with the relevant facts, complete information and context to enable them to have an accurate understanding of the content.

## Sources

3.4.20 Sources of information and significant contributors should normally be identified and their credentials made clear so that audiences can judge their status.

3.4.21 Whenever anonymity is agreed, both the journalist and the source must understand the extent to which they are being anonymised and how this commitment extends to all those in the BBC who are aware of their identity.

When quoting an anonymous source, especially a source making serious allegations, content makers must take all appropriate steps to protect their identity. However, they should give the audience whatever information they can about them and in a way that does not materially mislead about the source's status.

See Section 6 Fairness: 6.4.31–6.4.36

Where it is sought, the relevant editor, including the Director-General, as editor-in-chief, has the right to be told a source's identity and is equally obliged to keep this information confidential. In cases involving serious allegations, journalists should resist any attempt by an anonymous source to prevent their identity being revealed to a senior BBC editor or, for independent production companies, the relevant commissioning editor. If this happens, it should be made 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 making a serious allegation must be referred to Director Editorial Policy and Standards and Programme Legal Advice, who will consider whether or not:

- the story is of significant public interest<sup>3</sup>

<sup>3</sup> See Section 1 The BBC's Editorial Standards:  
1.3 The Public Interest

- the source is of proven credibility and reliability and in a position to have sufficient knowledge of the events featured
- a serious allegation was made or substantiated off the record
- a response to serious allegations has been sought

See Section 6 Fairness: 6.4.43–6.4.46

and will consider any

- legal issues
- safety concerns, for example for whistle blowers

See guidance: Investigations

- sensitive and personal issues.

3.4.22 The reporting of allegations made by an anonymous source should be scripted carefully 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, journalists should consider if it is appropriate to inform the audience.

3.4.23 Live unscripted two-ways should not normally be used 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.

## Links to Third-Party Websites

3.4.24 Links from BBC content to sites operated by others should normally lead to those which are credible. Where editorially justified, content producers may link to external sites significant to a current news story, but their credibility should be assessed before doing so.

See Section 2 Impartiality: 2.4.10 and Section 15 Independence from Commercial and Other External Interests: 15.4.22

See guidance: Links and Feeds

## Production Techniques

3.4.25 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, factual and some factual entertainment content, unless clearly signalled to the audience or using reconstructions, content makers 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 if the resulting juxtaposition of material leads to a materially misleading impression of events.

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

3.4.26 It should be ensured that any digital creation or manipulation of material such as the use of synthetic content does not distort the meaning of events, alter the impact of genuine material or otherwise materially mislead audiences. Content producers should also be aware that digital manipulation of photographs, video and documents have been used to hoax broadcasters.

## Use of Automated Technology and Artificial Intelligence

3.4.27 The use of technologies, such as automation or artificial intelligence, may lead to inaccuracy in BBC content. That may be caused by algorithmic bias or training data; content or answers that appear plausible but are not necessarily factually accurate—often known as hallucinations; or plagiarism and mimicry. The BBC must not knowingly and materially mislead audiences through any use of AI.

A senior editorial figure must be responsible and accountable for overseeing the deployment and continuing use of AI. They should seek advice from Editorial Policy, who may consult the AI Risk Advisory Group, before any decision to deploy the AI.

For independent production companies any proposed use of AI, where there may be a material impact on audience-facing content, should be discussed as part of the commissioning process. A senior editorial figure who is responsible for compliance within the production team, should be responsible and accountable for its use of AI.

3.4.28 Any product that uses AI to distribute or curate content is considered to be an editorial experience and therefore subject to editorial approval and human oversight.

3.4.29 Any use of AI by the BBC must be transparent and clear to the audience. The audience should be informed in a manner appropriate to the context and it may be helpful to explain not just that AI has been used but how and why it has been used.  
See guidance: The Use of Artificial Intelligence

## Reconstructions

3.4.30 In factual programmes, reconstructions should not over-dramatise in a misleading or sensationalist way. Reconstructions are the explicit re-staging of an event or events. 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 audio or visual cues, such as slow motion or grading. It should 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 Crime and Anti-Social Behaviour: 8.4.11**

## **Factually Based Drama**

3.4.31 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 wherever practicable and care should be taken to ensure it does not distort the known facts, including chronology, unduly.

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. Care should be taken to achieve due accuracy.

It is important to explain the drama's factual basis (or use of dramatic licence) with clear information.

**See Section 6 Fairness: 6.4.58-6.4.59 and Section 7 Privacy: 7.4.9**

## **Archive Material**

3.4.32 Archive material should not be used in a way that materially misleads the audience about a situation, events or the subject being depicted. Editorial material that content makers plan to re-use or reversion may have become inaccurate, or out of date and where appropriate it should be made clear to audiences that the material is archive.

**See Section 13 Use of BBC Content After Publication or Broadcast: 13.4.10**

## Content Affected by Changing Circumstances

3.4.33 Content prepared some time before publication or transmission, for example because of re-scheduling, must be checked to make sure it has not been overtaken by events. This could include the known death of a contributor, the arrest, appeal or charging of a suspect or significant life changes. In some cases, an appropriate label or an on-air announcement may be required; in others, the alteration or removal of some material may also be required.

See Section 13 Use of BBC Content After Publication or Broadcast: 13.4.11

## Correcting Mistakes

3.4.34 Serious factual errors should be acknowledged and mistakes corrected promptly, clearly and appropriately. Inaccuracy may lead to a complaint of unfairness.

Corrections should be appropriately scheduled, taking into account the audience when the error was broadcast or published and should set out what was wrong as well as putting it right.

The Corrections and Clarifications page on the BBC website allows for a public acknowledgment of a mistake.

Programme Legal Advice must be consulted if it is believed a defamatory inaccuracy has been published or broadcast.

## Mistakes in online content including on demand

3.4.35 Where there is an expectation that content will be permanently available, such as on BBC News Online; or is available on demand, such as on BBC iPlayer, serious breaches of editorial standards must be corrected and the error acknowledged in a timely manner. In exceptional cases, content may be removed. It should be clear what changes have been made, unless there are editorial or legal reasons not to do so.

Where mistakes in on-demand content are unlikely to be a serious breach of editorial standards, a correction should be published on that platform, so that it is visible before the output is re-played. Such content does not then normally need to be changed or revoked.

3.4.36 In online text content, any mistake that alters the editorial meaning should be corrected. It is important to acknowledge what was wrong, correct the error, and make it clear that the article has been amended.

**See** Section 13 Use of BBC Content After Publication or Broadcast: 13.4.24–13.4.30

**See** guidance: Removal of BBC Online Content

## Accuracy and the Nations

3.4.37 Any content producers intending to produce output about Northern Ireland or significant projects involving the Republic of Ireland, should notify Director Northern Ireland of their proposals at an early stage. Similarly, content producers creating material which deals with significant national or regional issues or themes about England, Scotland and Wales who are not based in the relevant nation should inform the director of that nation.

3.4.38 The UK has diverse political cultures in the different nations. When UK audiences are affected differently by a story or issue it should be made clear. Content producers should be careful about making references to governmental and legal structures which may vary.

**See** Section 10 Politics and Public Policy: 10.4.1–10.4.2

**See** guidance: Reporting the UK

# 4

## Conflicts of Interest



# **Conflicts of Interest**

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## 4.1 Introduction

Audiences must be able to trust the BBC and those working for it, and be confident that editorial decisions are not unduly affected by outside influences such as commercial or political activities or personal views or experiences. This section explains how an individual's activities might affect the public's perception of the BBC and their role at the BBC.

Conflicts of interest can arise for anyone who works for the BBC in any capacity, however they are engaged. This is particularly important for those involved in producing, overseeing or appearing in BBC content. It also applies to independent producers making content for the BBC and BBC Commercial Services making content for any party.

A potential conflict of interest arises when an individual's behaviour and choices outside the BBC risks affecting—or may be reasonably perceived as affecting—their own and the BBC's impartiality, independence and integrity. A potential conflict of interest also risks damaging the BBC's brand and reputation.

It is a requirement that all BBC staff must formally declare any personal interest which may affect their work with the BBC. Managers in each division are responsible for deciding what action if any is necessary to manage or mitigate potential conflicts of interest. They must consider the wider implications for the BBC as a whole. In some circumstances, it may also be appropriate to consider whether the position of families and close personal contacts may present a potential conflict of interest.

Individuals are responsible for completing a Declaration of Personal Interests form and this requirement extends to freelance presenters, reporters, producers and researchers and other workers. The onus to declare personal interests rests with the individual. There may be particular sensitivities around on-air talent.

There may be times when individual freedoms may need to be constrained or when managers decide that individuals may have to be restricted in the areas in which they can work, the times they can work or in certain aspects of their roles. These decisions will depend on the kind of output they are involved in, their role, how senior they are and on the nature of their personal interests and external activities.

Conflicts of interest are not regulated by Ofcom, except where they may lead to a failure of due impartiality<sup>1</sup>. The BBC's policy on personal interests forms part of the contract of employment that applies to its employees. All contracts (whether staff or freelance) should include a requirement to comply with the Editorial Guidelines including the guidance notes on Conflicts of Interest and, where applicable, Personal Use of Social Media. Failure to comply with these Guidelines or to follow the related guidance may result in action being taken. For individuals who are otherwise engaged by the BBC—including reporters, producers, researchers, on-air presenters and other people working in an on-air role such as judges, hosts, team captains etc—the consequences of failure to comply with these Guidelines and related guidance should also be reflected in their contracts as well as being subject to the usual complaints process.

The principles on conflicts of interest apply to everyone, but the application of the principles varies according to an individual's role and their level of involvement with BBC content. This reflects audience expectations of the impartiality and integrity of BBC output, in particular the expectation that its news and current affairs and factual journalism will meet the highest levels of accuracy and impartiality. Factual journalism output refers to content that is produced outside news and current affairs which is journalistic in nature.

There are additional legal and regulatory constraints on those involved in financial journalism or those who are involved in output offering financial or consumer advice.

<sup>1</sup> The Ofcom Broadcasting Code, Rule 5.8: Any personal interest of a reporter or presenter, which would call into question the due impartiality of the programme, must be made clear to the audience

These Guidelines are not intended to prevent the BBC from using staff, freelances and presenters with expertise or specialisms in particular areas. Nor is anything in these Guidelines intended to prevent elected officials of the BBC's recognised trade unions carrying out legitimate activities on behalf of their union.

This section of the Editorial Guidelines must also be read in conjunction with the section on Impartiality and the detailed guidance on Conflicts of Interest and Personal Use of Social Media.

See Section 2 Impartiality

See guidance: Conflicts of Interest; and Personal Use of Social Media

## 4.2 Principles

- 4.2.1 An individual's political, commercial, financial or other external interests must not influence, or be reasonably perceived as having influenced, BBC editorial judgements.
- 4.2.2 Those involved in any role in the creation of BBC content, must have no material connection with products, businesses or other organisations featured or reflected in that content, nor with their competitors or in some cases with the relevant business sector. If such a connection exists, prior referral must be made to Editorial Policy.
- 4.2.3 Where on-air presenters or others used in an on-air role such as team captains, hosts, judges, or their agents, own or have senior management positions in independent production companies making output for the BBC, the BBC must maintain overall editorial control of all aspects of the content, including marketing and promotion.

## 4.3 Mandatory Referrals—must be referred in advance

*Mandatory referrals are an essential part of the BBC's editorial and compliance process and must be observed.*

### Referrals to Director Editorial Policy and Standards

- 4.3.1 News and current affairs presenters should not front campaigns for charities or campaigning bodies as this could compromise the BBC's reputation for impartiality. Any proposal that would not comply with this must be referred to Director Editorial Policy and Standards.  
*See 4.4.26*
- 4.3.2 Individuals involved in the production or presentation of BBC news and current affairs and factual journalism output—including freelances known primarily for their BBC role—should not normally undertake external media training work, including for commercial companies, charities and campaign groups. Any proposal to carry out such work must be referred to their line manager in advance and referred to Director Editorial Policy and Standards.  
*See 4.4.33*
- 4.3.3 There may be circumstances where it is not possible to produce content about a specific personality, or area where the personality has unique access or expertise, unless it is produced by an independent production company owned by, or as a co-production with, that talent or an associated agency. Any such proposal will require strong editorial justification and must be referred to the relevant divisional director and Editorial Policy. Director Editorial Policy and Standards must also be consulted.  
*See 4.4.46*

## Other Referrals

4.3.4 Any individual in a role requiring impartiality who is intending to express opinions publicly on matters of current public policy, politics or any controversial issue, or taking part in political activity, must inform their line manager in advance, who should consult Chief Adviser Politics if there is a risk to impartiality, or the perception of impartiality.

See Section 2 Impartiality: 2.4.14

4.3.5 Where an individual considers a potential conflict has arisen that they have not already declared, they must inform their line manager promptly. Editorial Policy may also be consulted.

See 4.4.4

4.3.6 Where people who work for the BBC develop portfolio careers involving external roles, early referral to a senior editorial figure is required. Editorial Policy may be consulted.

See 4.4.5

4.3.7 Where there is a material connection between anyone who has a role in the creation of BBC content with products, businesses or other organisations featured or reflected in that content Editorial Policy must be consulted in advance.

See 4.4.1

4.3.8 In some areas—such as specialist music, arts, sport, science or lifestyle programming—on-air presenters and talent, commissioning and production staff, and other teams who support them, may have commercial, professional and external 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 BBC role. Editorial Policy must be consulted.

See 4.4.9

4.3.9 Chief Adviser Politics must be consulted at the outset if there is any possibility of political activity being perceived as a risk to BBC impartiality. Judgements about what is acceptable will reflect individual circumstances, including the type of activity and the nature of the individual's BBC role.

See 4.4.21–4.4.23

4.3.10 Any individual who intends to seek nomination as a party candidate for election at national or local level, or intends declaring publicly their independent candidacy, must notify their line manager in advance, who should then consult the Chief Adviser Politics before the intention is made public.  
**See 4.4.22**

4.3.11 Any proposal by individuals, including presenters of flagship programmes, to work for, or be publicly associated with, charities, campaigning or lobbying groups must be referred to the head of department, who must consult Editorial Policy.  
**See 4.4.25**

4.3.12 Individuals involved in the production or presentation of news and current affairs output and factual journalism output, including freelances primarily known as BBC news presenters or reporters, and individuals involved in the production of factual journalism, must refer proposals to write columns or blog posts for external publications to a senior editorial figure in the relevant division.  
**See 4.4.28**

4.3.13 Any individual commenting publicly, including on social media, on BBC matters or stories, or issues concerning other broadcasters or broadcasting policy, must consult their line manager in advance, unless it comes within their professional remit.  
**See Section 2 Impartiality: 2.4.15**

4.3.14 Individuals involved in the production or presentation of editorial content for the BBC must obtain permission from their line manager before agreeing to provide media training. Freelance presenters must disclose their training work where it may be a conflict of interest with their work for the BBC.  
**See 4.4.32**

4.3.15 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, including tickets, outside the normal scope of business hospitality.

Any exception to this, where it could affect production of content for the BBC, 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 4.4.34**

4.3.16 On-air presenters and others used in an on-air role such as judges, hosts, team captains etc must not promote tobacco products or adult services. However, any proposal for them to promote other products or services that may risk damaging the BBC's reputation, such as gambling, alcohol and vaping products must be referred to a senior editorial figure.

**See 4.4.35**

4.3.17 Where an individual used in front of the camera/microphone is engaged on a limited or occasional basis in factual output, any proposal to undertake promotional work must be referred in advance to the head of department who should consult Editorial Policy.

**See 4.4.38–4.4.39**

4.3.18 In some factual programmes, on-air presenters and others with expertise in their field may have associated commercial relationships. Where there is any proposal for those individuals to undertake external promotional activity, the relevant division should ensure that appropriate editorial procedures are in place so that there is no conflict of interest with their BBC role. Editorial Policy must be consulted.

**See 4.4.40**

4.3.19 Presenters of factual output may be asked to recreate their roles in fictional output. This may risk confusing audiences and compromise the credibility of their own output. Any such proposal must be referred to their head of department.

**See 4.4.45**

4.3.20 Current presenters of BBC news output should not appear as news presenters in a fictional bulletin if there is a reasonable possibility that this could confuse or mislead audiences. Any proposal to do so, for example in a dramatic, comic, unrealistic or fantasy situation, must be referred to their head of department.

**See 4.4.45**

## 4.4 Guidelines

### Declaration of Personal Interests

4.4.1 All individuals engaged by the BBC are required to declare any personal interests which may affect their work with the BBC. These should be set out on a Declaration of Personal Interests form and it is the responsibility of individuals to ensure it is maintained and is up to date. Potential conflicts can normally be managed and individuals should discuss them with their line manager to evaluate the likely implications for their BBC role and any required mitigations.

Most freelances are also asked to declare any external or commercial interests which may impinge on their work with the BBC. Independent producers should make a declaration at the time of commissioning.

Where there is a material connection between anyone who has a role in the creation of BBC content with products, businesses or other organisations featured or reflected in that content Editorial Policy must be consulted in advance.

External interests—both commercial and non-commercial—of presenters and other on-air individuals with an on-air role closely associated with a programme such as a judge, host, regular panellist etc could lead to a conflict of interest. When contracts are negotiated, such individuals must declare any commercial or other external interests that may have a bearing on their on-air role or which are connected with the subject matter of the programme they present.

Significant financial interests 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.

The area of greatest sensitivity is financial journalism where additional legal requirements apply in terms of what must be declared.

See guidance: Conflicts of Interest

4.4.2 The onus is on individuals to inform their managers about any outside interests they have, so that the BBC can decide what action is needed in response to any perceived conflict of interests. In some cases, this can also apply to an individual's family and/or close personal contacts.

4.4.3 Some non-political voluntary public roles, such as school governor or magistrate, are normally acceptable even for those involved in editorial decision making, including in news and current affairs output. These roles should be declared.

4.4.4 Where an individual considers a potential conflict has arisen that they have not already declared, they must inform their line manager promptly. Editorial Policy may also be consulted.

4.4.5 Increasingly people who work for and with the BBC may be looking to diversify their external interests, so may not work solely for the BBC, even if their post is deemed to be a full-time one. Depending on the area of the BBC an individual is engaged in, such portfolio careers may constitute a conflict of interest. Care must be taken to ensure that external roles are clearly delineated and signposted, as appropriate, so that the audience is clear in what capacity a person is operating. The individual's contractual position may also need to be checked. Where people who work for the BBC develop portfolio careers involving external roles, early referral to a senior editorial figure is required. Editorial Policy may be consulted.

## Risks of Conflicts of Interest

4.4.6 There are four principal areas of potential risk that may arise from an individual's external interests and activities. These risks exist across all content areas:

- the risk of bringing the individual and/or the BBC into disrepute
- the risk of bringing the individual and/or the BBC's impartiality into doubt
- the risk of bringing the BBC's independence into doubt
- the risk of an individual's commercial interests, promotional work, external activities and other interests compromising their own and/or the BBC's integrity.

Later in the section is a list of external activities that may give rise to conflicts of interests, information about the potential risks that may arise and the restrictions that may be required in different output areas. For most activities there is general advice followed by specific advice for those working in news and current affairs and factual output.

## All output areas

4.4.7 The external activities of those responsible for commissioning or producing content for the BBC, and of on-air talent must not risk damaging the BBC's reputation. An individual's off-air connections with charities, campaigns, political parties or other organisations must not risk bringing the BBC's impartiality or integrity into doubt. Where individuals may be restricted in their off-air activities and interests because of the nature of their role with the BBC, this is set out below in External Activities.

4.4.8 People involved in making or presenting content for the BBC risk compromising the integrity of their BBC output by off-air involvement in inappropriate commercial interests.

4.4.9 The Guidelines are not intended to prevent individuals with expertise having established and appropriate commercial relationships in their field.

In some areas—such as specialist music, arts, sport, science or lifestyle programming—on-air talent, commissioning and production staff, and other teams who support them, may have commercial, professional and external 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 BBC role. Editorial Policy must be consulted.

## News and Current Affairs and Factual Journalism Output

4.4.10 News and current affairs output may deal with any issue, cause, organisation or individual and there must be no doubt over the integrity and impartiality of editorial teams. For that reason, there are additional constraints on those involved in the production and presentation of BBC news and current affairs output.

These restrictions safeguard the BBC's impartiality and protect individuals involved, who may face accusations of bias.

4.4.11 There are also significant restrictions on the external and commercial work that it is appropriate for individuals working in news and current affairs to carry out. These restrictions are set out below in External Activities.

These restrictions also apply to areas of factual output which consider matters of current public policy or political controversy on a routine basis.

## Financial Journalism

4.4.12 There are additional requirements of, and legal constraints on, financial journalists. People working on financial programmes for the BBC should register their shareholdings and other financial interests or dealings. 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. Further information is in the Conflicts of Interest guidance.

## External Activities

4.4.13 External activities which may give rise to a conflict of interest include, but are not limited to:

- public expressions of opinion, including on social media
- political activities
- charities and campaign work
- writing and other broadcast commitments in all media
- public speaking and other public appearances
- academic roles
- media training
- personal benefits
- on-air talent and promotional activity, including commercial advertising and endorsements
- references to BBC content in advertisements or promotions and actors replicating their BBC roles in external output
- external activities by regular contributors to third-party output, including social media influencers
- presenters of news and current affairs and factual journalism output appearing in drama
- talent or agent-owned independent production companies.

### Public Expressions of Opinion, including on Social Media

*This should be read in conjunction with Section 2: Impartiality; and guidance: Personal Use of Social Media*

4.4.14 Where individuals identify themselves as being linked with the BBC, and are content makers in on-air or off-air roles or are presenters primarily associated with the BBC, their public expressions of opinion on controversial issues or matters of current public policy have the potential to compromise their own and the BBC's impartiality or cause other reputational damage. This includes displaying emblems, joining protests or marches, supporting campaigns or signing petitions, writing open letters to the press, to politicians, or to any external

organisation. Any such view placed in the public domain, may present an actual or perceived conflict of interest.

4.4.15 Taking a public position on an issue of current public policy, political or industrial controversy, or any other 'controversial subject' may be incompatible with some BBC roles. Advance discussion with line managers is essential in all genre areas.

4.4.16 Individuals must consult with the relevant senior editorial figure in their area who may also consult the Press Office on public expressions of opinion if they deal with the subject matter of their BBC content, relate to the BBC or broadcasting, or concern matters of current public policy, political or industrial controversy or any other 'controversial subject'.

**See** Section 2 Impartiality: 2.1 and 2.4.12–2.4.15

4.4.17 Presenters who only occasionally present programmes for the BBC should normally consult the relevant senior editorial figure over public expressions of opinion relevant to the subject matter of their programmes, if they are to be published around the time of transmission.

### **Additional Requirements in News and Current Affairs and Factual Journalism Output Dealing with Current Public Policy Issues**

4.4.18 Individuals involved in the production or presentation of any output of this nature have additional restrictions and must not:

- state or reveal publicly how they vote or express support for any political party or candidate
- advocate any particular position or change regarding a matter of current public policy or party-political debate, political or industrial controversy, or any other 'controversial subject'
- speak or write publicly about the BBC without specific, prior approval from the relevant Head of Department.

**See** Section 2 Impartiality: 2.4.12–2.4.15

Rare exceptions, for example, when an individual is personally affected by a specific matter, must be declared as a potential conflict so that mitigating action can be considered.

## Political Activities

4.4.19 Anyone is entitled to be a member of a political party or other organisation within the law. However, individuals in some roles need to consider whether public disclosure of such membership would risk compromising public confidence in their ability to fulfil some or all aspects of their job, or otherwise risk affecting perceptions of the BBC's impartiality.

4.4.20 Active involvement in a political party—or other public activity which demonstrates a political view—may give rise to a conflict of interest for those engaged by the BBC or who are publicly associated with the BBC.

Such activity must not compromise the BBC's impartiality or integrity or compromise 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.

See Section 2 Impartiality: 2.4.12–2.4.15

See guidance: Conflicts of Interest

4.4.21 Political activity is likely to be incompatible with some BBC roles.

Chief Adviser Politics must be consulted at the outset if there is any possibility of political activity being perceived as a risk to BBC impartiality.

4.4.22 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 that may deal with matters of current public policy, political or industrial controversy, or any other 'controversial subject'. It is likely to be incompatible with most roles in news and current affairs (see below). Before any external discussion regarding nomination,

it is important that individuals discuss with their line manager the implications for their professional responsibilities and any potential risk to the BBC's impartiality if such an intention becomes public.

Any individual who intends to seek nomination as a party candidate for election at national or local level, or intends declaring publicly their independent candidacy, must notify their line manager in advance, who should then consult the Chief Adviser Politics before the intention is made public.

See Section 2 Impartiality: 2.4.14

### **Additional Requirements in News and Current Affairs and Factual Journalism Output**

4.4.23 Any political activities, such as campaigning or expressing views on social media with regard to issues of current public policy and other controversial subjects, are likely to be incompatible with most roles in news and current affairs and factual journalism.

Being an active member of a political party is incompatible with most roles in news and current affairs and factual journalism.

Advice may be sought from the Chief Adviser Politics.

### **Charities and Campaign Work**

People may support charities and charitable causes which reflect their interests and sometimes lived experiences. This may give rise to a number of issues that need careful consideration, depending on the nature of the content and the individual's role at the BBC.

4.4.24 Any work undertaken for, or in support of, a charity or charitable cause should not imply BBC endorsement for one charity or cause above others. There will be particular sensitivities if the charity's work relates to matters of public policy, political or industrial controversy, or any other 'controversial subject'. Individuals must ensure their impartiality is not compromised by associating themselves with a charity operating in the same area as the output on which they work.

4.4.25 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 any 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 engaged by the BBC should give the same consideration to the impartiality risks as is required for party political activity.

Any proposal by individuals, including presenters of flagship programmes, to work for, or be publicly associated with, charities, campaigning groups or lobbying groups must be referred to the head of department, who must consult Editorial Policy.

### **Additional Requirements in News and Current Affairs and Factual Journalism Output**

4.4.26 Presenters, reporters and editorial people in news, current affairs, factual and consumer output should not normally associate themselves with any campaigning body.

News and current affairs presenters should not front campaigns for charities or campaigning bodies as this could compromise the BBC's reputation for impartiality. Any proposal that would not comply with this must be referred to Director Editorial Policy and Standards.

### **Writing and Other Broadcast Commitments in All Media**

4.4.27 All individuals involved in editorial output and those who provide support for such output may wish to undertake external work, including creating podcasts, writing articles or books, or writing for publications on websites and other third-party platforms. Such activity should not risk compromising the impartiality or integrity of the BBC or its content or risk damaging the reputation of the BBC.

Any proposals to write about current affairs, or matters of current public policy, or political or industrial controversy or other 'controversial subjects' must be referred to a senior editorial figure. In the case of freelances, referral must be made if publication is likely to coincide with the time of broadcast and any associated marketing and publicity.

See guidance: Conflicts of Interest

### **Additional Requirements in News and Current Affairs and Factual Journalism Output**

4.4.28 Individuals involved in the production or presentation of news and current affairs and factual journalism output, including freelances primarily known for their BBC role, must refer proposals to write columns or blog posts for external publications in any media to a senior editorial figure in the relevant division.

The articles, whether regular or one-off, must be read by a senior editorial figure within the BBC and the content must meet the requirements of the Editorial Guidelines.

Individuals cannot write a regular newspaper or magazine column dealing with current affairs or matters of public policy, political or industrial controversy, or any other 'controversial subjects'.

Permission from a senior editorial figure is required for those working in news and current affairs and factual journalism to publish books. The book should not compromise the integrity or impartiality of the BBC.

## Public Speaking and Other Public Appearances

4.4.29 Public speaking commitments or other public appearances should not compromise the impartiality or integrity of the BBC or its content, or suggest that any part of the BBC endorses a third-party organisation, product, service or campaign.

Where presenters of BBC content undertake off-air public appearances, it may compromise their on-air role for the BBC. They should not allow the use of the BBC's name or brands in connection with advertising for a public appearance, unless this has been cleared in advance by the BBC. 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.

## Additional Requirements in News and Current Affairs and Factual Journalism Output

4.4.30 Individuals involved in the production or presentation of BBC news and current affairs and factual journalism output—including freelances known primarily for their BBC role—must remain impartial when speaking publicly or taking part in events, such as a public discussion or debate. They must not promote any political party, campaigning organisation or lobby group. Chairing conferences may create conflicts of interests. They should not chair conferences which are a promotional exercise for a commercial company that directly supports any political parties, or is not impartial on a matter of current public policy, political or industrial controversy or any other 'controversial subject'.

See Section 2 Impartiality: 2.4.12–2.4.15

## Academic Roles

4.4.31 BBC presenters and editorial figures may undertake academic roles while continuing to work for the BBC; however, these roles should not compromise the impartiality or integrity of the BBC or its content or risk damaging the BBC's reputation.

## Media Training

4.4.32 BBC presenters, senior editorial figures, commissioners and other output producers may speak at conferences or other events about matters pertaining to broadcasting, journalism or general production. However, their involvement should not compromise the impartiality or integrity of the BBC or its content or risk damaging the BBC's reputation.

Providing media training may give rise to a conflict of interest if the individuals or organisations being trained are given instruction on how to present themselves in the media.

Individuals involved in the production or presentation of editorial content for the BBC must obtain permission from their line manager before agreeing to provide media training. Freelance presenters must disclose their training work where it may be a conflict of interest with their work for the BBC.

Individuals should not normally undertake to provide media training for those they are likely to be required to interview, or interview those they have already trained.

### Additional Requirements in News and Current Affairs and Factual Journalism Output

4.4.33 Individuals involved in the production or presentation of BBC news and current affairs and factual journalism output—including freelances known primarily for their BBC role—should not normally undertake external media training work, including for commercial companies, charities and campaign groups. Any proposal to carry out such work must be referred to their line manager in advance and referred to Director Editorial Policy and Standards.

Individuals should not normally undertake to provide media training for those they are likely to be required to interview, or interview those they have already trained.

There may be occasions where individuals can be involved in media training, for example, to assist in the training of journalists; this must be approved by line managers.

## Personal Benefits

4.4.34 Under no circumstances should anyone working for the BBC or on behalf of the BBC receive personal benefits from suppliers or accept goods or services as inducements. This can include intangible benefits such as 'quid pro quo' favours or exchanges of benefits. The requirements of the Editorial Guidelines are consistent with the relevant BBC Anti-Bribery Code of Conduct and BBC Studios policies.

Any offer of hospitality from outside bodies or companies must be considered carefully to ensure it does not constitute a conflict of interest or compromise the public perception of the BBC's impartiality or integrity or otherwise risk damaging its reputation.

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, including tickets, outside the normal scope of business hospitality.

Any exception to this, where it could affect production of content for the BBC, 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.

The acceptance of products, goods (including clothing) or services for free or at a significantly reduced cost, for use in BBC content without prior approval could risk bringing the BBC into disrepute.

See Section 15 Independence from Commercial and Other External Interests: 15.4.13–15.4.15

See guidance: Props

## On-Air Presenters and Others with a Prominent On-air role: Promotional Activity, Including Commercial Advertising and Endorsements

4.4.35 The BBC does not seek to place unnecessary or unreasonable restrictions on people working for it in any capacity, whether on-air presenters or others with a prominent on-air role or off-air high profile production role such as showrunners, writers, directors etc. In many cases such personnel are not exclusive to the BBC and may be associated with a number of media outlets. An individual may not earn the majority of their income from appearing on the BBC and there are benefits to both the individual and the BBC in having a broad public portfolio. However, promotional activity, which includes commercial advertising and endorsements, must not risk damaging the integrity of the BBC content they are associated with, or risk damaging the BBC's reputation generally. Proposals for such activity should be referred to the BBC at an early stage.

An individual's external promotional work must not suggest BBC endorsement, compromise the BBC's values, bring the BBC into disrepute, or give the public reason to doubt the impartiality or integrity of the individual who is associated with the BBC, or the BBC content with which they are associated.

Even where there is no conflict of interest with an individual's on-air role, there are some products, services or organisations which on-air talent should not promote as the association would risk damaging the BBC's reputation.

On-air presenters and others with a prominent on-air role such as judges, hosts, team captains etc must not promote tobacco products or adult services. However, any proposal for them to promote other products or services that may risk damaging the BBC's reputation, such as gambling, alcohol or vaping products, must be referred to a senior editorial figure.

4.4.36 When presenters and others with a prominent on-air role, such as judges etc, are considering new promotional activities or when engaging new people in such roles, consideration should be given as to whether the promotional activities will have—

or could be perceived to have—undue influence on the editorial agenda of the BBC content with which they are associated.

The promotional activities that can be undertaken will vary according to the different areas they work in. There are likely to be fewer restrictions on those on-air presenters and others with a prominent on-air role working in entertainment, sport or lifestyle output than there are for those working in news and current affairs and factual journalism output. This applies as long as their integrity and the integrity of the output they are associated with is not compromised.

There will be fewer restrictions on an individual seen as an independent outsider, or expert, who presents few programmes, strands or a one-off series, but is not considered to be primarily BBC on-air talent.

4.4.37 On-air presenters and others with a prominent on-air role such as judges, etc should not promote products, goods, services or clothing, including accessories, that they use on air. Those, in any genre, engaged for the BBC, must not accept clothing, accessories or other products free, or at considerably reduced cost, on the understanding that they will wear, reference or use them on air. Nor should they appear on air wearing clothes or using products, goods or services which they have agreed, or been contracted, to promote or in which they have any financial interest.

See guidance: Conflicts of Interest

### **Additional Requirements in Some Areas of Factual Output**

4.4.38 On-air presenters and others with a prominent on-air role who appear regularly in factual output which considers matters of current public policy or political or industrial controversy are unlikely to be able to take part in any promotional activity for third parties.

On-air presenters and others with a prominent on-air role on consumer output that covers 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 output.

On-air presenters and others with a prominent on-air role on consumer output that covers a specific topic may only be permitted to undertake promotions for products, goods or services entirely unconnected with the subject matter of the output.

On-air presenters and others with a prominent on-air role whose regular on-air role involves giving advice on the purchase or use of branded products must not undertake any promotional work for products or retailers associated with the subject matter of the output.

On-air presenters and others with a prominent on-air role whose on-air role involves giving advice on how to solve problems should not promote products or services which aim to solve these specific problems.

4.4.39 Where an individual used in front of the camera/microphone is engaged on a limited or occasional basis in factual output, any proposal to undertake promotional work must be referred in advance to the head of department who should consult Editorial Policy. The timing of external commitments and promotions in relation to their BBC content may be taken into consideration.

4.4.40 The guidelines are not intended to prevent individuals with expertise having established and appropriate commercial relationships in their field. This may apply, for example, to artists, musicians, chefs, restaurateurs and garden designers. Where there is any proposal to undertake external promotional activity, the relevant division should ensure that appropriate editorial procedures are in place so that there is no conflict of interest with their BBC role. Editorial Policy must be consulted.

### **Additional Requirements in Children's Output**

4.4.41 On-air presenters and others with a prominent on-air role on children's output must not promote products, goods or services aimed specifically at children which are directly connected to the subject matter of the content they present. There may be exceptions where they have an external expertise and existing external commercial relationships in this field, for example artists, chefs or musicians.

On-air presenters and others with a prominent on-air role on children's output must not promote products that are likely to be harmful to children (such as alcohol or solvents) or which are incompatible with their on-air role (such as gambling).

On-air presenters and others with a prominent on-air role and their agents must abide by current legislation limiting external commercial engagements for products where their involvement is likely to make such products appeal to children.

### **Additional Requirements in News, Current Affairs and Business Programmes**

4.4.42 On-air presenters and others with a prominent on-air role on news, current affairs and business programmes are not permitted to take part in any promotional activity for third parties. Promotional activities in relation to BBC group<sup>2</sup> functions may be permitted.

### **References to BBC Content in Advertisements or Promotions and Actors and Artists Replicating their BBC Roles in External Output**

4.4.43 Advertisements or promotions involving talent associated with the BBC should not imitate, suggest a reference or connection to or 'pass off' BBC content, for example, by replicating any editorial elements of a programme. This could include characters, logos, titles, channel names or music or graphics associated with the programme, or using or directly imitating sets or key venues, catchphrases or format points from the content or anything else related to the style of the content that could reasonably suggest an association.

<sup>2</sup> BBC group consists of the BBC's Public Services, the BBC World Service and the BBC's commercial subsidiaries

On-air presenters and others with a prominent on-air role associated with BBC output should not appear in promotional work, including advertisements, in a way which mimics or replicates their BBC role.

Actors, artists and performers from the same BBC output should not normally appear together in the same advertisement or separately across a series of advertisements for the same product. There will also be considerations around the timeframe for such promotions.

In circumstances where a personality/talent owns the IP in the content, there will be considerations around the timeframe of such promotions and the nature of such promotions.

The advertisement or promotion should not bring the BBC into disrepute.

See Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.23

See guidance: Conflicts of Interest

## **External Activities by Regular Contributors to Third-Party Output, Including Social Media Influencers**

4.4.44 Consideration needs to be given to promotional or external activities undertaken by contributors who appear in programmes regularly but who are not engaged as presenters or as part of the presenting team. The BBC would not normally wish to restrict the advertising, promotional or external activities of those outside contributors. However, the BBC should not use contributors where such outside promotional or external activities could reasonably give rise to doubts about their impartiality, integrity or independence or that of the content to which they are contributing.

Social media influencers who appear on the BBC as regular contributors or presenters, are likely to have external commercial commitments, which may change rapidly with little notice, because of the nature of their work. The principles

outlined in this section apply and care should be taken to discuss the nature of their past, current and upcoming commercial activities with them to ensure there is no conflict with their BBC work.

See guidance: Personal Use of Social Media

## Presenters of News and Current Affairs and Factual Journalism Output Appearing in Drama

4.4.45 Presenters of factual journalism output may be asked to recreate their roles in fictional output. This may risk confusing audiences and compromise the credibility of their own output. Any such proposal must be referred to their head of department.

Current presenters of BBC news output should not appear as news presenters in a fictional bulletin if there is a reasonable possibility that this could confuse or mislead audiences. Any proposal to do so, for example in a dramatic, comic, unrealistic or fantasy situation, must be referred to their head of department.

See guidance: Fictitious News Bulletins

## Talent or Agent-Owned Independent Production Companies

4.4.46 The involvement of on-air presenters and others with a prominent on-air role or their agents in the ownership or senior management of independent production companies making content for the BBC is an increasing business reality and can add creative value. Such arrangements must not cast doubt over the impartiality, integrity or editorial decision making relating to any BBC output and must be worked through carefully.

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 content and has put in place appropriate measures to maintain editorial control and to ensure there is no conflict of interest. BBC content must not be used as a vehicle to promote the external commercial or other interests of talent or their agents.

There are strong risks of a conflict of interest if talent and/or their production companies are commissioned to produce programmes about themselves. The same applies to agents and/or their production companies who pitch content about the talent they represent.

There may be circumstances where it is not possible to produce content about a specific personality, or area where the personality has unique access or expertise, unless it is produced by an independent production company owned by, or as a co-production with, that talent or an associated agency. Any such proposal will require strong editorial justification and must be referred to the relevant divisional director and Editorial Policy. Director Editorial Policy and Standards must also be consulted.

# 5

## Harm and Offence



# **Harm and Offence**

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## 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. The BBC must balance its right to freedom of expression, which allows it to publish innovative and challenging content, with the responsibility of avoiding unjustifiable offence<sup>1</sup>.

Creative risk-taking is a vital part of the BBC's mission. However, in all output, the greater the risk of causing harm or offence, the greater the thought, care and planning required.

The BBC has a right to freedom of expression under human rights legislation, which is reflected in the Charter. Freedom of expression includes the audience's right to access creative material, information, ideas, and content that may be contentious or offensive without interference but subject to restrictions prescribed by law and necessary in a democratic society.

For the purposes of the Editorial Guidelines and unless stated otherwise, a child is someone under the age of 16 years. Young people are those aged 16 and 17<sup>2</sup>. It should be noted that these are not legal definitions.

<sup>1</sup> The sections of the Ofcom Broadcasting Code that relate to this are 1: Protecting the Under-Eighteens and 2: Harm and Offence. For how the BBC deals with Under-18s who contribute and interact with content see Section 9 Children and Young People as Contributors

<sup>2</sup> This is a higher standard than the Ofcom Broadcasting Code requires in Protecting the Under-Eighteens. That says 'Children are people under the age of fifteen years'

## 5.2 Principles

- 5.2.1 The BBC must protect audiences from offensive and harmful material unless it has sufficient editorial purpose. Content that is potentially highly offensive will need the strongest editorial justification.
- 5.2.2 Content makers should take account of ‘generally accepted standards’ as well as audience expectations when considering publishing potentially offensive or harmful material. The publication or broadcast of such content must be justified by the context. Potentially offensive content includes strong language, violence, sex, sexual violence, humiliation, distress, violation of human dignity, and discriminatory treatment or language.
- 5.2.3 Audiences must have clear information to allow them to assess whether content will be suitable for them.
- 5.2.4 The use of strong language must be editorially justified and appropriately signposted to ensure it meets audience expectations, wherever it appears.
- 5.2.5 Material that might seriously impair the physical, mental or moral development of children and young people must not be broadcast.
- 5.2.6 The responsibility to protect children and young people from potentially harmful or offensive content must be balanced with their rights to freedom of expression and freedom to receive information.
- 5.2.7 Material that might be unsuitable for children must be appropriately scheduled—in television, observing the 9pm watershed and, in radio, having regard to times when children are particularly likely to be listening. Online material must be suitably placed and labelled.

## 5.3 Mandatory Referrals—must be referred in advance

*Mandatory referrals are an essential part of the BBC's editorial and compliance process and must be observed.*

### Referrals to Director Editorial Policy and Standards

- 5.3.1 Any proposal to show the real moment of someone's death must be referred to Director Editorial Policy and Standards.  
**See 5.4.37**
- 5.3.2 Any proposal to publish or broadcast a depiction of the Prophet Muhammad must be referred to a senior editorial figure who must consult Director Editorial Policy and Standards.  
**See 5.4.67**

### Other Referrals

- 5.3.3 Programmes broadcast on UK television between 5.30am and 9pm must be suitable for a general audience which might include children. Only in exceptional circumstances can there be any departure from this practice. Any proposed exceptions must be referred to the person running the channel and clear content information should be given.

Programmes that straddle the watershed should normally be pre-watershed compliant throughout. Exceptionally, it may not be necessary where the audience is not expected to be the same throughout the programme. Editorial Policy must be consulted.

**See 5.4.11 and 5.4.12**

- 5.3.4 Any proposal to use the strongest language (cunt, motherfucker or fuck and its derivatives) must be referred to and approved by the relevant head of channel, who should consider the editorial justification. Editorial Policy may also be consulted.

**See 5.4.31**

5.3.5 The divisional director, or their named delegate, must approve the use of the strongest racist language, as listed in Ofcom's 'strong' column, in any upcoming programmes or output<sup>3</sup>.  
**See 5.4.24 and 5.4.33**

5.3.6 Any proposal to include graphic scenes of animal cruelty or apparent mistreatment must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. It will require strong editorial justification even if the content is recorded in countries where it is legal.  
**See 5.4.42**

5.3.7 Any proposal to include a hanging scene, portray suicide, attempted suicide or self-harm requires careful consideration because of the sensitivity of the subject and the possibility of imitation and must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. Referral must also be made to Editorial Policy.  
**See 5.4.58**

5.3.8 Any proposal to feature a demonstration of hypnosis must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor, who must consult Editorial Policy.  
**See 5.4.69**

5.3.9 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.  
**See 5.4.72**

5.3.10 Any techniques which exploit the possibility of conveying a message to audiences or otherwise influencing their minds, without their being aware, or fully aware, of what has occurred

<sup>3</sup> [www.ofcom.org.uk/\\_\\_data/assets/pdf\\_file/0021/225336/offensive-language-summary-report.pdf](http://www.ofcom.org.uk/__data/assets/pdf_file/0021/225336/offensive-language-summary-report.pdf)

must not be used. Such techniques may include subliminal messages and 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 independent production companies, to the commissioning editor, who should consult Editorial Policy.

See 5.4.73

## 5.4 Guidelines

### Audience Expectations and Generally Accepted Standards

- 5.4.1 The BBC must protect audiences from offensive and harmful material unless it has sufficient editorial purpose. Content that is potentially highly offensive will need the strongest editorial justification.
- 5.4.2 When content includes material that may cause harm or offence, it must have a clear editorial purpose and be justified by the context. The BBC must take account of the intended audience for the content and also wider expectations of BBC output, referred to as 'generally accepted standards'.

What constitutes 'generally accepted standards' will evolve over time and be informed by relevant research. It is a broader consideration than whether content meets the expectations of the intended audience and reflects what audiences generally would find acceptable for broadcast or publication, taking account of the context. The context includes the time of transmission, the platform and any signposting about the content. When content exceeds 'generally accepted standards' there is a risk of damage to the BBC's reputation.

- 5.4.3 The suitability of content for audiences, including children and young people, must be judged in relation to the expectations of the likely audience, taking account of context.

## Context

5.4.4 When considering whether content may cause harm or offence, the context in which the material will be published or broadcast should be taken into account. The context includes the platform, time of broadcast and any information about the content that is given to audiences in advance. To assess whether the content is editorially justified, and is within audience expectations, the following should be considered:

- the editorial purpose and content of the output
- the service and platform on which it is available
- the time and day on which it is broadcast or published, including whether there are special sensitivities such as religious festivals or anniversaries of major events
- whether other output that is adjacent to the programme or content concerned might affect the likely 'pull-through audience'
- whether audiences can be appropriately alerted to the nature of any potentially harmful or offensive content, for example, by signposting and content information
- the composition of the likely audience, including children, taking account of school time, weekends and holidays
- whether the presenter or associated talent (such as the performer, or writer), slot, title, genre or service carry pre-existing expectations that may be at odds with the content
- that even if potentially harmful or offensive material is already in the public domain, its use by the BBC may seem gratuitous without sufficient editorial justification
- whether content may be more likely to cause harm or offence if included in output of a specific nature, such as religious or science programming
- the likely effect of material, including promotional material, on audiences who may come across it inadvertently.

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

For material available online, context also includes whether measures are in place to safeguard children's access and whether signposting and content information is given.

## Content Information

5.4.5 Content must be appropriately scheduled. Content information helps to shape audience expectations and should be clear, consistent and factual.

Potentially harmful or offensive content must be clearly signposted.

This can include on-air announcements, content labels, electronic programme guides, trails, billings, press releases and other publicity.

5.4.6 On television, when relevant, clear information should be provided about the content of pre-watershed programmes, programmes which start before the watershed and run beyond it, and post-watershed programmes.

**See** 5.4.10–5.4.14

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

**See** 5.4.15–5.4.17

Online content, including on-demand content, on BBC or third-party platforms should have clear content information. This is especially true of content which would be post-watershed on television.

**See** 5.4.18–5.4.20

## Labelling Online and On-Demand Content

5.4.7 When content is made available on demand on BBC platforms, and elsewhere as appropriate, information must be provided 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.

On-demand content should have clear content information which should be incorporated into the content so that it is not lost or deleted if this is shared.

5.4.8 Stronger or more challenging content, for example content which could only go out post-watershed, may require labelling under the 'G for Guidance' system. This provides:

- the BBC's 'G for Guidance' icon indicating that content guidance is available
- 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
- additional content information for racial language and specific issues (suicide, self-harm, sexual abuse and eating disorders).

## **Scheduling and Tragic Events**

5.4.9 The aftermath of a tragic event may require scheduling changes and/or re-editing of output for television and radio. Output should be reviewed to identify anything that, in the light of significant events, might cause unjustifiable offence as judged against generally accepted standards.

## **Scheduling for Television and Radio and the Publication of Online and On-Demand content**

**This section is intended to provide general information for content producers about the timing, scheduling and placing of potentially harmful or offensive material. Advice about specific areas of harm and offence is included later in the section.**

### **Television Scheduling and the Watershed**

5.4.10 The 9pm television watershed is used by broadcasters to distinguish between programmes intended mainly for a general audience and those programmes intended for a more adult audience. However, parents and carers share in the

responsibility for assessing whether programme content is suitable for their children.

Television scheduling decisions need to balance the protection of young people and particularly children, with the rights of all viewers to receive a full range of subject matter throughout the day.

5.4.11 Programmes broadcast on UK television 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. Any proposed exceptions must be referred to the channel controller/editor.

In pre-watershed content, it may be appropriate to alert audiences to content they may find upsetting but which does not exceed generally accepted standards. This might include, for example, news reports or sequences in wildlife programming.

5.4.12 Programmes that straddle the watershed, that is start before 9pm and finish sometime after 9pm, should normally be pre-watershed compliant throughout. Exceptionally, it may not be necessary where the audience is not expected to be the same throughout the programme. Editorial Policy must be consulted.

The 9pm watershed signals the beginning of the transition to more adult material; in general the change should not be abrupt.

Programme makers and schedulers should also take into account the nature of the channel and viewer expectations.

In post-watershed content on television, audiences should be alerted to the use of strong language or potentially offensive content so that the output meets audience expectations.

The strongest material should normally appear later in the schedule. If sudden changes of tone are unavoidable they should be clearly signposted and judged against the requirements of the watershed.

5.4.13 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. Changes to 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 Guidelines.

5.4.14 Interactive and online content associated with specific programme titles should normally be appropriate for the audience of the associated programmes.

## Radio Scheduling

5.4.15 Radio does not have a watershed. Scheduling decisions should be based on the audience expectations and informed by knowledge of when children are particularly likely to be in the audience, for example, during the morning and afternoon school runs or during school holidays. Unexpected or challenging material should be clearly signposted to avoid causing unjustifiable offence.

5.4.16 Music which features unsuitable material, including strong language or violent content, should normally be edited for mainstream, daytime audiences. At other times 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, steps should be taken to achieve this (for example, signposting and content information).  
See 5.4.27

5.4.17 On-air announcements can be useful to inform listeners about programmes which contain difficult or controversial material which would otherwise be unexpected on speech services.

These services are predominantly for more adult listeners who expect to hear a full range of issues and events explored throughout the schedule.

## **Publication of Online Content including On-Demand**

5.4.18 There is no direct equivalent of the watershed online. Whenever BBC-branded content is accessed, on a BBC platform or not, unexpected and challenging content should be labelled to avoid causing unjustifiable offence. Content labelling should be clear and factual, but not inappropriately explicit. Care should be taken over the wording of push alerts.

5.4.19 For users not signed in to a BBC account, any content that is recommended should always be based on the audience expectations of the specific online service. It should also be informed by whether it is likely to appeal to a significant proportion of children. This applies equally to content created by the BBC, user-generated content and material brought in from third-party websites.

Users aged 16 or over, signed in to a BBC account, can be shown content served either through recommendation/personalisation tools or on the BBC Home page. The nature of the content made available to signed-in users should, however, be based on audience expectations of the online service.

5.4.20 Content producers must check the content of third-party websites when considering linking from a BBC site. They should not link to an external site if it is inappropriate to do so. It may be necessary to add a disclaimer and additional information if the links are to potentially offensive material.

BBC webpages designed for children, or with a likely audience of children, should only link to third-party pages with content suitable for a general audience.

**See Section 7 Privacy: 7.4.41 and Section 15 Independence from Commercial and Other External Interests: 15.4.22**

## Scheduling and Publication Considerations for News Content

5.4.21 The nature of news means that it is not always possible to avoid showing material before the watershed that might distress some of the audience.

BBC News channel does not normally operate a watershed policy where it is broadcast internationally, because it is shown live across different time zones around the world. Wherever appropriate, clear and timely content information should be provided to signpost potentially upsetting or offensive images, particularly those that may be distressing for children.

It is not appropriate to use the most distressing or offensive images or strongest language in the 'headlines' at the top of a bulletin or as wallpaper or floats in news output or as the thumbnail image in digital content.

Content makers need to consider the cumulative effect on the audience of the continued or repeated use of graphic material.

5.4.22 Tragic events, such as mass shootings or natural disasters, may be captured in footage readily available on social media sites or elsewhere online. However, audiences expect the BBC to apply editorial judgement when using this content.

See 5.4.37

See Section 12 War, Terror and Extreme Violence, Disaster and Disorder: 12.1

5.4.23 Each subsequent re-use of footage of tragic events, for example on anniversaries, must be separately editorially justified.

See Section 13 Use of BBC Content After Publication or Broadcast: 13.1

5.4.24 The use of racist language in news must be editorially justified and signposted to ensure it meets audience expectations as appropriate to the time of broadcast. There must be exceptional editorial reasons to use the strongest racist terms.

The divisional director or their named delegate should be made aware of and agree the use of the strongest racist language, as listed in Ofcom's 'strong' column<sup>4</sup>, in any upcoming programmes or output on TV, radio and online.

See 5.4.33

See guidance: Racist Language

## Programme Trails, Push Alerts and Promotional Material

5.4.25 Trails for content that is unsuitable for a general audience including children must be carefully scheduled.

Trails scheduled around content targeted at children or when children are particularly likely to be watching or listening, should be suitable for children.

The BBC has its own classification system for the appropriate scheduling of trails to ensure they are suitable for different audiences. Trails need to give an accurate sense of the programmes they relate to, to help viewers decide whether or not to watch them. On linear television, pre-watershed trails for post-watershed programmes must be suitable for a general audience but also need to give proper signposting about the nature of the material. The same approach should be taken when publishing trails and promotional materials online and via social media using Guidance labelling when required.

Consideration needs to be given to the wording of notifications and push alerts to avoid causing unjustified harm or offence.

<sup>4</sup> [www.ofcom.org.uk/\\_\\_data/assets/pdf\\_file/0021/225336/offensive-language-summary-report.pdf](http://www.ofcom.org.uk/__data/assets/pdf_file/0021/225336/offensive-language-summary-report.pdf)

## Live Output

5.4.26 The risk of causing unjustifiable offence when producing and broadcasting live output needs to be considered and planned for, and appropriate steps taken to mitigate the risks. Considerations include: how live output might be monitored; whether material that has the potential to cause offence is appropriately scheduled; and whether there is sufficient senior editorial support available during transmission.

If issues occur inadvertently or unexpectedly in live output, which cause unjustifiable offence, they should be dealt with promptly and sensitively, and with an apology if necessary.

If the strongest language (cunt, motherfucker or fuck and its derivatives) is broadcast inadvertently on pre-watershed television or on radio, when children are particularly likely to be listening, the presenter should make an on-air apology at the earliest opportunity.

There should be a prompt apology for the unexpected and unjustifiable use of the strongest racist or discriminatory language.

If the use is judged to be justified by the context, for example when a contributor is talking about their lived experience, the presenter needs to make sure it is clear to the audience that, in apologising for possible offence, no blame is being attributed to the contributor.

Where a live broadcast is considered to have included unjustifiably offensive content it should usually be edited on catch-up platforms such as BBC iPlayer and BBC Sounds, following referral to a senior editorial figure.

See 5.4.33

See Section 1 The BBC's Editorial Standards: 1.9.9

See guidance: Live Output; and Racist Language

# Subjects which may cause Harm and Offence

## Language

5.4.27 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. Over time, public attitudes shift and this is assessed through research. The strongest language is defined as being cunt, motherfucker and fuck, and its derivatives. The strongest language and strong racist language is subject to a referral process.

The use of any offensive language, whether written or spoken, and offensive gestures, must be editorially justified, and signposted if appropriate, to ensure it meets audience expectations, wherever it appears.

See 5.1

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

- sexual swear words
- abusive references to race, religion, nationality and ethnicity
- terms of sexual and sexist or misogynistic abuse or abuse referring to sexuality or gender identity
- pejorative terms relating to mental health, illness or disabilities
- casual or derogatory use of holy names or religious words and especially in combination with other strong language.

5.4.28 Context and tone are key to determining whether strong language will be acceptable or deemed unjustifiably offensive. The following should be considered:

- what language was used, who used it, why it was said, to whom it was directed and how they reacted
- how it was said. The same terms can be considered more or less offensive depending on the tone of the delivery and the character or personality who uses them

- if the use feels authentic or has another clear editorial purpose
- where the content is to be found in the television and radio schedules, online or on social media.

5.4.29 In general, where strong language is integral to content, and relevant questions such as transmission slot and channel have been resolved, it should not be disguised. This also applies to output that is captioned, either for clarity or for translation purposes.

5.4.30 The strongest language must not be used before the watershed, or on radio when children are particularly likely to be in the audience, or in online or social media content likely to appeal to a significant proportion of children.

To avoid an abrupt change of tone, between pre- and post-watershed content, the strongest language should normally be avoided in content broadcast immediately around the watershed.

5.4.31 Careful judgements must be made about the use of the strongest language post-watershed and ensure it is clearly signposted. Any proposal to use the strongest language (cunt, motherfucker or fuck and its derivatives) must be referred to and approved by the relevant head of channel, who should consider the editorial justification. Editorial Policy may also be consulted.

5.4.32 Language which is offensive but is not the strongest language must not be used before the watershed, or on radio when children are particularly likely to be listening, or in online or social media content likely to appeal to a significant proportion of children, unless it is justified by the context. Even then, frequent use must be avoided. It must not be used in:

- pre-school children's programmes or websites (for four years and under)
- programmes or websites made for younger children.

## Racist and Discriminatory Language

5.4.33 Racist and discriminatory language, like other strong language, is most likely to cause offence when used gratuitously, abusively, and without clear editorial purpose.

Its use must be editorially justified, and signposted where appropriate, to ensure it meets audience expectations, wherever it appears. Its use, even with editorial justification and when in line with the expectations of most of the audience, may still cause offence to some.

There must be exceptional editorial reasons to use the strongest racist and discriminatory terms. This applies even where the intention might be to expose or condemn discrimination, which is not in itself sufficient editorial justification. There must be a specific editorial reason why it should be used, for instance, where it might make a difference to audience understanding, or for particular reasons of clarity, or where a contributor is talking about their lived experience, or where a term might be seen to have been 'reclaimed', or in history programmes, or comedy, drama, arts or music, especially with regard to freedom of expression.

Considerations about the use of racist and discriminatory language in any output include:

- what is the editorial justification
- does the identity of the individual using the language make a difference to whether it causes offence
- is it being used by a contributor to reflect their own experience
- is the language used frequently or repetitively
- is use of the word seen as necessary for the audience to have sufficient understanding of the content
- is there another way of conveying what has happened
- is there sufficient context, especially in the case of cut down versions for social media
- whether the word has to be used in its entirety.

The divisional director or their named delegate should be made aware of and agree the use of the strongest racist language, as listed in Ofcom's 'strong' column<sup>5</sup>, in any upcoming programmes or output on TV, radio and online/digital.

5.4.34 'Strong' racist language should only be used on television before the watershed if there is clear and strong contextual justification and provided this has been signed off by the divisional director or their named delegate.

In radio, the likely audience, the remit and audience expectations of the station, the type of output played, and the person presenting the programme are all key considerations.

For online and on-demand content it is important that audiences are alerted to any material they may find offensive so they can choose what they see or hear.

See guidance: Live Output; and Racist Language

### **Re-use of content that includes racist or discriminatory language**

5.4.35 Any re-use in another context (for instance at a different time or online) would require a new and separate consideration of the editorial justification. This also applies to cut-downs for social media purposes.

When considering re-using any archive content which includes racist or discriminatory language, the fact that it simply reflects the standards of the day is not sufficient justification for re-use. Editorial judgement needs to be applied, including looking at purpose and context; if the language is deemed to be gratuitous, it should be removed.

See Section 13 Use of BBC Content After Publication or Broadcast: 13.4.21

<sup>5</sup> [www.ofcom.org.uk/\\_\\_data/assets/pdf\\_file/0021/225336/offensive-language-summary-report.pdf](http://www.ofcom.org.uk/__data/assets/pdf_file/0021/225336/offensive-language-summary-report.pdf)

## Bleeping and Obscuring Strong Language and Offensive Gestures

5.4.36 Generally, content that includes strong language and offensive gestures should be appropriately scheduled, used with editorial justification and signposted.

However, where strong language is editorially justified but the slot, channel or context are not appropriate, it may be necessary to edit out, dip or bleep language, even occasionally post-watershed on television.

Language that is bleeped for pre-watershed content on television must be thoroughly obscured, taking care to ensure also that the offensive words are not then made obvious by visible mouth movements. In captions the full word should be removed, with no letters left which signal the removed word.

Offensive gestures that exceed audience expectations should also be thoroughly obscured.

Even where strong language has been bleeped, if it is used repeatedly the cumulative effect is likely to increase the offence felt by audiences.

## Violence

5.4.37 Audiences, particularly children, can be frightened or distressed by the portrayal of both real and fictional violence. Content producers should make careful judgements when they plan to include violence in output.

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 content, producers need to strike a balance between the demands of accuracy and the risk of causing unjustified distress or offence.

There are very few circumstances which justify broadcasting the actual moment of death. Any proposal to do so must be referred to Director Editorial Policy and Standards.

See Section 7 Privacy: 7.4.52–7.4.55 and Section 12 War, Terror and Extreme Violence, Disaster and Disorder: 12.1

5.4.38 Content producers should be aware of factors which can increase the impact of violence, both in factual or fictional content. These include:

- 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 racist, discriminatory or sexually offensive terms
- how sustained the violence is and its cumulative effect
- suicide, attempted suicide or self-harm
- where the reactions of others to the violence is shown, especially the reactions of children
- post-production techniques such as atmospheric music, visual effects, slow motion, graphic close-ups and sound effects
- sustained menace or an unrelenting, dark tone or suspense created at the end of a programme in a cliff-hanger
- output that is intense or immersive.

5.4.39 Content producers should avoid including material which condones or glamorises violence, dangerous or seriously anti-social behaviour, or material that is likely to encourage others to copy such behaviour, unless there is strong editorial justification.

## Violence and the Protection of Children

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

5.4.41 Acts of verbal aggression or physical violence that are easily imitable by children in a manner that could be harmful or dangerous should not be broadcast in pre-watershed programmes or on radio when children are particularly likely to be in the audience, or in online content likely to appeal to a significant proportion of children, unless there is strong editorial justification.

See 5.4.61–5.4.62

## Violence Against Animals and Animal Welfare

5.4.42 Audiences can often be distressed by images or scenes which show human violence against animals and it is likely to give rise to significant levels of offence. If the scenes are graphic but the animal suffered no harm, then that should be made clear.

Audiences can be distressed by violence within wildlife programmes and it may be appropriate to signpost potentially distressing content.

Audiences are concerned generally about the treatment of animals. When animals are involved or featured in content, consideration should be given to their overall welfare and the conditions in which they are kept. It may be appropriate to reassure audiences about their welfare.

See guidance: Recording the Natural World

Any proposal to include graphic scenes of animal cruelty or apparent mistreatment must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. It will require strong editorial justification even if the content is recorded in countries where it is legal.

See Section 8 Crime and Anti-Social Behaviour: 8.4.4–8.4.6

## Abusive or Derogatory Treatment and Hate Speech

5.4.43 Material which contains abusive or derogatory treatment of individuals, groups, religions or communities, must not be included in output unless it is justified by the context.

Material may constitute hate speech if it is likely to encourage criminal activity or lead to disorder. It includes all forms of expression which spread, incite, promote or justify hatred based on intolerance on the grounds of disability, ethnicity, sex, gender reassignment, nationality, race, religion or sexual orientation.

Content producers may include contributions from people or organisations with extreme or challenging views. Where output includes views which might incite hatred there must be an editorial justification and appropriate challenge and/or other context must be included.

Further advice is available from Programme Legal Advice. The situation may differ in Scotland and advice is available from the Legal Director, Scotland.

See Section 2 Impartiality: 2.4.16 and Section 8 Crime and Anti-Social Behaviour: 8.4.3

## Intimidation and Humiliation

5.4.44 BBC content must respect human dignity, but output may discuss, include or relate to behaviour that is intimidating, humiliating, aggressive and offensive.

However, this should not be disproportionate when aimed at real people and should be in line with audience expectations.

See Section 6 Fairness: 6.4.27

## Nudity

5.4.45 Nudity should not normally be shown before the watershed or in online content likely to appeal to a significant proportion of children. Where it is used, it 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

5.4.46 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, it is possible to include the frank and realistic portrayal of sex and the exploration of themes and issues which some people might find offensive.

5.4.47 Sex involving under-16s is illegal. In any content, there must be editorial justification for including it, and it must be appropriately contextualised.

**See** Section 9 Children and Young People as Contributors: 9.4.29–9.4.30

5.4.48 The discussion and portrayal of sexual behaviour must be editorially justified in programmes broadcast pre-watershed or when children are particularly likely to be in radio audiences, or using online content. It must also be appropriate to the likely audience and should not be explicit. Clear content information may be required.

**See** 5.4.5–5.4.6

**See** Section 15 Independence from Commercial and Other External Interests: 15.4.28

Sexual intercourse without a serious educational purpose must not be portrayed or represented in programmes broadcast before the watershed or on radio when children are particularly likely to be in the audience, or in online content likely to appeal to a significant proportion of children.

## Demonstrating Due Care

5.4.49 Audiences may be offended if they believe contributors in BBC content are vulnerable and their welfare has not been protected or if they believe participants have been put at risk of significant harm by taking part in BBC output. Appropriate information should be broadcast where it would assist in avoiding or minimising offence.

See Section 6 Fairness: 6.4.22–6.4.26 and Section 9 Children and Young People as Contributors: 9.4.19

## Portrayal

5.4.50 The BBC aims to reflect the diverse communities of the United Kingdom. Content may also reflect the prejudices and disadvantages which exist in societies worldwide but should not perpetuate them. In some instances, references to disability, age, sex, sexual orientation, gender identification, faith, race, etc may be relevant to portrayal. However, careless or offensive stereotypical assumptions should be avoided and people should only be described in such terms when editorially justified.

In reporting or portraying events or situations concerning indigenous or tribal people, content makers should avoid stereotyping them. Their current cultural norms and experiences should be reflected with due accuracy.

See guidance: Reporting and Portrayal of Tribal Peoples

5.4.51 When it is within audience expectations, a portrayal or stereotype that has been exaggerated for comic or dramatic effect may be included, but audiences may find casual or purposeless stereotypes offensive.

## Alcohol, Smoking, Vaping, Solvent Abuse, Drugs and Gambling

5.4.52 Content makers must balance the need to reflect realistically the range of public attitudes and behaviours associated with alcohol, smoking, vaping, solvent abuse, drugs and gambling with the danger of encouraging potentially harmful, imitative or illegal behaviour, particularly amongst children.

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

- 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 the 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 content likely to be widely seen, heard or used by young people, unless there is editorial justification.

5.4.54 All aspects of illegal drug use, solvent and drug abuse, smoking, vaping, and misuse of alcohol must be portrayed 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.

Explicit details of how to use or obtain illegal drugs or abuse solvents, should be avoided unless editorially justified and the legal and social context should be made clear.

5.4.55 Gambling must not be condoned, encouraged or glamorised in content likely to be widely seen, heard or used by children and young people, unless there is editorial justification. It should be portrayed with due accuracy and where necessary should include the harmful aspects of gambling.

5.4.56 When archive content contains material that does not reflect current standards or attitudes towards smoking, alcohol, gambling, 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 5.4.5

See Section 13 Use of BBC Content After Publication or Broadcast: 13.4.21–13.4.23

## **Suicide, Attempted Suicide, Self-Harm and Eating Disorders**

5.4.57 Suicide, attempted suicide, self-harm and eating disorders should be portrayed or reflected with sensitivity. Factual reporting and fictional portrayal of suicide, attempted suicide, self-harm and eating disorders have the potential to normalise such actions and make them appear reasonable to vulnerable people. Material which normalises, encourages or romanticises these behaviours should be avoided.

Signposting and content warnings should be considered, as should whether to provide a link to a relevant BBC Action Line.

See Section 15 Independence from Commercial and Other External Interests: 15.4.28

Explicit details that would allow a method of suicide to be imitated should not be included in output. Methods of suicide and self-harm should only be included where they are editorially justified and are also justified by the context. References to suicide should be avoided in headlines unless editorially justified.

5.4.58 Any proposal to include a hanging scene, portray suicide, attempted suicide or self-harm requires careful consideration because of the sensitivity of the subject and the possibility of imitation and must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. Referral must also be made to Editorial Policy.

5.4.59 There are sensitivities around the use of language. Suicide was decriminalised in 1961 and the use of the term ‘commit’ is considered offensive by some. Content makers should avoid using the term in their own scripts and reports, although contributors may use it. ‘Take one’s life’, ‘died by suicide’ or ‘kill oneself’ are alternatives. Suicide prevention organisations, such as the Samaritans, are also usually willing to be consulted about the portrayal of suicide. A link to a BBC Action Line should be considered when output deals with such issues and Editorial Policy should usually be consulted.

**See** Section 15 Independence from Commercial and other External Interests: 15.4.28

5.4.60 Care is required when portraying self-harm or conditions such as eating disorders in ways that are potentially imitable, in factual or fictional content. Vulnerable people, 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.

## **Imitative Behaviour**

### **Children and Dangerous Imitation**

5.4.61 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 the audience, or in online content likely to appeal to a significant proportion of children.

5.4.62 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, acid and scissors) in violent acts. Such content must not be featured in output made primarily for children unless there is a strong editorial justification. Content designed for children should ensure that care is taken to discourage imitation.

**See** 5.4.40–5.4.41

5.4.63 When hazardous pastimes are portrayed in factual and entertainment content before the watershed, on radio when children are particularly likely to be in the audience, or in online content likely to appeal to children, warnings should be given about the dangers of imitation without appropriate supervision or training, and the necessary safety equipment should be made clear. Where relevant and unless there is a strong editorial reason for not doing so, pre-watershed drama and entertainment programmes, or similar online content likely to appeal to children, should normally show the correct safety procedures when depicting these kinds of activities.

## **Safety**

5.4.64 The law should normally be observed both in the UK and other countries, unless there is strong 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. Audiences are likely to be offended if routine safety measures appear not to have been followed.

See Section 18 The Law: 18.3.1

5.4.65 The common-sense use of safety equipment should be shown wherever practical, unless there is 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.

## **Religion**

5.4.66 Any content dealing with matters of religion and likely to cause offence to those with religious views and beliefs must be editorially justified, taking account of audience expectations and generally accepted standards. Content makers have the freedom to cover matters relating to religion, including critically or in a way that may be highly offensive to some, but they should always be aware of the potential for offence.

There is no longer an offence of blasphemy in England, Scotland and Wales and it is no longer prosecuted in Northern Ireland. However, religious beliefs are central to many people's lives and can arouse strong views and emotions. Care should be taken to avoid unjustified offence. Blasphemy laws around the world can be very different and content producers may seek advice from Programme Legal Advice.

In England, Scotland and Wales, legislation forbids a person from using threatening words or behaviour or displaying written material that is threatening, with the intention of stirring up religious hatred.

**See** Section 8 Crime and Anti-Social Behaviour: 8.4.3

**5.4.67** Content producers 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. They should ensure that any uses of them, or verbal or visual references to them, are editorially justified within generally accepted standards. Examples include the Crucifixion, Holy Communion, the Quran, the Jewish Sabbath and similar.

Many Muslims regard any depiction of the Prophet Muhammad as highly offensive. There must be a strong editorial justification for publishing any depiction of the Prophet Muhammad.

**Any proposal to include a depiction of the Prophet Muhammad in content must be referred to a senior editorial figure, who must consult Director Editorial Policy and Standards.**

**5.4.68** Content makers 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.

## Hypnotism, Exorcism, the Occult and the Paranormal

### Hypnotism

5.4.69 The Hypnotism Act 1952 requires any demonstrations of hypnotism for public entertainment to be licensed. It prohibits demonstrations on people under 18 and applies to any broadcast demonstration of hypnotism at, or in connection with, an entertainment which admits the public.

Steps should be taken to minimise any potential risk of inducing hypnosis and/or adverse reactions in susceptible viewers, listeners or online users. In particular, a hypnotist must not broadcast their 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 the audience.

Any proposal to feature a demonstration of hypnosis must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor, who must consult Editorial Policy.

### Exorcism, the Occult and the Paranormal

5.4.70 Content that includes any aspect of exorcism, the occult, the paranormal, divination or any related practices must be done so responsibly and claims should be treated with due scepticism.

Demonstrations which purport to be real must not be broadcast before the watershed or on radio when children are particularly likely to be in the audience, or in digital content likely to appeal to children.

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

5.4.71 At any time, demonstrations of, or claims about, 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 signposted. In all output, such demonstrations must not contain advice about health, finance, employment or relationships which encourages people to make life-changing decisions.

## **Flashing Images, Strobing and Images of Very Brief Duration**

### **Flashing Images, Strobing and Photo-Sensitive Epilepsy**

5.4.72 To minimise the risk to viewers who have photo-sensitive epilepsy content producers should follow the Ofcom guidance referred to in Rule 2.12 of the Ofcom Broadcasting Code<sup>6</sup>. 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 the inclusion of such content is editorially justified, a verbal and, if appropriate, a text warning should be given 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.

<sup>6</sup> Ofcom Guidance Note on Flashing Images and Regular Patterns in Television

## **Subliminal Messages and Images of Very Brief Duration**

5.4.73 Techniques which exploit the possibility of conveying a subliminal message to viewers or listeners, or otherwise influencing their minds without their being aware, or fully aware, of what has occurred, must not be used. Such techniques could include images of very brief duration.

Anyone who has reason to believe that content might contain such a technique must refer to a senior editorial figure or, for independent production companies, to the commissioning editor, who should consult Editorial Policy.

## **Acquired Programmes Including BBFC Certified Content**

5.4.74 Acquired programmes, including content certified by the British Board of Film Classification (BBFC), must be complied for harm and offence before they are broadcast or made available on demand 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 be broadcast before 9pm on any service.

5.4.75 A film or programme refused certification by the BBFC should not normally be broadcast. For further details refer to Section 1 of the Ofcom Broadcasting Code.

Illustrative clips from a film or programme refused certification by the BBFC should not normally be broadcast without strong editorial justification.

## Use of Technology

5.4.76 Any editorial content that has been impacted by automation, such as through machine learning or artificial intelligence, must not cause unjustifiable offence. This includes in its distribution, presentation or production.

Content producers should be aware that the material being drawn on by automated programmes may include harmful or offensive content or may include biases that skew the outcomes in a way that causes harm or offence.

**See** Software Asset Management on Gateway; and Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.8

# 6

## Fairness



# Fairness

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## 6.1 Introduction

The BBC strives to be fair to all—fair to its audiences, fair to its contributors and potential contributors, fair to sources and fair to those its output is about.

BBC content should be based on respect, openness and straight dealing<sup>1</sup>. The BBC also has an obligation under the Ofcom Broadcasting Code to ‘avoid unjust or unfair treatment of individuals or organisations in programmes’<sup>2</sup>.

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

Due care is owed to contributors or potential contributors, as well as to sources, who are at risk of harm or distress as a result of their contribution. Due care is the level of care that is appropriate to the individual and particular circumstances.

The assessment of due care takes into account the editorial content, the nature and degree of the individual’s involvement and their public position, along with other relevant factors such as safety risks or whether the individual is vulnerable.

Material inaccuracies in the way people are referred to, or featured, may risk causing unfairness. This applies to scripted and unscripted content. For example, in factual output when representing the views of, and information about, others and also in drama when portraying real people or organisations. Consequently, this section of the Guidelines should also be read in conjunction with Section 3: Accuracy.

<sup>1</sup> The sections of the Ofcom Broadcasting Code that relate to this are 7: Fairness and 8: Privacy

<sup>2</sup> Rule 7.1, the Ofcom Broadcasting Code

The informed consent of contributors should normally be obtained. Individuals and organisations should be appropriately informed about the planned nature and context of their contributions before they participate unless there is an editorial justification for proceeding without their consent.

## 6.2 Principles

- 6.2.1 The BBC will be open, honest, straightforward and fair in its dealings with sources, contributors, potential contributors and audiences unless there is a clear public interest in doing otherwise, or unless there are important reasons such as legal matters, safety, or confidentiality.
- 6.2.2 Individuals and organisations 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 output contains allegations of wrongdoing, iniquity or incompetence or lays out a strong and damaging critique of an identifiable individual or organisation, those criticised should normally have a right of reply, unless there is an editorial justification to proceed without it.
- 6.2.4 The BBC owes a duty of care to its contributors or potential contributors, as well as to its sources, who may be at risk of significant harm or distress as a result of their contribution to the output.

## 6.3 Mandatory Referrals—must be referred in advance

*Mandatory referrals are an essential part of the BBC's editorial and compliance process and must be observed.*

### Referrals to Director Editorial Policy and Standards

- 6.3.1 Any proposal to broadcast a serious allegation without offering an opportunity to reply, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, and to Director Editorial Policy and Standards.  
**See 6.4.46**
- 6.3.2 Any proposal to create a website which conceals any connection to the BBC must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, and Director Editorial Policy and Standards.  
**See 6.4.54**
- 6.3.3 The portrayal of a real person in a significant way in a drama against their wishes or those of their immediate surviving family must be referred to Director Editorial Policy and Standards for approval before a commitment is made to the production.  
**See 6.4.58**
- 6.3.4 Any proposal for BBC content producers to enter a country in a way that avoids visa restrictions must be referred to a senior editorial figure, or for independent production companies to the commissioning editor. Director Editorial Policy and Standards must also be consulted.  
**See 6.4.57**

## Other Referrals

6.3.5 Proposals to pay anything more than a disturbance fee to contributors to news and current affairs output and factual journalism for telling their story must be referred to Editorial Policy.  
**See 6.4.13**

6.3.6 The proposed wording of all appeals for contributors and contestants, including those for talent and entertainment programmes, must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor.  
**See 6.4.20**

6.3.7 Any access, filming or recording agreement must be referred to a senior editorial figure, or for independent production companies to the commissioning editor. Where the proposed wording risks compromising the BBC's editorial integrity or independence, Editorial Policy must also be consulted. If the wording cannot be amended to the BBC's satisfaction the production must not go ahead.  
**See 6.4.39**

6.3.8 Any request from output areas outside daily newsgathering for interviews with, or exclusive appearances by, members of the Royal Family must be discussed with the BBC's Royal Liaison Officer and Editorial Policy.  
**See 6.4.40**

6.3.9 Any proposal to deceive a contributor to news or factual output must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. Editorial Policy must also be consulted.  
**See 6.4.50**

6.3.10 Any proposal to deceive a contributor for comedy, entertainment or satirical purposes, whether or not they are in the public eye, must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. Editorial Policy must also be consulted.  
**See 6.4.53**

6.3.11 Any proposal to create a false persona, or account on social media must be referred to a senior editorial figure, or for independent production companies to the commissioning editor. Editorial Policy must also be consulted.

**See 6.4.55**

6.3.12 Anyone actively intervening to steer the course of an online or social media 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 independent production companies, to the commissioning editor. Editorial Policy should also be consulted. In the most serious cases, referral must also be made to Director Editorial Policy and Standards.

**See 6.4.56**

## 6.4 Guidelines

### Contributors and Informed Consent<sup>3</sup>

6.4.1 Contributors should be treated fairly and with honesty and respect. A key part of achieving fairness is by obtaining informed consent, normally before someone participates in any content. 'Informed consent' means that contributors should be in possession of the information needed to make a reasoned decision to take part. Sometimes it may be appropriate to withhold certain information in the public interest.

**See 6.4.16**

<sup>3</sup> This is the meaning of 'informed consent' for the purposes of these guidelines and broadcast content regulation. It is not intended to have the same meaning as in data protection law

Before an individual participates—with the exception of a minor contribution such as a vox pop—they should normally, at an appropriate stage be told:

- the nature of the content, ie what it is about and its purpose and the title of the programme where known
- why they are being asked to contribute to BBC content, where it will first appear and when, if known
- the nature of their involvement, for example, whether their contribution will be live or recorded and/or edited. When recorded, it should be made clear that there is no guarantee that it will be used
- the areas of questioning and, where relevant, the nature of other likely contributions
- that their contribution may be used by other BBC outlets including re-use, archiving online and on third-party digital platforms
- that it may also be available indefinitely and globally
- any potential risks arising from their participation in the content which may affect their welfare and safety, and what steps might be taken to mitigate them.

See Section 13 Use of BBC Content After Publication or Broadcast: 13.4.12–13.4.17

The BBC is committed to being inclusive and accessible to all and supporting reasonable adjustments, such as access requirements, across productions.

The BBC expects contributors to be honest, straightforward and truthful. Where appropriate, they should also be told the nature of their contractual rights and obligations and those of the programme maker and broadcaster in relation to their contribution.

6.4.2 All commitments made to a contributor should be ones that can be kept.

6.4.3 People recorded committing or admitting to an offence or anti-social behaviour have a reduced legitimate expectation of privacy, which will normally be outweighed by the public interest<sup>4</sup> in exposing such behaviour, so will not normally be asked for consent. Nor should their identity be concealed unless it is editorially justified or legally necessary to do so.

**See** Section 7 Privacy: 7.1 and Section 9 Children and Young People as Contributors: 9.4.22

6.4.4 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.

Any portrayal should be fair and, where appropriate, steps should be taken to ensure the accuracy of the portrayal, and respect their legitimate expectations of privacy.

**See** Section 7 Privacy: 7.1

6.4.5 Contributors should be made aware of significant changes to a programme, or other content, as it develops, if such changes might reasonably be considered to have altered the basis for their informed consent. Such changes might include programme titles (for example, where they alter audience perception of the content or contributors), changes in other significant contributions, significant changes to broadcast or publication date, or anything that materially alters the context in which the contribution will appear.

**See** 6.4.1

<sup>4</sup> See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest

6.4.6 Broadcasters should ensure that the re-use of material, ie use of material originally filmed or recorded for one purpose and then used in content for another purpose or used in later or different content, does not create unfairness. This applies both to material obtained from others and the broadcaster's own material.

See Section 13 Use of BBC Content After Publication or Broadcast: 13.2.2

## Obtaining Consent

6.4.7 Informed consent can be obtained from contributors in a variety of ways depending on the circumstances of their contribution. Wherever practicable, consent should be obtained in a form capable of being proved which may include a consent form, an exchange of messages on a digital platform, a recording of the contributor's confirmation that they understand the nature of the output and are content to take part, or a contemporaneous note of the consent conversations.

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 including people in the news and people who take part in vox pops.

Generally, when contributors give their consent at the start of a project, their continued consent is implicit through their ongoing involvement in the making of the content.

However, when working with vulnerable contributors, seeking consent may be an ongoing process and content makers should establish that they have consent each time a contribution is expected. Where content makers are following sensitive personal stories, where life circumstances may change, they may also need to continue to confirm consent throughout the process.

See guidance: Informed Consent

6.4.8 The BBC should not normally rely on third parties to gain consent from a responsible adult. It may sometimes be

appropriate 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.

**See** Section 7 Privacy: 7.4.5

6.4.9 For more significant contributions, participants may be asked to sign a standard consent form and a detailed contract which formalises the terms of their agreement. It may include declarations of personal interests or details of information that might bring the BBC into disrepute.

6.4.10 Young people and vulnerable adults may not always be in a position to give informed assent or consent. Examples of vulnerable people may include those with learning difficulties or forms of dementia, the bereaved, and people who are sick or terminally ill. In such cases, someone over 18 with primary responsibility for their care should normally give consent on their behalf, unless it is editorially justified to proceed without it. In particular, someone who is unable to give their own consent should not be asked for views on matters likely to be beyond their capacity to answer properly.

**See** Section 9 Children and Young People as Contributors: 9.4.1–9.4.3  
**See** guidance: Working with Contributors Including Vulnerable Contributors or Contributors at Risk of Vulnerability; and Filming in Medical Emergencies

6.4.11 When personal information about contributors is collected it must be processed in accordance with the BBC's Data Protection policy. Independent production companies are responsible for complying with their own data protection policies and meeting their obligations under data protection legislation.

**See** 6.4.7

**See** Section 7 Privacy: 7.4.58–7.4.63

6.4.12 Audiences may be moved by the issues faced by people who feature in BBC content and may want to provide help and assistance. It is best practice to direct those audience members to a registered charity or range of suitable organisations who can support the person and channel help most effectively. Advice may be sought from Editorial Policy.

**See** guidance: Audience Donations to a Contributor

## Payments to Contributors

6.4.13 Contributors should not normally be paid a fee for taking part in news and current affairs output and factual journalism when they are simply telling their story. This is because payment may affect the contributor's decision to speak or influence what they might say, or it might affect audience perceptions of the integrity of their contribution.

It may be possible to pay a nominal disturbance fee and to cover any out-of-pocket expenses incurred in order to make the programme.

Proposals to pay anything more than a disturbance fee to contributors to news and current affairs output and factual journalism for telling their story must be referred to Editorial Policy.

6.4.14 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 the BBC's reputation, and the credibility of interviewees and sources, as well as respecting the sensitivities of the victims of crime.

See Section 8 Crime and Anti-Social Behaviour: 8.4.19

## Withdrawal of Consent

6.4.15 Where a contributor has given informed consent to be involved in content, any request from them to withdraw their contribution prior to broadcast would not normally be agreed to, but any reasonable objections should be listened to. There may be exceptions, for example where there are contractual obligations, where there are significant changes in the personal circumstances of the individual concerned, or where there have been significant changes to the context in which their contribution is to be used.

See guidance: Informed Consent

## Finding Contributors

6.4.16 Checks should be made to establish the credentials of contributors and to avoid being hoaxed, or taken in by serial guests. These checks should be appropriate to the nature and significance of their contribution, the content and the genre.

It may be necessary 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. These may include a combination of the following:

- documentary evidence to validate their identity and story or qualifications and experience
- corroboration from people other than those suggested by the contributor
- self-declaration of personal information that may bring them or the BBC into disrepute
- a review of their social media.

Some contributors may be asked to complete a criminal record check.

See 6.4.1–6.4.2

6.4.17 Agencies or third-party websites that deal with actors and performers should not be used to find people to talk about matters outside their specific profession or experience except when seeking contestants or audiences for entertainment programmes.

## Appealing for Contributors

6.4.18 Advertisements or appeals for contributors must be worded carefully to avoid bringing the BBC into disrepute. To obtain appropriate contributors, it may be necessary to target advertisements carefully.

6.4.19 If using advertising or appealing for contributors through social media or other internet resources, appropriate checks should be made to screen out unsuitable or untruthful applicants.

6.4.20 The proposed wording of all appeals for contributors and contestants, including those for talent and entertainment programmes, must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor.

6.4.21 When posting on websites or social media to find contributors or research material, it should be clear that the content is being made for the BBC and, where contact details are provided, use a business address. Where this is a returning series, it may be appropriate to name the programme title.

## Safety and Duty of Care to Contributors

6.4.22 The health and safety of contributors or any other participants should not be put at any significant risk.

6.4.23 The BBC owes a duty of care to its contributors and potential contributors, as well as to its sources, who may be caused harm or distress as a result of their contribution to output. However, the due care may vary when taking into account the editorial content, the nature and degree of the individual's involvement and their public position, along with other relevant factors such as safety risks and whether the individual is vulnerable.

6.4.24 A 'contributor due care' risk assessment should be carried out to identify any significant risk of harm to the contributor or contestant, unless it is justified in the public interest not to do so.

A risk assessment can be a useful way to determine what level of care is 'due' in each case. If needed, it should be considered at the earliest stage in the production process and may help to determine whether specialists are required at further stages of the production.

Before asking contributors to take part in activities which have the potential to expose them to significant physical or psychological risk, the appropriate risk assessment procedure must be followed.

Within the BBC, advice about physical and psychological risk is available from BBC Safety. Independent production companies are responsible for their own risk assessment.

Where appropriate, contributors may be asked to take fitness tests or psychological assessments. Contributors must consent to those steps and any risks must be set out in writing. Advice is available from Editorial Policy.

Ofcom has produced a 'Risk Matrix<sup>5</sup>' that can help identify, assess and manage potential risks to contributors. This risk matrix can be a starting point for further detailed considerations of risk by producers and commissioners.

6.4.25 Contributors must not be encouraged to put themselves at risk or endanger themselves when gathering material which may be for the BBC's use.

6.4.26 Practical steps may be needed to protect international contributors or sources from repercussions within their own countries, arising from their participation in the BBC's output. Third-party websites may reproduce content globally without knowledge or consent.

**See** guidance: Duty of Care

## Intimidation and Humiliation

6.4.27 Contributors and potential contributors must be treated with respect. Content makers must not unduly intimidate, humiliate or behave aggressively towards contributors, either to obtain their consent or during their participation in output.

This does not prevent interviews from being robust, challenging, interrogative or tenacious.

**See** Section 5 Harm and Offence: 5.4.44

<sup>5</sup> [www.ofcom.org.uk/\\_\\_data/assets/pdf\\_file/0017/24713/section7.pdf](http://www.ofcom.org.uk/__data/assets/pdf_file/0017/24713/section7.pdf)

## Game Shows, Quizzes, Talent Shows and Programmes Offering Life-Changing Opportunities

6.4.28 Members of the public who take part in game shows and quizzes must be treated honestly, fairly and with regard for their dignity. They must be made aware of the rules and should normally be given information about what is likely to happen to them and what is expected of them. If they are to appear in a humorous way it is important that they feel part of the joke rather than ridiculed. Care also needs to be taken where contestants have been volunteered by family or friends.

See Section 17 Competitions, Votes and Interactivity: 17.4.38

6.4.29 Great care should be taken in selecting, assessing, and supporting contestants in talent shows and programmes offering life-changing opportunities. Content producers should be aware of the additional pressures that may arise when contestants are performing or appearing in front of a panel or live audience and where a public vote is involved, especially where the content is likely to attract attention on social media.

Content producers should normally ensure contestants have been assessed and can be supported by a suitable expert. Even when contestants have shown great promise, it may not be in their best interests to continue in a public talent contest. Advice is available from Editorial Policy.

See guidance: Talent Searches and Contestants

## Fair Editing

6.4.30 The final content should be a fair representation of what a contributor says and does and their contribution should not be misrepresented.

## Anonymity

6.4.31 Sometimes information in the public interest is available only through sources or contributors on an anonymous basis.

When practicable, referral should be made to a senior editorial figure or, for independent production companies, to the commissioning editor, who may consult Editorial Policy, before any agreement for anonymity is made. Consideration should be given to whether anonymity should be granted and how it will be achieved.

Anonymity should be offered only when there is an editorial, legal, welfare or other justification for doing so. Where a contributor seeks anonymity as a condition of their participation and it is considered to be justified the extent of anonymity that will be provided needs to be agreed. In order to achieve that, content makers will need to understand who the contributor wishes to be anonymous from and why. It may be sufficient to ensure that the contributor is not readily recognisable to the general public, or they may wish to be rendered unidentifiable even to close friends and family. A record of conversations with contributors about anonymity should be kept.

When an anonymous contributor is the source of allegations, see Accuracy.

See Section 3 Accuracy: 3.4.20–3.4.22

6.4.32 Content makers must ensure that they are in a position to honour any promises made about anonymity, taking account of the implications of any possible court order demanding the disclosure of untransmitted material. When anonymity is essential, no document, computer file, or other record should identify a contributor. This includes notebooks, administrative paperwork, electronic devices, as well as video and audio material.

See Section 13 Use of BBC Content After Publication or Broadcast: 13.4.31

6.4.33 Effective obscuring of identity may require more than just blurring someone's face; there are other visual, and audio considerations. Distinctive features, including hair, clothing,

gait and voice may need to be taken into account. Where anonymity is essential, pictures should be blurred rather than pixelated, and contributions revoiced, rather than technically distorted, as both pixelation and technical distortion can be reversed. Audiences should be informed if the voice is not that of the contributor.

6.4.34 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), promises of anonymity may also need to include, for example, considering the way a contributor is described, blurring house numbers, editing out certain pieces of information (whether spoken by the contributor or others) and taking care not to reveal the precise 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.

6.4.35 The identity of international contributors may need to be disguised in order to meet any obligations of anonymity or if their safety may be compromised. Third-party websites sometimes reproduce content globally without the BBC’s knowledge or consent, so no guarantee can be given that a contribution will not be seen in particular countries.

See guidance: Anonymity

## People with Legal Rights to Anonymity

6.4.36 The victims and alleged victims of some offences, including rape and other offences with a sexual element, have a lifelong right not to be identified as victims of those offences. This right exists whether or not the alleged crime has been reported to police. The victims and alleged victims of female genital mutilation, forced marriage and certain human trafficking offences are also afforded automatic lifelong anonymity by law in relation to those alleged offences. Particular care will have to be taken over ‘jigsaw identification’ in cases where it is the victim’s own family members who are accused of offences. Individuals aged 16 and above can waive their anonymity, but they must do this in writing. Further advice is available from Programme Legal Advice.

There is also a right to anonymity for teachers where they are accused of a criminal offence against a registered pupil at their school. The anonymity in relation to such an allegation will end or can be lifted in a number of circumstances, including if the teacher is charged with the criminal offence. The teacher may also waive their anonymity in writing.

Further advice is available from Programme Legal Advice. The situation may differ in Scotland and advice is available from the Legal Director, Scotland.

## **Contributors, Access Agreements, Indemnity Forms and Editorial Independence**

6.4.37 Contributors sometimes ask for previews of their contributions. The BBC does not normally allow a preview of its content. Where there are editorial or legal reasons for agreeing to a preview, content makers must be clear about the terms under which it is offered. It is normally appropriate to do this in writing in advance. It should be made clear that the BBC will retain editorial control and that any changes made following a preview will generally only relate to the correction of agreed factual inaccuracies or to address reasonable concerns about welfare, personal safety, national security or confidentiality.

The BBC does not allow copy approval of its content.

Contributors sometimes try to impose conditions before agreeing to take part. The BBC must not surrender editorial control. Any contractual agreement with a contributor, their agent, or a production company must allow questions to be asked that the audience would reasonably expect and tell a fair and accurate story.

If a contributor refuses to give an interview unless questions are agreed in advance or certain subjects avoided, careful consideration should be given to whether it is appropriate to proceed at all. If content producers decide to go ahead then the conditions under which the interview was obtained should normally be made clear on air or within the item.

## Access Agreements

6.4.38 Many organisations 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 of any agreement do not compromise the BBC's editorial integrity or independence. Editorial control requires the BBC, or independent production companies producing BBC content, to retain the right to record material as freely as practicable, as well as to edit accurately, impartially and fairly. If unacceptable conditions are imposed the BBC must withdraw from the project.

See guidance: Access Agreements and Indemnity Forms

6.4.39 Any access, filming or recording agreement must be referred to a senior editorial figure, or for independent production companies to the commissioning editor. Where the proposed wording risks compromising the BBC's editorial integrity or independence, Editorial Policy must also be consulted. If the wording cannot be amended to the BBC's satisfaction the production must not go ahead.

## Royal Contributions

6.4.40 Any request from output areas outside daily newsgathering for interviews with, or exclusive appearances by, members of the Royal Family must be discussed with the BBC's Royal Liaison Officer and Editorial Policy.

See Section 13 Use of BBC Content After Publication or Broadcast: 13.4.20

## Indemnity Forms

6.4.41 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. A business affairs adviser should be consulted before agreeing an indemnity clause.

6.4.42 The BBC has an agreed standard indemnity form with the police in England and Wales. Content producers who are presented with indemnity forms by police forces in England and Wales may sign them only if the wording reflects those in the BBC's standard form. Copies are available on the Editorial Guidelines website. Content producers who are presented with indemnity forms for Police Scotland should refer them to their business affairs adviser before signing.

See guidance: Access Agreements and Indemnity Forms

## Right of Reply

6.4.43 When output makes allegations of wrongdoing, iniquity or incompetence, or lays out a strong and damaging critique of an identifiable individual or organisation, the presumption is that those criticised should be given a fair opportunity to respond to the allegations, known as a right of reply.

In addition to ensuring fairness, the response to a right of reply can help achieve accuracy in the output.

Even where an individual or organisation is not identified, it may still be appropriate to question or discuss the veracity of the evidence with those criticised.

A record of any request for a response must be kept; this includes dates, times, the name of the person approached and the key elements of the exchange.

6.4.44 When seeking a response, the subject of allegations should normally be given the following information:

- description of the allegations in sufficient detail to enable an informed response. However, there is no need to provide material evidence
- the nature, format and content of the output in which the allegation will be made, including the title if significant
- when and where the content will be first published (if known) and
- an appropriate and timely opportunity to respond.

6.4.45 Any parts of the response relevant to the allegations broadcast should be reflected fairly and accurately and should normally be broadcast or published within or alongside the material containing the allegations.

There may be occasions when this is inappropriate (for example, for legal, safety or confidentiality reasons) in which case a senior editorial figure, or commissioning editor for independent production companies, 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: 7.4.47–7.4.48

6.4.46 Any proposal to broadcast a serious allegation without offering an opportunity to reply, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, and to Director Editorial Policy and Standards, who will consider:

- whether broadcasting the allegation is justified by the public interest<sup>6</sup>
- there are strong reasons for believing it to be true.

<sup>6</sup> See Section 1 The BBC's Editorial Standards:  
1.3 The Public Interest

There may be reasons for publishing or broadcasting allegations without requesting a response from the individuals or organisations concerned. These include the risk of interference with witnesses or those to whom content producers have a duty of care, or other legal reasons.

See Section 3 Accuracy: 3.4.20

## Opportunity to Contribute and Proper Consideration of Facts

6.4.47 Before publishing and broadcasting news and current affairs and factual journalism, including content examining past events, the BBC should take reasonable care to satisfy itself that:

- material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation; and
- anyone whose omission could be unfair to an individual or organisation has been offered an opportunity to contribute.

## Refusals to Take Part

6.4.48 Anyone has the right to refuse to contribute to the BBC's 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.

6.4.49 When the 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. Consideration should be given to whether the missing contributor's views can be represented based on what is already known.

See Section 2 Impartiality: 2.4.2–2.4.4 and Section 7 Privacy: 7.4.46–7.4.47

## Deception

6.4.50 Where there is a public interest<sup>7</sup>, it may be acceptable for content producers to conceal their identity or not reveal the full purpose of the output. It may also be acceptable to create a false persona, or account on social media. Such deception of a contributor, source or organisation is only likely to be acceptable when the material could not be obtained by any other means. It should be the minimum necessary and proportionate 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 independent production companies, to the commissioning editor. Editorial Policy must also be consulted.

See Section 8 Crime and Anti-Social Behaviour: 8.4.38–8.4.40

## Comedy, Entertainment and Satirical Output

6.4.51 If deception is to be used for comedy, entertainment or satirical 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 is likely to result in unjustified public ridicule or personal distress.

The deception should not be designed to humiliate and care should be taken not to distress or unduly embarrass those involved. It may be necessary to consult with friends or family to assess the risks in advance of recording.

See Section 5 Harm and Offence: 5.4.44 and Section 7 Privacy: 7.4.50

<sup>7</sup> See Section 1 The BBC's Editorial Standards:  
1.3 The Public Interest

6.4.52 Deceptions for comedy, entertainment or satirical 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.

6.4.53 Any proposal to deceive a contributor for comedy, entertainment or satirical purposes, whether or not they are in the public eye, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor. Editorial Policy must also be consulted.

## Online

6.4.54 Any proposal to create a website which conceals any connection to the BBC must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, and Director Editorial Policy and Standards, who will consider:

- whether the proposal is proportionate and editorially justifiable
- what safeguards can be put in place to ensure those outside the target audience are not significantly misled, or come to significant harm or detriment.

6.4.55 Any proposal to create a false persona, or account on social media must be referred to a senior editorial figure, or for independent production companies to the commissioning editor. Editorial Policy must also be consulted.

6.4.56 Anyone actively intervening to steer the course of an online or social media discussion for a BBC purpose, without revealing their link to the BBC, must be acting in the public interest<sup>8</sup> and must refer to a senior editorial figure or, for independent production companies, to the commissioning editor. In the most serious cases, referral must also be made to Director Editorial Policy and Standards.

## Working Abroad

6.4.57 Any proposal for BBC content producers to enter a country in a way that avoids visa restrictions must be referred to a senior editorial figure, or for independent production companies to the commissioning editor. Director Editorial Policy and Standards must also be consulted. News bureaux management and the local bureau should also normally be informed. It may also be advisable to contact Programme Legal Advice and BBC Safety's High Risk Team<sup>9</sup> before travelling.

## Portrayal of Real People in Drama

6.4.58 Whenever appropriate, and where their role is significant, real people portrayed in a drama or their close surviving 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.

The portrayal of a real person in a significant way in a drama against their wishes or those of their immediate surviving family must be referred to Director Editorial Policy and Standards for approval before a commitment is made to the production.

<sup>8</sup> See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest

<sup>9</sup> See High Risk site: available on Gateway for BBC staff or via commissioning editors for independent producers

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 criteria are met:

- the portrayal is fair
- the portrayal is based on a substantial and well-sourced body of evidence whenever practicable
- there is a public interest<sup>10</sup>.

6.4.59 When drama realistically portrays living people, or people with close surviving relatives, in contemporary situations, content makers should ensure it does not unduly distort the known facts and thus become unfair particularly if the portrayal concerns a controversial or sensitive event.

See Section 3 Accuracy: 3.4.31

<sup>10</sup> See Section 1 The BBC's Editorial Standards:  
1.3 The Public Interest

# 7

## Privacy



# Privacy

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## 7.1 Introduction

The BBC respects privacy and does not infringe it without good reason, wherever in the world it operates. The law protects 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<sup>1</sup> states 'Any infringement of privacy in programmes, or in connection with obtaining material included in programmes, must be warranted.'<sup>2</sup>

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

Legitimate expectations of privacy will vary according to the place and nature of the information, activity or circumstances in question, the extent to which it is in the public domain, if at all, and whether the individual concerned is already in the public eye. There may be circumstances where people can reasonably expect privacy even in a public place. Some activities and circumstances may be of such a private nature that filming or recording, even in public, could involve an infringement of privacy. People under investigation or in the public eye, and their immediate family and friends, retain the right to a private life, although private behaviour can raise issues of legitimate public interest.

See Section 1 The BBC's Editorial Standards: 1.3

<sup>1</sup> The section of the Ofcom Broadcasting Code that relates to this is 8: Privacy      <sup>2</sup> Rule 8.1, The Ofcom Broadcasting Code

## 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, taking into account ethical, regulatory and legal obligations. Any infringement of privacy in the gathering of material must be proportionate.

**See Section 1 The BBC's Editorial Standards: 1.3**

7.2.2 Any infringement of an individual's privacy without their consent must be justified by demonstrating that the intrusion is outweighed by the public interest. The greater the intrusion, the greater the public interest required to justify it.

7.2.3 Content producers should normally only report the private behaviour of public figures where their conduct is unlawful, anti-social or where broader public issues are raised either by the behaviour itself, or by the consequences of it becoming widely known. The fact of publication by other media may not justify the BBC reporting of it.

7.2.4 Content producers must not go on 'fishing expeditions', ie secret recording in search of crime or anti-social behaviour by identifiable individuals, or groups, when there is no *prima facie* evidence of such behaviour.

7.2.5 The public interest in the full and accurate reporting of stories involving human suffering and distress must be balanced with an individual's privacy and respect for their human dignity.

7.2.6 When gathering personal information from contributors, audiences and other members of the public, it must be clear how it is intended to be used. It must be handled in accordance with the BBC's Editorial Guidelines and the Data Protection Act 2018.

**See 7.4.58–7.4.63**

## 7.3 Mandatory Referrals—must be referred in advance

*Mandatory referrals are an essential part of the BBC's editorial and compliance process 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 must also be consulted.

**See 7.4.13**

7.3.2 Director Editorial Policy and Standards must approve any proposal to employ and/or pay someone known to have a criminal record or background of illegal activity to work on a BBC investigation.

**See 7.4.19**

7.3.3 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 independent production companies, by the commissioning editor. If the BBC would not have considered it justifiable to gather the material under similar circumstances, the proposal must be referred to Director Editorial Policy and Standards.

**See 7.4.29**

7.3.4 Any proposal to broadcast, without consent, recordings originally made for note-taking purposes must be agreed by Director Editorial Policy and Standards. Permission to broadcast material gathered in this way will only be granted in exceptional circumstances.

**See 7.4.31**

7.3.5 Any proposal to equip third parties with body-worn cameras and microphones, where to do so might infringe the privacy of an individual or where the third party is entering private premises without permission, must be referred in advance to Director Editorial Policy and Standards.  
**See 7.4.32**

7.3.6 Any proposal for unmonitored recording equipment on private property without consent of the occupier must be referred to Programme Legal Advice and Director Editorial Policy and Standards.  
**See 7.4.34**

7.3.7 Any proposal to use a tracking device where it would infringe the privacy of an individual must be referred to Director Editorial Policy and Standards.  
**See 7.4.35**

7.3.8 Any proposal for a private investigator acting for the BBC to breach the Editorial Guidelines or, exceptionally, to break the law in pursuit of an investigation must be approved in advance by a senior editorial figure, who must consult Director Editorial Policy and Standards prior to approval, and Programme Legal Advice must also be consulted where it is believed laws may be broken.  
**See 7.4.42**

7.3.9 If during the course of making programmes or content, it is believed laws may be broken by someone working for the BBC, it must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Programme Legal Advice and Director Editorial Policy and Standards.  
**See 7.4.13 and 7.4.43**

7.3.10 Any proposal to engage in hacking or commission hacking activities by third parties must be referred in advance to Director Editorial Policy and Standards.  
**See 7.4.45**

7.3.11 Any proposal to secretly record a doorstep must be agreed with Director Editorial Policy and Standards. Permission to gather material in this way will only be granted in very exceptional circumstances and must be in the public interest.

See 7.4.49

## Other Referrals

7.3.12 Any proposal to carry out secret recording, other than for note-taking purposes, must be referred to Editorial Policy. This should be prior to approval by the relevant senior editorial figure or, for independent production companies, by the commissioning editor.

See 7.4.13

7.3.13 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 Editorial Policy prior to approval by the relevant senior editorial figure or, for independent production companies, to the commissioning editor.

See 7.4.13

7.3.14 Any proposal to send someone to work undercover on an investigation must be referred to Editorial Policy and Programme Legal Advice.

See 7.4.17

7.3.15 Editorial Policy must be consulted about job applications by undercover operatives working on BBC investigations.

See 7.4.20

7.3.16 BBC Safety's High Risk Team, Editorial Policy and Programme Legal Advice must be consulted before investigating, contacting or potentially secretly recording groups or individuals suspected of being involved in serious or potentially violent criminality, acts of extremism or terror related activity.

See 7.4.21

7.3.17 Any proposal to identify individuals or organisations secretly recorded for consumer, scientific or social research without their consent must be referred to Editorial Policy who will consider the public interest in identification and the BBC's fairness obligations.

**See 7.4.24**

7.3.18 Any proposal to feature identifiable people in a live broadcast for comedy, entertainment or satire, without their knowledge, whether in person, on the phone, or via any other medium must be referred to Editorial Policy at the outset.

**See 7.4.28**

7.3.19 Any proposal to gather material using a drone where it might infringe privacy must be referred to a senior editorial figure or, for independent production companies, the commissioning editor.

**See 7.4.33**

7.3.20 Any proposal to transmit a live stream without alerting those who may be shown in the broadcast must be referred to Editorial Policy.

**See 7.4.40**

7.3.21 Any proposal to use a private investigator must be approved by a senior editorial figure who may consult Director Editorial Policy and Standards before going ahead.

**See 7.4.42**

7.3.22 Any proposal to access data derived from hacks or leaks must be referred to Editorial Policy and Programme Legal Advice. Where such data has been sent to the BBC, it must be referred to Editorial Policy and Programme Legal Advice before use.

**See 7.4.44**

7.3.23 Any proposal to doorstep an individual or organisation, where a request has previously been made for an interview or a statement, must be referred to Editorial Policy before approval by a senior editorial figure or, for independent production companies, by the commissioning editor.

**See 7.4.47**

7.3.24 Any proposal to doorstep an individual or organisation, where an interview or statement has not previously been requested, must be referred to Editorial Policy prior to approval by a senior editorial figure or, for independent production companies, the commissioning editor, and a written record of the decision kept. This does not apply to the legitimate gathering of material for the daily news agenda.

**See 7.4.48**

7.3.25 Any proposal to doorstep an individual or organisation for comedy, entertainment or satirical purposes should normally be approved in advance by a senior editorial figure or, for independent production companies, by the commissioning editor. Editorial Policy should also be consulted.

**See 7.4.50**

7.3.26 A decision to proceed with a reconstruction or dramatisation of past events involving suffering or trauma, when there are reasonable objections from surviving victims and relatives who have a legitimate expectation of privacy, should be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should normally consult Editorial Policy.

**See 7.4.57**

7.3.27 Any request by a public authority for a contributor's personal information, or where content producers are proposing to share that information for safeguarding or welfare reasons, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who must refer to Editorial Policy and Programme Legal Advice before information is shared.

**See 7.4.61**

7.3.28 Any proposal to collect personal information on a BBC Public Service website which might be disclosed to third parties, including BBC Commercial Services, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who may wish to consult Information Rights and BBC Fair Trading.

**See 7.4.62**

7.3.29 Any proposal to reveal an under-18's personal details to a third party without their consent must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Editorial Policy, Safeguarding, and Information Rights.

See 7.4.63

## 7.4 Guidelines

### Privacy and Consent

7.4.1 When contributors give informed consent to take part in BBC 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.

See Section 6 Fairness: 6.4.1–6.4.5

7.4.2 Content producers should operate openly where there is a risk of infringing people's privacy, unless secret recording has been approved. This is important when using inconspicuous recording devices or live streaming. Where practicable, notices should be used to make people aware of recording or live streaming and to enable them to avoid it.

See 7.4.40–7.4.41

7.4.3 When filming openly in places accessible to the public, consent is not normally required 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 content makers are asked to stop filming or recording by individuals or an organisation because of a concern about privacy, they must decide if it is justified in the public interest to continue.

If content producers are contacted by someone immediately after filming has taken place with a request not to show them, and their request for privacy is warranted, it should be carefully considered.

7.4.4 Two separate consents should normally be obtained in potentially sensitive places, for example, ambulances, hospitals, schools, prisons or police stations; one for gathering the material and the other for broadcasting it, unless it is justified not to obtain such consents.

**See** guidance: Filming in Medical Emergencies

7.4.5 Content makers should take responsibility for ensuring consent has been obtained where necessary. It may sometimes be appropriate to ask third parties to assist with seeking consent, but responsibility still rests with the BBC.

7.4.6 Consent should normally be obtained before recording on private property. However, recording without prior permission may be justified on private property where the public has general access, for example, on public transport, or in a shopping mall, railway station or airport. It may also be justified where there is reason to believe the recording will aid the exposure of illegal or anti-social behaviour or is otherwise justified in the public interest. When recording without prior consent on private property, if the owner, legal occupier or person acting with their authority asks for the recording to stop, content makers should normally do so unless it is justified in the public interest to continue.

Content makers should be aware of the law of trespass and should normally leave private property when asked to do so by the legal occupier. Accessing private property without consent can constitute a civil wrong, but is not usually a police matter.

Consideration should be given as to whether there is a justification for publishing information that may reveal the precise location of an identifiable person's home or family.

7.4.7 When filming, content makers should be aware of the risk of inadvertently capturing private information without consent, such as on written records, on computer screens or inside offices.

## **Children, Young People and Vulnerable Contributors**

7.4.8 When children feature in output in a way that potentially infringes their legitimate expectation of privacy, content makers should have the informed consent of a parent, legal guardian or other adult who is acting in loco parentis. They should normally also establish the child's willingness to participate where appropriate. Content makers may also need to obtain the informed consent of a responsible adult when considering featuring a vulnerable person in output. There may be additional legal considerations about children or vulnerable people and advice can be sought from Programme Legal Advice.

Children do not lose their right to privacy because, for example, of the fame or notoriety of their parents or because of events in their schools.

See Section 9 Children and Young People as Contributors: 9.4.1–9.4.9

See guidance: Working with Children and Young People as Contributors; and Working with Contributors including Vulnerable Contributors or Contributors at Risk of Vulnerability

## **Third Parties**

7.4.9 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 output or directly included in it. This may include information that someone is under police or regulatory investigation as well as personal testimony about a third party. When such information is not already in the public domain the public interest should outweigh any legitimate expectation of privacy. Individuals are entitled to recount their own experiences; however, the privacy implications for any third parties they may refer to should be assessed.

See 7.4.58–7.4.63

See Section 8 Crime and Anti-Social Behaviour: 8.4.12

## Material from Social Media

7.4.10 When video and images from social media and other websites accessible to the public are used by the BBC, they may gain greater authority than on other digital platforms. Content makers should consider the privacy of those featured, particularly where they did not make or publish the material. It may also be necessary to seek further consent. Re-use may have an impact on those involved, particularly when in connection with tragic, humiliating or distressing events.

Where content features individuals who have openly posted material about themselves on social media, their legitimate expectation of privacy may be reduced. This is particularly the case where an individual has shown an understanding of the impact that posting on social media may have on their own privacy, or where privacy settings have not been used. This may not apply to other individuals who appear in that content, particularly if they are children.

Copyright must also be considered. Within the BBC, advice is available from Intellectual Property. Independent production companies are responsible for any copyright issues in the content they make for the BBC.

**See** guidance: User-Generated Contributions

## Secret Recording

7.4.11 There must be a public interest justification for secret recording. Normally, secret recording should only be used for the following purposes:

- as an investigative tool where:
  - there is *prima facie* evidence of behaviour, or intention to carry out behaviour, that it is in the public interest to reveal, and
  - other ways of corroborating the source material have been considered and judged to be insufficient to prove the behaviour

- it is important to witness and record evidence of the behaviour first hand
- there are reasonable grounds to believe that further material evidence could be obtained to prove the behaviour
- the recording is necessary to provide context, credibility and contribute to the authenticity of the content
- to obtain material outside the UK where a country's laws make the normal gathering of material 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  
**See 7.4.24**
- for electronic note-taking  
**See 7.4.30**
- for satirical investigations which enhance understanding or appreciation of matters in the public interest
- secret recording may also be used for comedy and entertainment output where the secret recording and any deception involved are intrinsic to the editorial purpose of the content.  
**See 7.4.25–7.4.28**

7.4.12 The following techniques may be methods of secret recording that risk infringing privacy:

- the use of hidden cameras or microphones, or any other technique aimed at concealing the fact of recording from its subject
- the use of audio-video equipment including long lenses, small video cameras, mobile phone cameras, live streaming, radio microphones, body-worn cameras and microphones and cameras fitted to drones
- the use of body-worn cameras or microphones on third parties when a BBC content producer is not in attendance with visible cameras  
**See 7.4.32**
- recording telephone or video calls for possible broadcast without consent

- 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
- leaving an unmonitored camera or recording device on private property without the informed consent of the occupiers or their agent.

See 7.4.34

## Approval of Secret Recording

7.4.13 Any proposal to carry out secret recording, other than for note-taking purposes, must be referred to Editorial Policy. This should be prior to approval by the relevant senior editorial figure or, for independent production companies, 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 is not broadcast. Each department is responsible for maintaining its own secret recording records to enable the BBC to monitor and review its use across all output.

See Forms: Secret Recording Forms

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 Editorial Policy prior to approval by the relevant senior editorial figure or, for independent production companies, to the commissioning editor.

When proposing to carry out secret recording outside the UK, content producers 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, who will consider the editorial justification. Programme Legal Advice must also be consulted.

A list of authorisers can be found on the Editorial Policy website and on the online version of the secret recording forms.

See 7.4.43

7.4.14 The re-use of secretly recorded material must be justified in the public interest.

See Section 13 Use of BBC Content After Publication or Broadcast: 13.4.18

See guidance: Secret Recording

## **Secret Recording for Investigations including Undercover Investigations**

Investigations are an important way of uncovering matters of significant public interest<sup>3</sup> but must be editorially justified.

7.4.15 Any intrusion caused by the gathering and transmission of secret recording must be proportionate to the public interest it serves, taking into account the legitimate expectations of privacy of the individuals recorded. Some situations attract a higher legitimate expectation of privacy. These include, but are not limited to:

- secret recording in a private place where the public do not have access
- secret recording of health care or medical treatments
- secret recording of identifiable people in grief or under extremes of stress or where they are otherwise vulnerable.

7.4.16 Content producers must not go on 'fishing expeditions', ie secret recording in search of crime or anti-social behaviour by identifiable individuals, or groups, when there is no *prima facie* evidence of such behaviour.

<sup>3</sup> See Section 1 The BBC's Editorial Standards:  
1.3 The Public Interest

7.4.17 Any proposal to send someone to work undercover on an investigation must be referred to Editorial Policy and Programme Legal Advice.

7.4.18 Before an investigation is commissioned which may intrude into people's privacy, it is good practice to seek editorial approval and legal advice, and 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?

See Section 8 Crime and Anti-Social Behaviour: 8.4.4–8.4.6

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

7.4.20 Editorial Policy must be consulted about 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.

7.4.21 BBC Safety's High Risk Team, Editorial Policy and Programme Legal Advice must be consulted before investigating, contacting or potentially secretly recording groups or individuals suspected of being involved in serious or potentially violent criminality, acts of extremism or terror related activity.

See Section 12 War, Terror and Extreme Violence, Disaster and Disorder: 12.4.24

7.4.22 During an 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.

7.4.23 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 their methods and findings. Members of the team may be called as witnesses in a prosecution. It is important to ensure that the editorial justification and methods used during the investigation can withstand scrutiny.

See Section 13 Use of BBC Content After Publication

or Broadcast: 13.4.31–13.4.41

See guidance: Investigations

## **Secret Recording for Consumer, Scientific or Social Research**

7.4.24 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 presented so as to provide a fair and accurate representation of the research. Consent should normally be obtained retrospectively from individuals or organisations to be included in BBC content, or their identities should be appropriately obscured. Any proposal to identify individuals or organisations secretly recorded for consumer, scientific or social research without their consent must be referred to Editorial Policy who will consider the public interest in identification and the BBC's fairness obligations.

See guidance: Secret Recording

## Secret Recording for Comedy, Entertainment and Satire

7.4.25 Secretly recording material solely for comedy, entertainment or satirical investigations may be justified if it is intrinsic to the entertainment and does not amount to a significant intrusion into privacy and cause significant annoyance, distress, humiliation or embarrassment. If people realise they are being recorded secretly and ask for the recording to stop, content makers must do so.

For material that is social research in a satirical context see 7.4.24 above.

7.4.26 After the material has been gathered, people who feature prominently must give their consent before it is broadcast, or their identities must be appropriately obscured. If the recording might cause significant embarrassment to other recognisable individuals who have been caught on camera or on the phone but have not given consent, their identities must also be disguised.

See Section 5 Harm & Offence: 5.4.44

7.4.27 Anyone identifiable who has been secretly recorded in a telephone or video call for comedy or entertainment purposes must give their consent before the call is broadcast.

7.4.28 Any proposal to feature identifiable people in a live broadcast for comedy, entertainment or satire without their knowledge, whether in person or on the phone, or via any other medium must be referred to Editorial Policy at the outset.

## Secret Recordings from Third Parties

7.4.29 When offered secret recordings made by others, content makers should consider whether, under similar circumstances, the BBC would have deemed 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 independent production companies, by the commissioning editor. If the BBC would not have considered it justifiable to gather the material under similar circumstances, the proposal must be referred to Director Editorial Policy and Standards, who will consider whether the public interest in broadcasting it outweighs any concerns about how it was obtained.

## Electronic Note-Taking

7.4.30 Conversations for note-taking purposes can be recorded electronically in order to achieve due accuracy in the reporting of those conversations. Content producers should normally do so openly and with the consent of the other party in order to avoid infringing their privacy.

However, where it would be counter-productive to ask for permission, and it is editorially justified, conversations may be recorded in both audio and video 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 and integrity, and enabling content makers to gather evidence to defend the BBC against possible legal action or complaints. Where it is practicable to do so, a contemporaneous note about the justification for the recording should be kept.

See Section 3 Accuracy: 3.4.15

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

Such circumstances may include the following:

- recordings are the only way to prove significant wrongdoing and
- there is a strong public interest.

## Inconspicuous Recording Devices

### Body-Worn Cameras and Microphones Used by Third Parties, including Animals

7.4.32 Any proposal to equip third parties with body-worn cameras and microphones, where to do so might infringe the privacy of an individual or where the third party is entering private premises without permission, must be referred in advance to Director Editorial Policy and Standards, who will consider:

- the public interest in the material gathered in this way
- what measures have been taken to avoid unjustified infringement of privacy
- whether there is adequate technical provision for ensuring that the recording equipment is under the BBC's control.

See 7.4.40

See guidance: Body-Worn Cameras ('Go-Pros') and Microphones

## Drones

7.4.33 Any proposal to gather material using a drone where it might infringe privacy must be referred to a senior editorial figure or, for independent production companies, the commissioning editor, who will consider:

- the public interest in the material gathered in this way
- the safety issues around use of drones
- whether there are sufficient safeguards to prevent an unjustified infringement of privacy.

Where identifiable individuals will be filmed without consent and it would infringe the privacy of an individual, Programme Legal Advice should normally be consulted.

Drones should not normally be used to identify individuals without their consent, or capture close-up images of areas such as private homes, private gardens or private areas of offices without the consent of the owner, unless they can be seen from

a publicly accessible place or there is a public interest that outweighs any legitimate expectations of privacy. Consideration should be given as to whether there is a justification for using drone images that may reveal the precise location of an identifiable person's home or family.

Drones are subject to Civil Aviation Authority regulation and safety considerations.

See guidance: Use of Drones

## Unmonitored Recording Equipment

7.4.34 Any proposal for unmonitored recording equipment on private property without consent of the occupier or their agent must be referred to Programme Legal Advice and Director Editorial Policy and Standards, who will consider:

- whether the public interest in the recorded material is sufficient to outweigh the legitimate expectations of privacy of all those captured by the recording
- whether there are sufficient safeguards to prevent an unjustified infringement of privacy.

## Tracking Devices

7.4.35 Any proposal to use a tracking device where it would infringe the privacy of an individual must be referred to Director Editorial Policy and Standards, who will consider:

- whether the public interest in the data recorded is sufficient to outweigh the legitimate expectations of privacy of all those who are tracked
- whether there are sufficient safeguards to prevent an unjustified infringement of privacy.

## Material from Inconspicuous Recording Devices Supplied by Third Parties

7.4.36 Such material may include footage recorded by the public, emergency services or other groups with body-worn cameras, drones, CCTV or fixed webcams, doorbell cameras, mobile phones or other inconspicuous personal devices. When such material is used, it must be editorially justified and appropriately labelled. Reasonable steps should be taken to verify such footage. Content producers should consider harm and offence issues and any infringement of privacy. The footage may also raise legal issues such as trespass, defamation, contempt of court or data protection.

Where the material from inconspicuous recording devices may amount to secret recording, see Secret Recordings from Third Parties.

See 7.4.29 and 7.4.41

See guidance: Use of Drones; and Body-Worn Cameras ('Go-Pros') and Microphones

## Live Streaming

7.4.37 Live streaming—the broadcasting of video or audio on the internet or on social media, as events unfold—is the same as live broadcasting. It enables audiences to access content in real time. Material may be live streamed from remote locations via devices such as webcams or mobile phone cameras. While audiences may expect to be filmed on a mobile device, they may not envisage that what is being filmed is also being broadcast live.

The BBC should only operate a live stream where it is editorially justified. Live streaming should cease when that purpose has been achieved.

The BBC should retain editorial responsibility for monitoring the output of a live stream, regardless of who provides or owns it. The level of monitoring should be appropriate for the likely content. A producer should normally be in a position to cut the feed from a live stream if it becomes necessary.

If recorded footage of a live stream is shown, it should be made clear it is not live.

**See Section 15 Independence from Commercial and Other External Interests: 15.4.8**

**See guidance: Links and Feeds**

## **Live Streaming from Studios**

7.4.38 Guests should be warned in advance if their contribution is going to be live streamed from a BBC studio. This is particularly important for radio guests who may not expect to be in vision.

## **Live Streaming in Public**

7.4.39 When the BBC live streams from places where the public has general access and individuals are likely to be identifiable, for example, because the live stream transmits a sufficiently high level of detail, reasonable steps should be taken to warn people that the BBC is operating a live stream. 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, or with stage announcements, that a live stream is operating. If the live stream is in a public space, like a street or a park, a clear warning notice should be placed nearby and, where practicable, announcements should be made. For some events, the visible presence of broadcast vehicles and/or equipment may provide sufficient indication.

## Inconspicuous Live Streaming in Public

7.4.40 Any proposal to transmit a live stream without alerting those who may be shown in the broadcast must be referred to Editorial Policy, who will consider:

- the strength of the editorial justification in reporting the particular event
- whether the public interest justifies filming without alerting those whose privacy may be infringed
- the legitimate expectation of privacy of those who would be shown
- whether the public interest in the event is so great that the benefit of transmitting it live outweighs potential risks of live output, such as infringement of privacy or harm and offence considerations.

## Third-Party Live Streams, CCTV and Recordings

7.4.41 Recordings and live streams provided by others may pose additional issues, such as accuracy, anonymity, offence, defamation, contempt of court, trespass or data protection. Such content includes closed circuit television (CCTV), material from live streams, webcams and recordings provided by the emergency services (including 999 calls), Customs and Excise, or other public authorities, organisations or individuals.

In all cases its origins should be researched and consideration should be given as to whether it amounts to secret recording before a decision to broadcast it is made.

See Section 15 Independence from Commercial and Other External Interests: 15.4.8, Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.20–16.4.21 and Section 17 Competitions, Votes and Interactivity: 17.4.67

See also Section 5 Harm and Offence: 5.4.26 and Section 12 War, Terror and Extreme Violence, Disaster and Disorder: 12.4.19

## Private Investigators

7.4.42 Content makers should normally undertake all the tasks associated with investigative journalism themselves. Private investigators may be used where they can offer specialist skills or contacts or where it is more cost-effective to employ a specialist sub-contractor, for example, for surveillance purposes, to confirm an individual's whereabouts. There must be a public interest justification for their use. **Any proposal to use a private investigator must be approved by a senior editorial figure who may consult Director Editorial Policy and Standards before going ahead.** The senior editorial figure must record the decision and its purpose. These records should be retained by the department commissioning the activity for an appropriate length of time.

All private investigators used to aid investigations must work to the standards in the Editorial Guidelines at all times. It is the senior editorial figure's responsibility to ensure that they do so.

**Any proposal for a private investigator acting for the BBC to breach the Editorial Guidelines or, exceptionally, to break the law in pursuit of an investigation must be approved in advance by a senior editorial figure, who must consult Director Editorial Policy and Standards prior to approval, and Programme Legal Advice must also be consulted where it is believed laws may be broken.** Any proposal will require a public interest justification.

See Section 18 The Law: 18.3.1

See guidance: Use of Private Investigators

## Breaking the Law

7.4.43 There may be occasions where providing accurate, impartial and fair coverage in the public interest involves possible conflict with the law, particularly with regard to the potential intrusion into people's privacy. Where such cases arise content makers should 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.

If it is believed laws may be broken by someone working for the BBC, it must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Programme Legal Advice and Director Editorial Policy and Standards.

See Section 18 The Law: 18.3.1

## Hacking

7.4.44 Any proposal to access data derived from hacks or leaks must be referred to Editorial Policy and Programme Legal Advice. Where such data has been sent to the BBC, it must be referred to Editorial Policy and Programme Legal Advice before use.

See Section 11 Statistics, Data, Polls and Surveys: 11.4.18–21

See guidance: Internet Research

7.4.45 The BBC would not normally engage in hacking or commission hacking activities by third parties. Any proposal to do so must be referred in advance to Director Editorial Policy and Standards.

## Doorstepping

Doorstepping is when someone is confronted and told they are being recorded, or an attempt is made to record an interview, phone call, video call, intercom conversation or similar, without prior warning, for use in BBC content. It may involve an infringement of privacy, which must be justified in the public interest.

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.

7.4.46 Proposals for doorstepping should be proportionate and in the public interest. Consideration should be given to the safety of production staff and the risk of infringing the privacy of third parties. Partners, children, other family members or employees should not normally be doorstepped, and care should be taken that they are not caught up in it.

### Doorstepping With Prior Approach for Investigations in the Public Interest

7.4.47 Any proposal to doorstep an individual or organisation, where a request has previously been made for an interview or a statement, must be referred to Editorial Policy before approval by a senior editorial figure or, for independent production companies, by the commissioning editor.

Approval will normally only be given when there is a public interest or where an individual's role requires them to be publicly accountable and for one, or more, of the following reasons:

- the subject of a doorstep, who faces allegations of wrongdoing, has failed to respond substantively to offers of a right of reply or requests for an interview or statement

- a request for an interview or statement has been refused without good reason and either substantial allegations of wrongdoing have been avoided or questions to an individual in a publicly accountable role have been avoided
- there is a history of failure to substantively engage or respond to interview or statement requests or refusal to be interviewed or provide statements.

See Section 6 Fairness: 6.4.43–6.4.46

## Doorstepping Without Prior Approach for Investigations in the Public Interest

7.4.48 Any proposal to doorstep an individual or organisation, where an interview or a statement has not previously been requested, must be referred to Editorial Policy prior to approval by a senior editorial figure or, for independent production companies, the commissioning editor, and a written record of the decision kept. This does not apply to the legitimate gathering of material for the daily news agenda.

The considerations are as follows:

- there is clear evidence of crime or significant wrongdoing, and
- it has not been possible to request an interview or statement, or
- there is reason to believe that an investigation will be frustrated or allegations avoided (for example, because those under investigation are likely to become out of contact) if a prior approach is made, or
- there is no reasonable expectation of receiving a response
- it is for satire in the public interest.

See Section 6 Fairness: 6.4.43–6.4.46

## Secretly Recorded Doorstepping

7.4.49 Doorsteps should not normally be secretly recorded. Any proposal to secretly record a doorstep must be agreed with Director Editorial Policy and Standards. Permission to gather material in this way will only be granted in very exceptional circumstances and must be in the public interest.

A record must be kept of the approval process in the usual way for secret recording.

See 7.4.11–7.4.24

See Section 6 Fairness: 6.4.43–6.4.46

## Doorstepping for Comedy and Entertainment

7.4.50 Any proposal to doorstep an individual or organisation for comedy, entertainment or satirical purposes should normally be approved in advance by a senior editorial figure or, for independent production companies, by the commissioning editor. Editorial Policy should also be consulted. People who are doorstepped should normally give their consent before the material is broadcast unless their identity is disguised.

See Section 6 Fairness: 6.4.51–6.4.53

## Tag-Along Raids

7.4.51 A tag-along raid is when content producers accompany police, customs, immigration, environmental health officers or other bodies to observe them working on behalf of public authorities. Tag-along raids are only justifiable when there is a public interest and after consideration of editorial and legal issues including privacy, consent and trespass.

When content makers go on tag-along raids on private property they should normally:

- ensure anyone present understands the recording is for the BBC as soon as practicable

- only film those who are the target of the raid and avoid any third parties, especially children and vulnerable adults
- avoid filming irrelevant personal property or spaces and concentrate on filming where evidence has been found or is likely to be found
- stop recording and leave immediately if asked to do so by the owner, legal occupier or person acting with their authority.

Exceptions may include where there is reason to believe serious illegal or serious anti-social behaviour is being exposed, and the public interest will justify continued recording or presence.

Editorial Policy and Programme Legal Advice should normally be consulted about proposals involving tag-along raids.

See 7.4.6

See Section 6 Fairness: 6.4.38–6.4.39

## Reporting Death, Suffering and Distress

7.4.52 Content makers must balance the public interest in full and accurate reporting with the need to be compassionate and to avoid unjustified infringement of privacy when reporting on accidents, disasters, disturbances, violence against individuals or war.

They must consider the editorial justification for portraying graphic or intrusive 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 infringement of privacy, they will often record as much material as possible. However, in such a situation, care must be taken to assess any privacy implications prior to broadcast.

The demands of live output and speed in the use of pictures, including those from social media, should not override consideration of the privacy of those suffering or in distress.

See Section 5 Harm and Offence: 5.4.1–5.4.8 and 5.4.37–5.4.42 and Section 12 War, Terror and Extreme Violence, Disaster and Disorder: 12.4.9  
See guidance: Filming in Medical Emergencies

7.4.53 In the immediate aftermath of an event involving death, suffering or distress, the use of more graphic material may be justified to provide a reasonable account of the full horror. Consideration should be given to the privacy and dignity of victims wherever they are in the world. However, as the story unfolds, it may become more difficult to justify the continued use of such material. Later, 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. Editorial Policy may be consulted over the re-use of graphic and/or upsetting material.

**See** Section 5 Harm and Offence: 5.4.37–5.4.42 and 5.4.21–5.4.23 and Section 13 Use of BBC Content After Publication or Broadcast: 13.4.14–13.4.16

7.4.54 Requests for interviews with people who are injured or grieving following an accident or disaster should normally be made by approaching them through friends, relatives or advisers. Content makers should not:

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

**See** Section 6 Fairness: 6.4.7–6.4.12

7.4.55 Public expressions of grief vary around the world, as do perceptions of whether it is an acceptable intrusion to broadcast those scenes of grief. It is important to avoid self-censorship, but the expectations of those being recorded and audiences must be considered. Graphic scenes of grief are less likely to offend or distress those victims and relatives who consented to the recording, but they may offend or anger some of the audience. When introducing scenes of extreme distress or suffering, words explaining the circumstances in which they were gathered may help to prevent misunderstandings and offence.

**See** Section 5 Harm and Offence: 5.4.1–5.4.6

7.4.56 Recording at private funerals should normally only take place with the consent of the family. If a decision is made to proceed against requests for privacy there must be a clear public interest.

## Revisiting Past Events

7.4.57 Content makers must consider whether surviving victims and relatives have any legitimate expectation of privacy when they 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 scale and location of the original incident as well as the time that has elapsed since it occurred should be considered. So far as is reasonably practicable, surviving victims or the immediate families of dead people who are to feature in the programme should normally be notified. A decision to proceed against any reasonable objections from those concerned should be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should normally consult Editorial Policy.

Approval will only be given if the objections are outweighed by the public interest.

See 7.4.53

See Section 13 Use of BBC Content After Publication or Broadcast: 13.4.14–13.4.16

## Personal Information

7.4.58 The collection of personal information must be handled in accordance with data protection legislation and the BBC's data protection policies<sup>4</sup>. When collecting personal information for online services from children under 13, and in Scotland, under 12, the Data Protection Act requires content makers to exercise caution and may require verifiable 'parental consent'. The BBC Editorial Guidelines require the same caution when collecting any personal data from children under 16.

See Section 9 Children and Young People as Contributors: 9.4.3 and 9.4.28

See guidance: Interacting with Children and Young People Online

<sup>4</sup> See Data Protection Handbook: available on Gateway for BBC staff or via commissioning editors for independent producers; and the BBC Privacy and Cookies Policy

7.4.59 Personal information about contributors and potential contributors 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 Rights. Contributor details must be securely stored and only held for as long as there is a legitimate purpose.

7.4.60 Adult contributors' personal details, comments or other personal information should not normally be shared with third parties without the knowledge of the contributor, unless there are legal requirements, safeguarding or welfare concerns. Where it is essential, it should be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who may wish to consult Information Rights before going ahead. A contract should require the third party to use the information only for the use agreed between the BBC and the third party.

7.4.61 Any request by a public authority for a contributor's personal information, or where content producers are proposing to share that information for safeguarding or welfare reasons, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who must refer to Editorial Policy and Programme Legal Advice before information is shared.

See Section 13 Use of BBC Content After Publication or Broadcast: 13.4.36–13.4.39

7.4.62 Any proposal to collect personal information on a BBC Public Service website which might be disclosed to third parties, including BBC Commercial Services, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who may wish to consult Information Rights and BBC Fair Trading.

7.4.63 Any proposal to reveal an under-18's personal information to a third party without their consent must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Editorial Policy, Safeguarding, and Information Rights. Approval will normally only be given:

- for safeguarding and child protection reasons or
- where there is a public interest that outweighs the expectations of privacy or
- where there is a legal requirement to provide the information.

See Section 9 Children and Young People as Contributors: 9.4.28

## Use of Technology

7.4.64 Where personal information is collected through the use of technology, including automated systems involving artificial intelligence or machine learning, it must be handled in accordance with the BBC Editorial Guidelines and current data protection law. Advice may be sought from Information Rights.

Any BBC use of software must be authorised by the software asset management process.

See Software Asset Management Process on Gateway

7.4.65 When using technology to enhance the technical quality of content, such as sound or pictures, any relevant privacy implications should be considered.

## Missing People

7.4.66 The BBC may sometimes report on missing people by broadcasting details provided by relatives, friends and the police. However, content makers should take editorial responsibility for the publication or broadcast of such details 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.

See Section 13 Use of BBC Content After Publication or Broadcast: 13.4.24–13.4.30  
See guidance: Privacy and Missing People

# 8

## Crime and Anti-Social Behaviour



# Crime and Anti-Social Behaviour

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## 8.1 Introduction

The BBC reports crime and anti-social behaviour as a matter of public interest. BBC content is aimed at giving audiences the facts in their context and reflects broadcasters' right to freedom of expression and audiences' right to receive information and ideas<sup>1</sup>.

The BBC will examine the nature of criminality, its causes and consequences, and also report on the agencies which fight crime.

Investigations into crime must be proportionate to the level of wrongdoing, and content makers must observe the standards of behaviour set out in the Editorial Guidelines.

BBC output may involve contributions from, or contact with, people who have engaged in criminal or anti-social acts. Contributors must be challenged, and criminal or anti-social behaviour should not be glamorised, condoned or encouraged. The public interest<sup>2</sup> in reporting crime must be balanced with respect for the privacy and dignity of victims and their families.

Internationally there are different definitions of what constitutes a crime. For example, interviewing political dissidents or activists can be important in providing a full understanding of events.

Reporting of crime should not unnecessarily add to people's fear of becoming victims of crime if statistics suggest it is very unlikely.

<sup>1</sup> The sections of the Ofcom Broadcasting Code that relate to this are 3: Crime, Disorder, Hatred and Abuse; and 8: Privacy

<sup>2</sup> See Section 1 The BBC's Editorial Standards—Essential Information: 1.3 The Public Interest

## 8.2 Principles

8.2.1 Content makers must ensure that material likely to encourage or incite crime, or lead to disorder, is not included in BBC output. However, this is not intended to restrict freedom of expression or the broadcasting of any content where a clear public interest can be demonstrated. There will be times when it is in the public interest to include views which may be perceived to be provocative or extreme. On those occasions, there must be sufficient context and/or challenge to those views. Context includes the editorial purpose of the output.

8.2.2 Hate speech, abusive or derogatory language or treatment of individuals, groups or communities on the grounds of, for example, race, religious belief or sexual orientation should not normally be included in output unless it is justified by the context.

**See 8.4.3**  
**See Section 5 Harm and Offence: 5.4.33–5.4.35**  
**See guidance: Racist Language**

8.2.3 Detailed descriptions or demonstrations of criminal techniques which could encourage or enable illegal behaviour should not be included unless editorially justified and in the public interest.

8.2.4 The public interest in reporting crime must be weighed against respect for the privacy and dignity of victims and their families.

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

## 8.3 Mandatory Referrals—must be referred in advance

*Mandatory referrals are an essential part of the BBC's editorial and compliance process and must be observed.*

### Referrals to Director Editorial Policy and Standards

- 8.3.1 Content likely to encourage or incite crime, or lead to disorder, must not be included in BBC output. Any proposal to publish or broadcast content which risks inciting crime or disorder must be referred to Director Editorial Policy and Standards.  
*See 8.4.1*
- 8.3.2 When investigating criminal activity, content makers may want to record a specific crime or the planning of a specific crime. Where that might raise questions about their relationship with the criminal, or involves witnessing criminal activity, it must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor, and to both Director Editorial Policy and Standards and Programme Legal Advice.  
*See 8.4.4*
- 8.3.3 Any proposal to contact or interview a criminal active in, or wanted in, the UK must be referred to Director Editorial Policy and Standards.  
*See 8.4.14*
- 8.3.4 Any proposal to contact or interview escaped prisoners or others wanted by the UK police must be referred to Director Editorial Policy and Standards and Programme Legal Advice.  
*See 8.4.17*
- 8.3.5 Any proposal to pay a fee or to make a 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.  
*See 8.4.19*

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- 8.3.6 Any proposal to enter a UK prison to conduct an interview with a prisoner without permission of the prison authorities must be referred to Director Editorial Policy and Standards.  
*See 8.4.21*
- 8.3.7 Any proposal to publish or broadcast the name or picture of a convicted paedophile or other sex offender, when their name has not been made publicly available by the police, the courts or other tribunal, or if their conviction is spent, must be referred to Director Editorial Policy and Standards.  
*See 8.4.26*
- 8.3.8 Any proposal to interview a paedophile or other sex offender who has been convicted of serious offences, who is in prison or on release from prison, should be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Director Editorial Policy and Standards.  
*See 8.4.28*
- 8.3.9 Any proposal to grant anonymity to someone seeking to evade UK law, where there is an ongoing investigation, must be referred to Director Editorial Policy and Standards.  
*See 8.4.30*
- 8.3.10 Any proposal to interview a witness or potential witness about their evidence once criminal proceedings are underway, or to pay them, must be referred to Director Editorial Policy and Standards and Programme Legal Advice.  
*See 8.4.33–8.4.35*

8.3.11 Director Editorial Policy and Standards must approve any proposal to employ or pay someone known to have a criminal record or background of illegal activity to work on a BBC investigation.  
**See 8.4.40**

8.3.12 Any proposal to inform the police or investigatory authorities of any wrongdoing uncovered during an investigation, unless part of a right of reply process or after publication or broadcast, must be referred to Director Editorial Policy and Standards.  
**See 8.4.42**

8.3.13 When considering whether material from a discontinued investigation should be made available to the police or any other appropriate authority, content makers must consult Director Editorial Policy and Standards.  
**See 8.4.43**

8.3.14 Any intention to supply material of any sort from a discontinued investigation to the police, or any other third party, must be referred to Director Editorial Policy and Standards and Programme Legal Advice.  
**See 8.4.43**

## Other Referrals

8.3.15 Any proposal, in the public interest, to record the harming of animals, for the purpose of gathering evidence or to illustrate malpractice or illegal, cruel, anti-social or controversial behaviour, must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor.  
**See 8.4.6**  
**See Section 5 Harm and Offence: 5.4.42**

8.3.16 Consideration must be given in the early stages of a criminal or regulatory investigation as to whether there is justification for naming a suspect under investigation before charges—or their equivalent—are brought. If the intention is to name a suspect in these circumstances, Programme Legal Advice and Editorial Policy must be consulted.  
**See 8.4.12**

8.3.17 When considering whether to publish information which is likely to identify a child or young person who is the subject of an order relating to their behaviour, has a conviction or is involved in court proceedings, Programme Legal Advice and Editorial Policy must be consulted.

See 8.4.13 and 8.4.31–8.4.32

8.3.18 Any proposal to contact or interview an active criminal, or person wanted anywhere outside the UK, must be referred to Editorial Policy. Internationally there are different definitions of what constitutes a crime and criminal behaviour. 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. Generally, however, if a crime has been committed abroad, the same principles should apply as in the UK.

See 8.4.17–8.4.18

8.3.19 Any proposal to make payments, or payments in kind, to those who may not have committed a crime, but whose behaviour is clearly anti-social, for interviews or other contributions about their behaviour, must be referred to Editorial Policy.

See 8.4.20

8.3.20 Any proposal to enter an overseas prison to conduct an interview with a prisoner must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Editorial Policy. If approved, the relevant international bureau should normally be informed and Programme Legal Advice consulted.

See 8.4.22

8.3.21 A live call from a prisoner requires strong editorial justification and should not be broadcast without referral to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Editorial Policy.

See 8.4.23

8.3.22 Any proposal to ask a prisoner to make a contribution for broadcast purposes or to broadcast an unsolicited contribution from a prisoner should be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Editorial Policy.

**See 8.4.23**

8.3.23 Any proposal to undertake an investigation into crime or serious anti-social behaviour must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. Editorial Policy and Programme Legal Advice must be consulted.

**See 8.4.38**

8.3.24 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 and Programme Legal Advice.

**See 8.4.39**

8.3.25 Where investigations into criminal activity may infringe privacy, the relevant mandatory referrals can be found in the section on Privacy. These relate to:

- contacting people or groups suspected of acts of extreme violence for political or ideological ends, serious criminal acts or violence, or proposing covert surveillance or recording of such people or groups
- any proposal to send someone to work as an undercover operative
- job applications by undercover operatives working on BBC investigations.

**See Section 7 Privacy: 7.4.20–7.4.21**

8.3.26 A decision to proceed with a reconstruction or dramatisation of past events involving criminal or anti-social behaviour, when there are reasonable objections from those concerned, should be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should normally consult Editorial Policy.

**See 8.4.7**

**See Section 7 Privacy: 7.4.57**

## 8.4 Guidelines

### Reporting Crime

#### Material Likely to Encourage or Incite Crime

8.4.1 Content likely to encourage or incite crime, or lead to disorder, must not be included in BBC output. Any proposal to publish or broadcast content which risks inciting crime or disorder must be referred to Director Editorial Policy and Standards.

Content may include:

- that which directly or indirectly amounts to a call to criminal action or disorder
- that which promotes or encourages engagement in acts of terror or other forms of criminal activity or disorder
- hate speech which is likely to encourage criminal activity or lead to disorder.

There will be times when it is in the public interest<sup>3</sup> to include views which may be perceived to be provocative or extreme, particularly in news, current affairs and other factual output. In considering whether such output is likely to encourage or incite crime or disorder, the relevant factors include:

- whether the output includes direct or indirect calls to action
- whether there is sufficient context and/or challenge to those views
- the editorial purpose of the output  
See Section 5 Harm and Offence: 5.1
- the nature and seriousness of the behaviour being incited
- the status or position of anyone featured in the output

<sup>3</sup> See Section 1 The BBC's Editorial Standards—  
Essential Information: 1.3 The Public Interest

- whether the output is scheduled to be broadcast before the watershed or when children and young people are likely to be in the audience
- whether there are significant freedom of speech considerations that justify the broadcast.

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 obligation not to broadcast material likely to encourage or incite crime. Context and explanation will be critical.

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

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

Illegal activities, such as drug use, 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.

See Section 5 Harm and Offence: 5.4.52–5.4.56

## **Hate speech**

8.4.3 Material that contains hate speech should not be included in output unless it is justified by the context. Broadcasting hate speech can constitute a criminal offence if it is intended or likely to stir up hatred relating to race, or intended to stir up hatred relating to religious belief or lack of religious belief, disability, sexual orientation or transgender identity.

Further advice is available from Programme Legal Advice. The situation may differ in Scotland and advice is available from the Legal Director, Scotland.

See Section 2 Impartiality: 2.4.16 and Section 5 Harm and Offence: 5.4.43

## Witnessing and Depicting Illegal Activity

### 8.4.4

When investigating criminal activity, content makers may want to record a specific crime or the planning of a specific crime. Where that might raise questions about their relationship with the criminal, or involves witnessing criminal activity, it must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor, and to both Director Editorial Policy and Standards and Programme Legal Advice.

Approval to be present at, or record, illegal activity will be given only if it is clearly in the public interest<sup>4</sup>. Even then the following must be avoided:

- condoning or glamorising 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. Research notes, diaries, emails, texts, social media messages and any other paperwork connected to the investigation, as well as untransmitted rushes, may be sought by the police using a 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 shared only with people who need to know. It must be possible to redact any identifying details in notes that might become the subject of a court order.

See Section 6 Fairness: 6.4.31–6.4.36 and Section 13 Use of BBC Content After Publication or Broadcast: 13.4.31–13.4.41

<sup>4</sup> See Section 1 The BBC's Editorial Standards—Essential Information: 1.3 The Public Interest

8.4.5 Criminal techniques should not normally be demonstrated or depicted in detail because of the risk of imitation. Where there is editorial justification to show this content, revealing information that could enable illegal activity, or the ways in which it can be made more effective, should be avoided.

8.4.6 Any proposal, in the public interest, to record the harming of animals, for the purpose of gathering evidence or to illustrate malpractice or illegal, cruel, anti-social or controversial behaviour, must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor.

See Section 5 Harm and Offence: 5.4.42

## Impact on Victims

8.4.7 Interviewing those responsible for crime or anti-social behaviour, or reconstructing or dramatising past events, may cause distress to victims and their relatives. As far as is reasonably practicable, surviving victims, or the immediate relatives of the deceased, should be contacted to advise them of the proposal. If it is necessary to use an intermediary, such as the police or social services, it is still up to content makers to check that the victims or immediate relatives have been informed and have the necessary details to contact the BBC.

A decision to proceed against any reasonable objections from those concerned should be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should normally consult Editorial Policy.

Approval will only be given if the objections are outweighed by the public interest.

See Section 7 Privacy: 7.4.57

8.4.8 Reporting the facts about criminals may include detailing their family circumstances, but content producers should avoid causing unwarranted distress to these families. They should not imply guilt by association, without evidence.

8.4.9 When reporting on 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 they are identified or their new whereabouts are revealed should be given particularly careful thought, as should the likely impact on them of reporting the historic crime.

8.4.10 Consideration should be given to the impact reporting crime may have on audiences. Care should be taken not to add to people's fears of becoming victims of crime if, statistically, this is very unlikely.

See guidance: Reporting Statistics

## Reconstructions

8.4.11 Output may include crime reconstructions which should be made clear by labelling or by using other production techniques. Content makers in news should not normally commission crime reconstructions except for use at the conclusion of a trial or for reporting historic cases. Revisiting the scene of a crime and/or interviewing a victim or witness does not constitute a reconstruction.

See Section Accuracy: 3.4.30

## Reporting Police and Regulatory Investigations

8.4.12 Consideration must be given in the early stages of a criminal or regulatory investigation as to whether there is justification for naming a suspect under investigation before charges—or their equivalent—are brought. If the intention is to name a suspect in these circumstances, Programme Legal Advice and Editorial Policy must be consulted.

## Court Reporting and Covering Trials

8.4.13 Reporting restrictions which cover preliminary proceedings in magistrates' courts and Crown Courts may be different across the UK. In England and Wales normally only basic details can be reported. Separate advice should be sought for reporting preliminary proceedings in Scotland and Northern Ireland. Advice for Scotland is available from Legal Director, Scotland; advice for Northern Ireland should be sought from Programme Legal Advice.

In Scotland, the reporting of all court proceedings, as well as preliminary proceedings, may be different from the rest of the UK. Again, advice is available from Legal Director, Scotland.

Reporting restrictions cover proceedings in Youth Courts to protect the identity of any under-18 involved. Any child who is the subject of ongoing proceedings in family law cases (which includes, for example, care proceedings) must not be identified. Courts may also pass orders limiting what can be reported in individual cases. Particular care is needed to avoid the identification of victims in prosecutions for sexual abuse within the family.

When considering whether to publish information which is likely to identify a child or young person who is the subject of an order relating to their behaviour, has a conviction or is involved in court proceedings, Programme Legal Advice and Editorial Policy must be consulted.

See Section 9 Children and Young People as Contributors: 9.4.22 and Section 18 The Law: 18.4.3

Reports of court proceedings must be fair and accurate. Unfairness may occur if content makers fail to report both the prosecution and defence cases. Having started covering court proceedings, the verdict must be reported. If content producers wish to cover a trial live on social media they must consistently cover the prosecution and defence cases or only cover the verdict. Advice is available from Programme Legal Advice.

See Section 18 The Law: 18.4.3

## Dealing with Criminals and Perpetrators of Anti-Social Behaviour

### Interviews

8.4.14 Any proposal to contact or 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 editorially justified, for example, in eliciting important information or insight.

8.4.15 When interviewing criminals, care must be taken to minimise the potential distress this may cause to victims of the crime or their relatives.  
See 8.4.7–8.4.9  
See Section 7 Privacy: 7.4.57

8.4.16 Interviews with active or convicted criminals must be appropriately challenging and should not glamorise wrongdoing, celebrate the flouting of the judicial process or reveal details that would enable a crime to be copied.  
See 8.4.4–8.4.6

8.4.17 Contact with escaped prisoners or people wanted by the UK police may 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.

8.4.18 Internationally, there are different definitions of what constitutes a crime and criminal behaviour. 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. Generally, however, if a crime has been committed abroad, the same principles should apply as in the UK. Any proposal to contact or interview an active criminal, or person wanted anywhere outside the UK, must be referred to Editorial Policy.

## Payments

8.4.19 The BBC does not normally make, or promise to make, payments or 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 the BBC's reputation, and the credibility of interviewees and sources, as well as respecting the sensitivities of the victims of crime.

Any proposal to pay a fee or to make a 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. A fee should only be paid for a contribution that is of clear public interest<sup>5</sup> and which could not have been obtained otherwise.

However, it may be appropriate to reimburse expenditure or loss of earnings incurred during the making of a contribution.

These guidelines are not intended to inhibit the rehabilitation of criminals, or prevent payment to people with a criminal conviction whose contribution does not relate to their crime.

8.4.20 People who may not have committed a crime, but whose behaviour is clearly anti-social, must not normally be paid a fee or a payment in kind for interviews or other contributions about their behaviour. Any proposal to make such payments, including payments in kind, must be referred to Editorial Policy.

<sup>5</sup> See Section 1 The BBC's Editorial Standards — Essential Information: 1.3 The Public Interest

## Interviews with Prisoners

8.4.21 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 to conduct an interview with a prisoner without permission must be referred to Director Editorial Policy and Standards.

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

Any proposal to enter an overseas prison to conduct an interview with a prisoner must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Editorial Policy. If approved, the relevant international bureau should normally be informed and Programme Legal Advice consulted.

8.4.23 Prisoners may have access to public telephones and mobile phones, though their use may be restricted by prison rules. The following must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Editorial Policy:

- live calls from prisoners require strong editorial justification and should not be broadcast without prior referral
- any proposal to ask a prisoner to make a contribution for broadcast purposes from prison
- any proposal to broadcast an unsolicited contribution from a prisoner which was not referred before it was recorded.

8.4.24 In the case of prisoners convicted of serious crimes, particularly violent crimes, content producers must consider how they can minimise distress to the victim or victim's family.

See 8.4.7–8.4.9

See Section 7 Privacy: 7.4.52–7.4.54

## Paedophiles and Other Sex Offenders

8.4.25 When paedophiles and other sex offenders have been released back into the community, there may be local sensitivities. Content producers should only report such matters where there is a public interest<sup>6</sup>, and 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
- negative impact on the victims and their families, or the family of the offender
- unjustified infringement of an offender's privacy.

8.4.26 The BBC will normally only consider publishing or broadcasting the names or pictures of paedophiles or sex offenders who have served their sentences and been released from prison in certain circumstances. Publication by other media is not a sufficient justification in itself.

Any proposal to publish or broadcast the name or picture of a convicted paedophile or other sex offender, when their name has not been made publicly available by the police, the courts or other tribunal, or if their conviction is spent, must be referred to Director Editorial Policy and Standards.

8.4.27 When reporting on paedophiles and other sex offenders or when exposing potential offenders, it is normally reasonable to name the town or city where they live. However, information that could reveal their exact location should generally be avoided. The relevant police force should be consulted if broadcasters intend to reveal an offender's location or show a picture of them. This is to enable the police to address potential

<sup>6</sup> See Section 1 The BBC's Editorial Standards—  
Essential Information: 1.3 The Public Interest

issues in relation to the victim, the victim's family, the offender and the offender's family.

8.4.28 Interviews with paedophiles or other sex offenders must have strong editorial justification. 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, who is in prison or on release from prison, should be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Director Editorial Policy and Standards.

See 8.3.8

## Identifying People Involved in Criminal or Anti-Social Behaviour

8.4.29 When someone involved in criminal or anti-social behaviour is included in BBC output, the BBC will normally reveal their identity. However, there may be circumstances when it is acceptable 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
- a situation where the consequences of public identification would risk being disproportionate to the wrongdoing
- where anti-social or criminal practice is being exposed but the individuals involved are simply illustrative of the behaviour, for example when secretly filming for consumer or social research
- where anti-social or criminal practice is being exposed but the individuals involved are not sufficiently culpable or responsible for their actions
- where anti-social or criminal practice by children and young people is being exposed

- where the contribution is of clear public interest in terms of the insight given and could not be obtained without disguising the contributor's identity
- where content is being re-used and the passage of time makes re-identification disproportionate.

**See** Section 6 Fairness: 6.4.31–6.4.36; and Section 9 Children and Young People as Contributors: 9.4.22

**See** guidance: Re-use of Factual Content Featuring Illegal or Anti-Social Behaviour

8.4.30 Any proposal to grant anonymity to someone seeking to evade UK law, where there is an ongoing investigation, must be referred to Director Editorial Policy and Standards.

## Children and Young People

8.4.31 A strong editorial justification is required for the broadcast of material related to the identity of anyone under 18 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 be consulted.

8.4.32 When considering whether or not to identify under-18s involved in anti-social or criminal behaviour, the consequences of identification, their age, and the seriousness of their behaviour should be balanced against the public interest<sup>7</sup> in identification and the BBC's right to freedom of expression. However, under-18s should not normally be identified when featuring such behaviour simply to illustrate a practice.

**See** Section 9 Children and Young People as Contributors: 9.4.22

<sup>7</sup> See Section 1 The BBC's Editorial Standards—Essential Information: 1.3 The Public Interest

When considering whether to publish information which is likely to identify a child or young person who is the subject of an order relating to their behaviour, has a conviction or is involved in court proceedings, Programme Legal Advice and Editorial Policy must be consulted.

The situation regarding the reporting of court proceedings may differ in Scotland and advice is available from the Legal Director, Scotland.

## Dealing with Witnesses and Victims of Crime

### Interviews

8.4.33 Any proposal to interview a witness or potential witness about their evidence once criminal proceedings are underway must be referred to Director Editorial Policy and Standards and Programme Legal Advice.

Interviews with witnesses, both in the UK and overseas, must not interfere in the legal process. When conducting news interviews with people who have recently witnessed a crime, content makers should be aware of the possibility of contempt of court if proceedings are imminent or are active. By interviewing a witness, content makers may be considered to be coaching them prior to their appearance in court. There is a risk they will give witnesses information they do not already have and that the court could order the BBC to hand over any material gathered. Witnesses include both defendants and victims.

Once proceedings are underway, and until a verdict has been reached, care should be taken when interviewing witnesses, to avoid the accusation that they may have been coached, or their evidence interfered with.

## Payments

8.4.34 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. No payment should 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.

8.4.35 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<sup>8</sup>, such as the investigation of a crime or serious wrongdoing. 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.

Any proposal to pay a witness or potential witness once criminal proceedings are underway must be referred to Director Editorial Policy and Standards and Programme Legal Advice.

## Disguising Identities of Witnesses and Victims of Crime

8.4.36 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 victims of crime and witnesses, anonymity normally means no name, no address, no image, no identifiable audio or any other clue as to identity.

Care should be taken 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

<sup>8</sup> See Section 1 The BBC's Editorial Standards—  
Essential Information: 1.3 The Public Interest

which, when pieced together, reveal the identity of the person involved. The risk is at its highest when reporting sexual crime within the family. For example, content makers 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 6 Fairness: 6.4.31–6.4.36 and Section 18 The Law: 18.4.2

## **Children and Young People Who are Witnesses or Victims of Crime**

8.4.37 Care should be taken when dealing with anyone under 18 involved as a witness or victim when reporting an investigation into an alleged criminal offence in the UK. Judgements should be made about their vulnerability before revealing their name, address, school or other educational establishment, how they are identified on social media, place of work, or any identifiable audio or image.

See Section 9 Children and Young People as Contributors: 9.4.22

If criminal proceedings follow, there are likely to be legal restrictions surrounding the publication of information leading to the identity of anyone under 18 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 the Legal Director, Scotland.

## Investigations into Crime and Anti-Social Behaviour

8.4.38 Investigations are an important way of uncovering matters of significant public interest<sup>9</sup>, but must be editorially justified.

Any proposal to undertake an investigation into serious crime or serious anti-social behaviour must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. Editorial Policy and Programme Legal Advice must be consulted.

8.4.39 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 and Programme Legal Advice.

Detailed advice about undercover investigations, secret recording and weighing privacy and public interest considerations is contained in the section on Privacy.

See Section 7 Privacy: 7.4.17  
See guidance: Investigations

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

See Section 7 Privacy: 7.4.19

8.4.41 For any investigation, the BBC's involvement may continue far beyond the original content gathering. The police or prosecuting authorities may wish to interview members of the investigating team, including undercover operatives, about methods and findings. Members of the team may be called as

<sup>9</sup> See Section 1 The BBC's Editorial Standards—  
Essential Information: 1.3 The Public Interest

witnesses in a prosecution. It is important to ensure that the editorial justification and methods used during the investigation can withstand scrutiny.

For requests for BBC material in connection with possible legal proceedings, from the police or any other authority see Section 13.

See Section 13 Use of BBC Content After Publication or Broadcast: 13.4.32 and 13.4.41

For all other external requests for transmitted or untransmitted BBC content, see Section 13.

See Section 13 Use of BBC Content After Publication or Broadcast: 13.4.32–13.4.41

8.4.42 The BBC does not normally inform the police or investigatory authorities of any wrongdoing uncovered during an investigation, unless part of a right of reply process or after publication or broadcast. Any proposal to do otherwise must be referred to Director Editorial Policy and Standards.

## Untransmitted and Unused Material from Discontinued Investigations

8.4.43 Occasionally circumstances will arise in which allegations or evidence of illegal behaviour are discovered in the course of an investigation which is not broadcast. Access to unused material should never be provided if it contains information that could identify a confidential source.

Content makers should normally consider whether material suggesting illegal behaviour should be made available to the police or to any other appropriate authority, and must consult Director Editorial Policy and Standards.

Any intention to supply material of any sort to the police or any other third party in these circumstances must be referred to Director Editorial Policy and Standards and Programme Legal Advice.

See Section 13 Use of BBC Content After Publication or Broadcast: 13.4.36–13.4.41



# 9

## **Children and Young People as Contributors**



# **Children and Young People as Contributors**

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## 9.1 Introduction

Children and young people are important to the BBC. They contribute and interact with it in many different ways—as contributors, performers, presenters, through its interactive and user-generated content, via all of its services and on third-party platforms.

The BBC should serve children and young people with high-quality, distinctive and duly impartial output and services which inform, educate and entertain. Ensuring the content they consume is appropriate is considered throughout the Editorial Guidelines and, specifically, in Section 5 Harm and Offence. Section 9 is concerned with how the BBC deals with under-18s who contribute to and interact with its content, whether or not it is aimed at them, or routinely includes them as contributors<sup>1</sup>.

Children and young people have a right to speak out and to participate, as enshrined in the United Nations Convention on the Rights of the Child, but the welfare of those who contribute to content, must be safeguarded wherever in the world the BBC operates.

For the purposes of this section of the Editorial Guidelines and unless stated otherwise, a child is someone under the age of 16 years. Young people are those aged 16 and 17. It should be noted that these are not legal definitions.

Content makers are also subject to the law regarding children and the BBC's Safeguarding Policy.

The BBC is committed to being inclusive and accessible to all and supporting reasonable adjustments, such as access requirements, across productions.

<sup>1</sup> The sections of the Ofcom Broadcasting Code that relate to this are 1: Protecting the Under-Eighteens, 'The involvement of people under eighteen in programmes'; 7: Fairness and 8: Privacy

## 9.2 Principles

- 9.2.1 Content makers must take due care over the physical and emotional welfare and the dignity of under-18s who take part or are otherwise involved in editorial content. This is irrespective of any consent given by the child or young person or by a parent, guardian or other person over the age of 18 acting in loco parentis. Their welfare must take priority over any editorial requirement.
- 9.2.2 Under-18s must not be caused unjustified distress or anxiety by their involvement in output or by the publication or broadcast of that output.
- 9.2.3 Involvement by under-18s in BBC output must be editorially justified, consents should be obtained as appropriate to the circumstances of the person and the nature of the contribution and content, and support should be given to them where necessary.

## 9.3 Mandatory Referrals— must be referred in advance

*Mandatory referrals are an essential part of the BBC's editorial and compliance process and must be observed.*

- 9.3.1 Any proposal to continue with the contribution of a child or young person after a refusal of parental consent, or in the absence of it, must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. Editorial Policy should also be consulted.

See 9.4.5

9.3.2 If, in the course of their work, content makers suspect that a person under-18 may be at risk, or they are alerted to a child welfare issue, they must refer it promptly to the BBC Safeguarding Team<sup>2</sup> or, for independent production companies, to the commissioning editor. If there is concern about an adult, including a member of staff, working with a child, the situation must be referred promptly to the Head of Safeguarding<sup>3</sup> or Head of Corporate Investigations<sup>4</sup> or, for independent production companies, to the commissioning editor.

See 9.4.13

9.3.3 If a child is in immediate danger or requires medical attention, dial emergency services and ask for the appropriate emergency service. The BBC Head of Safeguarding<sup>5</sup> or, for independent production companies the commissioning editor, should be informed urgently.

See 9.4.14

9.3.4 Any online safeguarding concerns about under-18s, whether related to online grooming or child abuse images, must be referred to the BBC Safeguarding Team<sup>6</sup> immediately. Any images must not be shared.

See 9.4.15

9.3.5 When considering whether to identify a child or young person who is the subject of an order relating to their behaviour, has a conviction or is involved in court proceedings, Programme Legal Advice and Editorial Policy must be consulted.

See 9.4.22

<sup>2</sup> safeguarding@bbc.co.uk, See Safeguarding Contact Us site: available on Gateway for BBC staff or via commissioning editors for independent producers, [www.bbc.com/safeguarding/](http://www.bbc.com/safeguarding/)

<sup>3</sup> safeguarding@bbc.co.uk, See Safeguarding Contact Us site: available on Gateway for BBC staff or via commissioning editors for independent producers, [www.bbc.com/safeguarding/](http://www.bbc.com/safeguarding/)

<sup>4</sup> See Corporate Investigations site: available on Gateway for BBC staff or via commissioning editors for independent producers

<sup>5</sup> safeguarding@bbc.co.uk, See Safeguarding Contact Us site: available on Gateway for BBC staff or via commissioning editors for independent producers, [www.bbc.com/safeguarding/](http://www.bbc.com/safeguarding/)

<sup>6</sup> safeguarding@bbc.co.uk, See Safeguarding Contact Us site: available on Gateway for BBC staff or via commissioning editors for independent producers, [www.bbc.com/safeguarding/](http://www.bbc.com/safeguarding/)

9.3.6 Any proposal not to pre-moderate BBC online spaces aimed at under-18s must be referred to Editorial Policy.  
See 9.4.27

9.3.7 Any proposal to reveal an under-18's personal details to a third party without their consent must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Editorial Policy, Safeguarding, and Information Rights.  
See 9.4.28

## 9.4 Guidelines

### Informed Consent for Children and Young People

9.4.1 When featuring under-18s in BBC output as contributors, content makers should normally ensure their willingness to participate and any refusal to take part should be respected.

Information should be delivered in a way they can understand and should include any likely positive and negative consequences of participation, in addition to other details necessary for obtaining informed consent.  
See Section 6 Fairness: 6.4.1–6.4.11

9.4.2 Children may find it difficult to contradict an adult's suggestion to participate so it is important to make clear to the child that it is acceptable to agree or disagree when asked to participate.

### Parental Consent

9.4.3 Parental consent means the informed consent of a parent, legal guardian, or other person aged 18 or over acting in loco parentis, including a head teacher.

In addition to establishing the child or young person's willingness to participate, parental consent should normally be sought before interviewing anyone under the age of 16, or

otherwise involving them in output. This applies wherever in the world content makers are working. It may not be necessary to obtain parental consent when asking under-16s to speak on non-sensitive subjects where it is not controversial for them to hold and express their views.

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

See 9.2.1–9.2.3

See Section 6 Fairness: 6.4.1–6.4.11

9.4.4 Due care should be exercised in deciding whether an under-18 is able to indicate their willingness to participate in content. For those aged 16 and 17 it may still be appropriate to seek parental consent, depending on the circumstances of the young person and the nature of the programme and contribution, including whether the content is sensitive or the contributor could be considered vulnerable. It may also be appropriate to seek parental consent for performers aged 16 and 17 if they are being asked to perform or to be present in scenes featuring potentially harmful or offensive content.

Where parental consent is required and parents are estranged, consent should be obtained from the parent with whom the under-18 normally resides and who has parental responsibility. However, consideration should be given to the extent of the other parent's involvement and, where not seeking their consent, any reasonable objections they may have should be listened to.

Where another person or the local authority has parental responsibility for the child or young person, content makers should normally obtain their consent depending on the circumstances of the case and the subject matter.

9.4.5 Any proposal to continue with the contribution of a child or young person after a refusal of parental consent, or in the absence of it, must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. Editorial Policy should also be consulted.

Approval will normally only be given:

- if this is justified in the public interest<sup>7</sup> or
- when giving the under-18 freedom of expression and
- if it is in their interest to participate.

9.4.6 Where appropriate, consent should also be sought from a parent or person acting in loco parentis, about the amount of identifying information to include about a child. If a young person is 16 or 17 it may still be appropriate in some cases to seek consent from a parent about how much identifying information to include, depending on the young person's circumstances and the nature of the programme and contribution, including when the content is sensitive or where the contributor could be considered vulnerable.

See 9.4.20–9.4.21

9.4.7 Children and young people are often eager to contribute to output, but many lack the judgement necessary to assess the longer-term impact it could have on their lives. Parents may also not understand the full implications of their child taking part.

An assessment must be made about whether it is appropriate for an under-18 to contribute to BBC output, irrespective of parental consent or the individual's assent. The contribution must not proceed if to do so would be harmful to the welfare of the under-18 or would otherwise not meet the standards of the Editorial Guidelines.

See 9.4.29–9.4.33

9.4.8 Where potential risks to an under-18 contributor have been identified in relation to their contribution to BBC content, the parent/guardian should normally be provided with relevant information about those potential risks and any steps that will be taken to mitigate them. It may be helpful to keep written

<sup>7</sup> See Section 1 The BBC's Editorial Standards:  
1.3 The Public Interest

records of discussions with the parent/guardian of contributors, in addition to informed consent in writing.

9.4.9 When under-18s submit user-generated content or when they are asked for personal information online, content makers must select the standard of proof of parental consent that is appropriate, taking into account the sensitivity of the subject matter and the age of the individual.

See guidance: Interacting with Children and Young People Online

9.4.10 When children are invited to interact with the BBC using phone, text or other technology that costs money, they must be prompted to seek permission from the bill payer.

9.4.11 Archive content featuring children when they were unable to give informed consent may become more sensitive over time. This should be considered when re-using such material.

See Section 13 Use of BBC Content After Publication or Broadcast: 13.4.14–13.4.15

## Safeguarding the Welfare of Children and Young People

9.4.12 Content makers should apply the principles of the BBC Safeguarding Policy in their dealings with children and young people.

9.4.13 All children and young people have a right to protection from harm and abuse. If, in the course of their work, content makers suspect that a person under-18 may be at risk, or they are alerted to a child welfare issue, they must refer it promptly to the BBC Safeguarding Team<sup>8</sup> or, for independent production companies, to the commissioning editor. If there is concern about an adult, including a member of staff, working with a child, the situation must be referred promptly to the Head of

<sup>8</sup> safeguarding@bbc.co.uk, See Safeguarding Contact Us site: available on Gateway for BBC staff or via commissioning editors for independent producers, [www.bbc.com/safeguarding/](http://www.bbc.com/safeguarding/)

Safeguarding<sup>9</sup> or Head of Corporate Investigations<sup>10</sup> or, for independent production companies, to the commissioning editor.

9.4.14 If a child is in immediate danger or requires medical attention, dial emergency services and ask for the appropriate emergency service. The BBC Head of Safeguarding<sup>11</sup> or, for independent production companies the commissioning editor, should be informed urgently.

9.4.15 Any online safeguarding concerns about under-18s, whether related to online grooming or child abuse images, must be referred to the BBC Safeguarding Team<sup>12</sup> immediately. Any images must not be shared. The Safeguarding or Corporate Investigations<sup>13</sup> Team will advise further once the referral has been made.

See guidance: Interacting with Children and Young People Online

## Duty of Care towards Children and Young People

9.4.16 Due care must be taken over the physical and emotional welfare and the dignity of under-18s who take part or are otherwise involved in editorial content, irrespective of any consent given by them or by a parent, guardian or other person over the age of 18 acting in loco parentis. Their welfare must take priority over any editorial requirement.

See guidance: Working with Children and Young People as Contributors

Due care is the level of care that is appropriate in the particular circumstances. It is assessed by taking into account the nature of the editorial content and the nature and degree of the

<sup>9</sup> safeguarding@bbc.co.uk, See Safeguarding Contact Us site: available on Gateway for BBC staff or via commissioning editors for independent producers, [www.bbc.com/safeguarding/](http://www.bbc.com/safeguarding/)

<sup>10</sup> See Corporate Investigations site: available on Gateway for BBC staff or via commissioning editors for independent producers

<sup>11</sup> safeguarding@bbc.co.uk, See Safeguarding Contact Us site: available on Gateway for BBC staff or via commissioning editors for independent producers, [www.bbc.com/safeguarding/](http://www.bbc.com/safeguarding/)

<sup>12</sup> safeguarding@bbc.co.uk, See Safeguarding Contact Us site: available on Gateway for BBC staff or via commissioning editors for independent producers, [www.bbc.com/safeguarding/](http://www.bbc.com/safeguarding/)

<sup>13</sup> See Corporate Investigations site: available on Gateway for BBC staff or via commissioning editors for independent producers

child's or young person's involvement, along with other relevant factors. These factors might include age, maturity, personal circumstances, previous life experiences and capacity to make judgements about their participation and its likely consequences. Content makers should not assume that every under-18 will respond in the same way when participating in content.

9.4.17 As part of due care requirements, in some circumstances it may be appropriate to check the individual's social, family, health and educational circumstances and/or to seek advice from an expert on the likely impact of participation on the individual.

**See 9.4.30**

9.4.18 When planning to work with children and young people a 'contributor due care' risk assessment must be carried out to identify any significant risk of harm.

**See Section 6 Fairness: 6.4.24**

## **Demonstrating Due Care**

9.4.19 If it could appear to audiences that a child or young person may have been put at risk as a result of contributing to BBC content this may exceed audience expectations. Content makers should consider providing information to mitigate this.

**See Section 5 Harm and Offence: 5.4.49**

## **Identifying Children and Young People**

9.4.20 Decisions about whether and how to identify a child or young person in output require editorial judgement.

It is important that children and young people have the right to self-expression. This right must be balanced with the requirement to safeguard their welfare. Editorial justification for identifying children or young people in content includes:

- when reporting a news item which features or relates to a specific child or children
- when a child deserves recognition for their achievements
- when the child or young person is already a public figure.

Where it is appropriate to identify a child or young person, the information disclosed must not put them at risk of harm.

Identifying features include name, age, location, school and specific details about their family or life. Content makers should consider whether it is appropriate to limit the range of identifying features included.

See 9.4.6

See guidance: Working with Children and Young People as Contributors

9.4.21 If an under-18's location should not be disclosed, it must not be revealed inadvertently by 'jigsaw identification'. This is when several pieces of information can be pieced together to make it easy to identify and locate the person. Avoiding the 'jigsaw effect' should take account of information already in the public domain.

See Section 6 Fairness: 6.4.34

See guidance: Working with Children and Young People as Contributors

9.4.22 When considering whether or not to identify under-18s involved in anti-social or criminal behaviour, the consequences of identification, their age, and the seriousness of their behaviour should be balanced with the public interest<sup>14</sup> in identification and the BBC's freedom of expression. However, under-18s should not normally be identified when such behaviour is only being featured by way of illustration.

There may also be legal reasons for not identifying an under-18, including someone involved in court proceedings.

When considering whether to identify a child or young person who is the subject of an order relating to their behaviour, has a conviction or is involved in court proceedings, Programme Legal Advice and Editorial Policy must be consulted.

<sup>14</sup> See Section 1 The BBC's Editorial Standards:  
1.3 The Public Interest

The situation regarding the reporting of court proceedings may differ in Scotland and advice is available from the Legal Director, Scotland.

**See** Section 6 Fairness: 6.4.3, Section 8 Crime and Anti-Social Behaviour: 8.4.13 and 8.4.31–8.4.32 and Section 18 The Law: 18.4.3

Under-18s whose parents are engaged in anti-social or criminal activity should only be identified if the welfare of the child will not be harmed and if it is editorially justified.

## Protecting Children and Young People Online

- 9.4.23 Protecting children and young people online is a shared responsibility for the BBC, parents/guardians and the under-18 concerned.  
**See** guidance: Interacting with Children and Young People Online
- 9.4.24 Children and young people have a right to a voice but must not be encouraged to participate in online spaces when they are younger than the minimum age requirement of the site.
- 9.4.25 When children access BBC online services, parental consent may be needed for some activities, such as commenting or voting. There may be additional data protection considerations where the personal data of children is being collected. For further advice, consult the Data Protection Handbook<sup>15</sup> and Information Rights.
- 9.4.26 When online content is likely to appeal to a high proportion of children and young people, content makers should provide links to relevant advice to help them understand and minimise the risks they face online, including on social media platforms. Safety information should be prominent, accessible and clear.  
**See** Section 17 Competitions, Votes and Interactivity: 17.4.55–17.4.63  
**See** guidance: Interacting with Children and Young People Online

<sup>15</sup> See Data Protection Handbook: available on Gateway for BBC staff or via commissioning editors for independent producers

9.4.27 BBC Online spaces aimed at under-18s should normally be pre-moderated. Any proposal not to pre-moderate BBC online spaces aimed at under-18s must be referred to Editorial Policy who will consider whether the proposed form of moderation would offer an appropriate level of child protection. Content for under-18s should not include links to unmoderated spaces.

## Personal Information

9.4.28 Content makers should not request more personal information from children and young people than is necessary. Any personal information must be stored and disposed of according to the BBC Data Protection Policy<sup>16</sup>.

Any proposal to reveal an under-18's personal details to a third party without their consent must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Editorial Policy, Safeguarding, and Information Rights. Approval will normally only be given:

- for safeguarding and child protection reasons or
- where a public interest<sup>17</sup> outweighs the expectations of privacy or
- where there is a legal requirement to provide the information.

See Section 7 Privacy: 7.4.58–7.4.63

For any requests from third parties for release of untransmitted content, see Use of BBC Content After Publication or Broadcast.

See Section 13 Use of BBC Content After Publication or Broadcast: 13.4.36–13.4.41

<sup>16</sup> See Data Protection Handbook: available on Gateway for BBC staff or via commissioning editors for independent producers

<sup>17</sup> See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest

## The Impact of a Contribution

9.4.29 Under-18s must not be caused unjustified distress or anxiety by their involvement in output or by the publication or broadcast of that output.

Involvement by under-18s in BBC output must be editorially justified; consents should be obtained as appropriate to their circumstances and the nature of the contribution and content, and support should be given where necessary.

9.4.30 Even when parental consent has been secured there must be consideration of the impact and possible consequences of any content which involves a child or young person, at all stages of the production process. This includes the period after first publication or broadcast and any continued availability on online platforms; appropriate measures must be put in place where necessary. This applies both when the BBC has approached the under-18 and when they have approached the BBC, including with user-generated content. Content makers should consider the potential negative impact of social media on the under-18 and advise them and their parents/guardians accordingly.

Procedures, risk assessments and contingencies for the impact of participating on an individual's emotional and mental well-being and welfare may be appropriate in some circumstances. Records of these and other documents, including details of checks, correspondence and concerns, should only be kept as long as they are relevant.

In some circumstances it may be appropriate to retain an expert, whose advice was sought prior to participation, throughout the production as part of due care requirements.

Content makers should consider whether the format of output is likely to have a heightened impact on under-18 contributors—such as high-impact surprises in live content—and consider whether it is appropriate or if mitigations can be put in place.

In scripted output, it may be appropriate to create a redacted script for a child or young person. They should not normally be present at read-throughs or on set during the recording of content that may be inappropriate for a child or young person.

See 9.4.16–9.4.18

See guidance: Working with Children and Young People as Contributors

- 9.4.31 The BBC normally works with children in the presence of those responsible for their supervision, although circumstances may vary. When sensitive issues are being discussed with an under-18, it may be advisable to have someone there who is familiar to them and who can help safeguard their interests. It may be appropriate for other expert support to be available for them during the production process.
- 9.4.32 It may be appropriate for content makers to keep in touch with the child or young person's parent/guardian after broadcast or publication to check on any impact and whether follow-up support is needed. Any aftercare should be proportionate to the ongoing risks identified and have clear boundaries and time frames.
- 9.4.33 Children and young people should be given a voice but content makers must also be alert to the risk that they might try to please, exaggerate, or report hearsay as fact. Criminal or anti-social behaviour should not go unchallenged.

See Section 8 Crime and Anti-Social Behaviour: 8.4.14–8.4.20

## Licensing of Child Performers

9.4.34 In law, performances by under-16s (and some 16-year-olds still in full-time education) should normally be licensed by the relevant local authority in England, Scotland or Wales or by the relevant education authority in Northern Ireland. Internationally, local laws should normally be complied with. Children taking part in a performance must also, at all times during the engagement, be in the care of a chaperone. BBC Safeguarding Policy stipulates that a professional licensed chaperone must be employed whenever a child or young person is being used under the Child Performance Regulations. The BBC Safeguarding Team can offer further advice.

# 10

## **Politics and Public Policy**



# **Politics and Public Policy**

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## 10.1 Introduction

The principles relating to the BBC's political impartiality and independence from political influence are central to its coverage of politics and public policy. Over an appropriate timeframe, the BBC's political content must give due weight and prominence to all the main strands of argument and to all relevant political parties. Although those in government will often be the primary focus of news and will, in particular, need to be held to account, the voices and opinions of other parties and those with other political views and interests should also be regularly aired and challenged. One of the BBC's public purposes is: *'To provide impartial news and information to help people understand and engage with the world around them ... so that all audiences can engage fully with major local, regional, national, United Kingdom and global issues and participate in the democratic process, at all levels, as active and informed citizens'*<sup>1</sup>. It follows that there is a special responsibility to audiences who are about to vote in elections or referendums.

Content producers should be aware that any contributor, not just those from political parties, could offer political opinions or campaign on political issues. To achieve due impartiality, content producers will therefore need to make judgements about the inclusion or omission of any potential contributors to political output.

This section should be read in conjunction with Section 2 of the Editorial Guidelines: Impartiality. These ensure the BBC's output meets the standards of the Ofcom Broadcasting Code set out in Sections 5 (Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions) and 6 (Elections and Referendums).

It should also be read in conjunction with Editorial Guidelines Section 4: Conflicts of Interest and Section 11: Statistics, Data, Polls and Surveys.

<sup>1</sup> Article 6 (1) Broadcasting: Royal Charter for the Continuance of the British Broadcasting Corporation December 2016

## 10.2 Principles

- 10.2.1 The BBC and all its output must treat matters of politics and public policy with due accuracy and due impartiality<sup>2</sup>.
- 10.2.2 The BBC must not express an opinion on political or controversial issues or matters of current public policy. The exception is that the BBC may express a corporate view on policy concerning broadcasting or the provision of online services, or regarding freedom of expression.
- 10.2.3 Individuals expressing opinions on matters of current public policy (including broadcasting issues), politics and controversial issues may also jeopardise the BBC's impartiality.
- 10.2.4 The BBC does not commission voting intention polls during relevant election or referendum periods.

<sup>2</sup> Reference Ofcom Code Section 5 Meaning of Due Impartiality

## 10.3 Mandatory Referrals—must be referred in advance

*Mandatory referrals are an essential part of the BBC's editorial and compliance process and must be observed.*

### Mandatory Referrals to Chief Adviser Politics

10.3.1 Where content would not normally include politicians, political opinions or 'controversial issues'—such as sport, music, quiz or panel shows, entertainment and lifestyle output—producers must consult Chief Adviser Politics in advance before inviting a politician to take part in their output, or before accepting a request to participate. This referral applies to all political figures such as MPs, councillors, mayors and PCCs, and is irrespective of whether the proposed contribution is itself 'political'.

See 10.4.3–10.4.5

10.3.2 Except for brief news interviews gathered on the day without pre-arrangement, Chief Adviser Politics must be consulted in advance about proposed interview bids or any other active participation in output (and before offers of such participation are accepted or declined) for the following political leaders in the UK: the Prime Minister and Leader of the Opposition at Westminster, the First Ministers of Scotland and Wales and the First Minister and Deputy First Minister in Northern Ireland. In the nations of the UK, the respective Heads of News must also be consulted.

See 10.4.6–10.4.8

10.3.3 Any proposal to pay a fee (not including legitimate expenses) to an elected salaried politician or peer for any contribution to output, must be referred in advance to Chief Adviser Politics.

See 10.4.9

10.3.4 Any proposal to use material from the chambers or committees of Parliaments or Assemblies—including Westminster—outside respective rules of coverage must be referred to Chief Adviser Politics. This includes any proposal to use material from the Parliaments or Assemblies outside news, factual programmes

or content for educational purposes, which will also require relevant Intellectual Property Legal advice.

See 10.4.10

- 10.3.5 Any government request for a ministerial broadcast or a reply to a ministerial broadcast must be referred promptly to Chief Adviser Politics before a response is given<sup>3</sup>.  
See 10.4.13–10.4.14
- 10.3.6 Any approach by a government department to relay official messages or information films must be referred to Chief Adviser Politics.  
See 10.4.15
- 10.3.7 Any proposal to commission an opinion poll (or use other methods, such as data analysis) with the intention of sampling party political support or voting intentions must be referred to Chief Adviser Politics for approval in advance.  
See 10.4.16–10.4.18  
See Section 11 Statistics, Data, Polls and Surveys: 11.4.33 and 11.4.36–11.4.38
- 10.3.8 Any proposal to commission an opinion poll or any sort of survey, vote or focus group on matters of public policy, political or industrial controversy, or on ‘controversial subjects’ in any other area, must be referred to Chief Adviser Politics in advance.  
See 10.4.19–10.4.20  
See Section 11 Statistics, Data, Polls and Surveys:  
11.4.29–11.4.35 and 11.4.39–11.4.45

<sup>3</sup> Section 67 Agreement to the BBC Charter

## 10.4 Guidelines

### Coverage of Political Parties, Government and Devolution in the UK

10.4.1 The BBC should make, and be able to defend, editorial decisions regarding coverage of political parties on the basis that they are reasonable and carefully reached, with due impartiality. News judgements should drive editorial decision making in news-based programmes, ensuring due weight is given to conveying, examining and challenging the views and policies of all relevant parties in the UK over time.

The way in which due impartiality is achieved among parties will vary, depending on the format, platform and how the output relates to different parts of the UK. Deciding respective levels of coverage for different political parties, who have varying levels of political support, requires – primarily – good and impartial editorial judgement, rather than mathematical formulae. Evidence of past electoral support and of current electoral support should be taken into account in making judgements about appropriate levels of coverage and prominence.

Content producers must take responsibility for achieving due impartiality in their own output without necessarily relying on other BBC content or services.

10.4.2 The UK has diverse political cultures in the different nations; so, achieving appropriate coverage for political parties, especially for UK-wide output, means assessing relative political strength in this devolved structure. Achieving due impartiality involves taking account of the different parties in each nation, as well as those with electoral support across the UK.

Use of language is important in this context, for example, care should be taken around describing parties as ‘main’, ‘major’ or ‘minor’, taking account of the political landscape in each part of the UK. The term ‘government’ is understood differently in the nations; it should be clear to all audiences what is being referenced.

When referring to a given public policy and which government or minister has responsibility, it should be clear to the audience whether and how it may apply to different parts of the UK.

See guidance: Reporting the UK

## Political Interviews and Contributions

10.4.3 Requests for political interviews should be clear about the nature of the output and the context for which they are intended. All arrangements must stand up to public scrutiny and must not prevent interviewees being asked appropriate questions.

When politicians (internationally, nationally or locally), or others who may be seeking office or campaigning politically, are being invited to contribute to non-political output, whether on the basis of their expertise outside politics or of their celebrity, they must not be given such prominence as to afford undue political advantage, especially in the run-up to and during election periods. Where relevant, their political allegiance should be made clear to the audience.

10.4.4 Where content would not normally include politicians, political opinions or 'controversial issues'—such as sport, music, quiz or panel shows, entertainment and lifestyle output—producers must consult Chief Adviser Politics in advance before inviting a politician to take part in their output, or before accepting a request to participate. This referral applies to all political figures such as MPs, councillors, police and crime commissioners, and executive mayors, and is irrespective of whether the proposed contribution is itself 'political'.

10.4.5 Where there is a proposal to involve others who may have taken a prominent political stance in such output, advice is available from Editorial Policy.

## Interviews with or Profiles of Party Leaders

10.4.6 Any output where party leaders appear should give due weight over time to participation by other relevant party leaders (or their representatives); each should be consistent and robust in its own approach to interviews, ensuring there is appropriate scrutiny and editorial independence. On occasion, it may be necessary for the BBC to co-ordinate and rationalise bids across its output.

10.4.7 Except for brief news interviews gathered on the day without pre-arrangement, Chief Adviser Politics must be consulted in advance about proposed interview bids or any other active participation in output (and before offers of such participation are accepted or declined) for the following political leaders in the UK: the Prime Minister and Leader of the Opposition at Westminster, the First Ministers of Scotland and Wales and the First Minister and Deputy First Minister in Northern Ireland. In the nations of the UK, the respective Heads of News must also be consulted.

10.4.8 Chief Adviser Politics (and, where appropriate, the relevant Head of News) should also be told whether the invitations are refused or accepted to ensure that:

- the BBC as a whole is robust and consistent in its dealings with the parties
- at all times of high demand, bids are rationalised within the BBC
- due weight is given to appearances over time
- there is a consistent editorial approach, for instance in terms of tone, in any series of interviews.

## Payment to Politicians

10.4.9 The BBC does not normally pay elected salaried politicians for routine appearances or other contributions to BBC output in which they are speaking for their party or expressing political views. This includes MPs, MSPs, MSs, MLAs, executive mayors, police and crime commissioners (including independents) or others clearly identified as representing political parties, such as peers. They can, where appropriate, be paid a limited and realistic disturbance fee and/or any reimbursement for legitimate expenses.

There may be circumstances where a politician can be paid a fee for contributions to non-political output, such as if they are appearing on the basis of a particular expertise or relating to their celebrity outside politics. Only exceptionally, in fulfilling a role beyond normal political coverage, can they be paid for a political contribution.

Any proposal to pay a fee (not including legitimate expenses) to an elected salaried politician or peer, for any contribution to output, must be referred in advance to Chief Adviser Politics.

## Parliamentary Broadcasting in the UK

10.4.10 The House of Commons, the House of Lords, committees of both houses, as well as the Scottish Parliament, the Senedd and the Northern Ireland Assembly have rules of coverage which should normally be observed.

Any proposal to use material from the chambers or committees of Parliaments or Assemblies—including Westminster—outside respective rules of coverage must be referred to Chief Adviser Politics. This includes any proposal to use material from the Parliaments or Assemblies outside news, factual programmes or content for educational purposes, which will also require relevant Intellectual Property Legal advice.

## Political Broadcasts

### Party Political, Election and Referendum Broadcasts in the UK

10.4.11 The BBC is obliged to make airtime available for party political broadcasts and referendum campaign broadcasts<sup>4</sup>. These are separate from the BBC's own content, and their transmission does not imply BBC support for the views contained in them.

Appropriate allocation of a series of broadcasts fulfils the requirement for due impartiality.

The copyright of broadcasts belongs to the parties or referendum campaign groups, but extracts may be used without their consent.

10.4.12 Parties make the broadcasts at their own expense and are responsible for their content. However, the BBC has to ensure they are compliant for broadcast, conforming to the law, to relevant parts of the Ofcom Code,<sup>5</sup> to relevant parts of the BBC's Editorial Guidelines and to production guidelines outlined on the Broadcasters' Liaison Group website<sup>6</sup>.

See Section 5 Harm and Offence

### Ministerial Broadcasts and Government Information

10.4.13 In exceptional circumstances, such as a decision to go to war or other national emergencies, the BBC may be required<sup>7</sup> to provide time for a broadcast by a UK government minister. In such circumstances, it may also be necessary for the BBC to consider whether responses from other political parties

<sup>4</sup> Schedule 3 (5), Broadcasting: An Agreement Between Her Majesty' Secretary of State for Culture, Media and Sport and The British Broadcasting Corporation December 2016

<sup>5</sup> [www.ofcom.org.uk/\\_data/assets/pdf\\_file/0035/99188/pprb-rules-december-2020.pdf](http://www.ofcom.org.uk/_data/assets/pdf_file/0035/99188/pprb-rules-december-2020.pdf)

<sup>6</sup> Broadcasters' Liaison Group website [www.bbc.co.uk/broadcastersliaisongroup](http://www.bbc.co.uk/broadcastersliaisongroup)

<sup>7</sup> Clause 67 Defence and Emergency Arrangements, Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation December 2016

or governments within the UK are appropriate. The BBC, as broadcaster, has the final say on the broadcast's acceptability in terms of its compliance with appropriate legal and other standards.

See Section 12 War, Terror and Extreme Violence, Disaster and Disorder: 12.4.22

10.4.14 Any government request for a ministerial broadcast or a reply to a ministerial broadcast must be referred promptly to Chief Adviser Politics before a response is given<sup>8</sup>

10.4.15 Any approach by a government department to relay official messages or information films must be referred to Chief Adviser Politics.

## Opinion Polls and Surveys

**This sub-section should be read in conjunction with Section 11: Statistics, Data, Polls and Surveys and with the guidance: Opinion polls, surveys, questionnaires, votes and 'straw polls'.**

### Voting Intention Polls

10.4.16 The BBC rarely commissions polls on voting intention or other indications of party-political support and never publishes them during relevant election or referendum periods.

If such a poll is commissioned in the UK, other than in exceptional circumstances, the BBC should use members of the British Polling Council. For outside the UK, advice is available from the Political Research Unit.

See 10.4.26–10.4.28

<sup>8</sup> Section 67 Agreement to the BBC Charter

10.4.17 Any proposal to commission an opinion poll (or use other methods, such as data analysis) with the intention of sampling party political support or voting intentions must be referred in advance to Chief Adviser Politics for approval.

Technical advice, for example, on question design, is available from the Political Research Unit.

10.4.18 When reporting voting intention polls:

- in the UK they should, normally, have been conducted by a member of the British Polling Council
- the result, on its own, of a single voting intention poll should not be the lead, or be headlined on any output
- the findings of voting intention polls must be reported in the context of trend, which 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 are out of step without convincing explanation should be treated with particular care
- the audience should be told when the reported difference between two significant parties is less than the margin of error of the given poll.

## **Political and Public Policy Opinion Polls, Surveys, Votes and Focus Groups**

10.4.19 Polls or any form of survey, especially those which are seeking opinions on current public policy, political issues or controversies, or seeking the views of politicians, can be expected to come under particular scrutiny with regard to accuracy, robustness and impartiality. They can involve reputational risk, so care must be taken both when they are commissioned and reported.

There will be increased risk if the BBC commissions a survey of any kind involving an organisation which itself campaigns or has a view relating to the issue.

Other ways of illustrating views on politics, such as focus groups, vox pops, online votes, etc may also risk undermining the BBC's journalism if used inappropriately.

10.4.20 Any proposal to commission an opinion poll or any sort of survey, vote or focus group on matters of public policy, political or industrial controversy, or on 'controversial subjects' in any other area, must be referred to Chief Adviser Politics in advance<sup>9</sup>.

Technical advice, for example, on question design, is available from the Political Research Unit.

## Elections and Referendums

### UK Elections and Referendums

10.4.21 The BBC's commitment to impartiality and fairness is under intense scrutiny when people are preparing to vote. Specific Election Guidelines are published for each national election and referendum which supplement the Editorial Guidelines<sup>10</sup> and the Ofcom Broadcasting Code<sup>11</sup>. For elections, they include a code of practice regarding the participation of candidates in each constituency or electoral area, as required by electoral law<sup>12</sup>. Unless formally replaced or updated, Elections Guidelines remain in place with regard to by-elections until the next equivalent election, for example, for the duration of a Westminster Parliament. The principles of fairness and due impartiality that underlie the BBC's coverage of national votes should also inform reporting of other statutory votes in the UK, such as parish polls and parish council elections.

10.4.22 News judgements must continue to drive editorial decision making in news-based programmes and those judgements,

<sup>9</sup> Ofcom Code Section 5 for Meaning of 'matters of political or industrial controversy and matters relating to current public policy'

<sup>10</sup> In the run-up to and during the election period, see the Editorial Policy website for Election Guidelines

<sup>11</sup> [www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code/section-six-elections-referendums](http://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code/section-six-elections-referendums)

<sup>12</sup> Section 144 Political Parties, Elections and Referendums Act 2000

during elections or referendums, should be made within a framework of democratic debate. During the election period, due weight should be given to conveying, examining and challenging the views and policies of all relevant parties and candidates, including, where appropriate, independent candidates.

Some output will need extra care and consideration in terms of scheduling during election periods and in the run-up to election campaigns. Content makers should consult Chief Adviser Politics at an early stage when there may be a risk to impartiality, for instance, from one-off dramas, even if of a historical nature, appearances by politicians in non-political output, or programmes intending to achieve impartiality over time.

Some elections, such as executive mayoral contests, may have a long lead-in time, where campaigning with a particular focus on individuals can begin a year or more before polling day. All output, including non-political, will need to give consideration over this period to the need for impartiality and fairness to candidates and those seeking nomination.

**See 10.4.4**

**See Section 2 Impartiality: 2.4.31–2.4.32**

10.4.23 On polling day the BBC will cease to report campaigns from 0600 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 before the polls close, to ensure that nothing in the BBC's output can be construed as unduly influencing the ballot.

Particular care should also be taken with any material published on social media accounts—including those of individuals—while the polls are open.

## Opinion Polls during UK Elections and Referendums

- 10.4.24 Election Guidelines for each formal election and referendum period will include specific advice on the treatment of relevant opinion polls<sup>13</sup>.
- 10.4.25 No opinion poll on any subject relating to politics or the relevant election, including voting intention polls, may be published on polling day until after the polls have closed; it is a criminal offence in the UK to publish information about how people have voted while the polls are open.

## Reporting Elections and Referendums outside the UK

- 10.4.26 The principles of fairness and due impartiality that underlie the BBC's coverage of UK votes should also inform reporting in other countries. However, reporting of these elections may take into account the circumstances under which the particular election is being held, especially where there are questions about the openness or fairness of the democratic process.
- 10.4.27 Additional issues may arise when BBC content is aimed specifically at an audience within the country where an election or referendum is taking place. Content originally made for UK audiences and distributed on international services may risk influencing a vote inappropriately. If necessary, it may need amendment, cancellation or delay until polling is over.

<sup>13</sup> In the run-up and during the election period, see the Editorial Policy website for Election Guidelines

10.4.28 Countries outside the UK may have different specific laws applying to reporting while votes are taking place or during their election period. Where BBC content is distributed specifically to that country there may be legal issues to consider.

In some countries, legal requirements around elections and referendums may come into conflict with the BBC's fundamental editorial principles, especially those of fairness and impartiality. In such cases, the BBC will maintain its own editorial principles even if that means a local broadcaster is unable to re-distribute BBC content or services. This is particularly important for BBC News International Services and BBC Online.

11

## **Statistics, Data, Polls and Surveys**



# **Statistics, Data, Polls and Surveys**

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## 11.1 Introduction

Accuracy, impartiality, clarity and credibility are as important when numerical values and data are deployed in the BBC's output as they are in the rest of its journalism and other output. Content makers must be rigorous in applying due scepticism. When the BBC commissions or carries out research itself, investing the BBC's authority, the audience must be able to trust what is reported.

Statistics and data are an important source of information which can result in revealing and significant output as long as the right questions are asked and there is an informed awareness of the pitfalls. Data can include information of any kind, not just statistical data, and can be acquired through many different ways such as FOI requests, leaks, scraping and open source investigation.

Using data acquired by hacking may only be justified in exceptional circumstances and would require careful consideration of the public interest. Any reliable producer of such material should be able to explain the methods and workings on which it is based.

Using statistics, data and numbers can create a sense of certainty for the audience but they are often imperfect representations and may contain inaccuracies and measurement error, so their uncertainties should be factored in.

Polls, surveys, questionnaires, phone and online votes, vox pops and focus groups can all have a useful and fruitful role in finding out what different people and groups in society think or experience. The BBC must be clear in distinguishing between the illustrative and the measurable, and precise in its use of language, to ensure the integrity of the BBC's journalism and content.

Similarly, when data—and analysis of that data—is the basis of output, content makers must ensure that the techniques and tools used are robust.

This section should be read in conjunction with Section 3: Accuracy.

## 11.2 Principles

- 11.2.1 The same scepticism and detachment that would be exercised in any part of the BBC's journalism must also be exercised with statistics, data, polls and surveys.
- 11.2.2 The audience should have confidence that when it reads or hears statistics from the BBC, the figures are given no more and no less weight than the evidence supports.
- 11.2.3 Statistics, data, polls and surveys should only be used where and when it is possible to provide relevant context, caveats and limitations.
- 11.2.4 It must be clear to the audience whether a poll or survey is representative or whether it is, for example, self-selecting.
- 11.2.5 The BBC does not commission voting intention polls during relevant election or referendum periods.

## 11.3 Mandatory Referrals— must be referred in advance

*Mandatory referrals are an essential part of the BBC's editorial and compliance process and must be observed.*

### Referrals to Director Editorial Policy and Standards

- 11.3.1 Any proposal to engage in the unauthorised accessing of computer systems or accounts by hacking or commissioning hacking activities by third parties must be referred in advance to Director Editorial Policy and Standards.

See 11.4.18–11.4.21

See Section 7 Privacy: 7.4.44–7.4.45

## Referrals to Chief Adviser Politics

11.3.2 Any proposal to commission an opinion poll (or use other methods, such as data analysis) with the intention of sampling party-political support or voting intentions with regard to elections or referendums must be referred in advance to Chief Adviser Politics for approval.

**See 11.4.33**

**See Section 10 Politics and Public Policy: 10.3.7**

11.3.3 Any proposal to report voting intention using research methods other than polling must be referred to Chief Adviser Politics.

**See 11.4.36–11.4.37**

**See Section 10 Politics and Public Policy: 10.4.16–10.4.18**

11.3.4 Any proposal to commission an opinion poll on matters of public policy, political or industrial controversy, or on 'controversial subjects' in any other area, must be referred to Chief Adviser Politics in advance<sup>1</sup>.

**See 11.4.29–11.4.30**

**See Section 10 Politics and Public Policy: 10.4.19–10.4.20**

11.3.5 Any proposal to commission any sort of survey, questionnaire, vote or focus group on matters of current public policy, political or industrial controversy, or on 'controversial subjects' in any other area, must be referred to Chief Adviser Politics in advance<sup>2</sup>.

**See 11.4.39–11.4.42**

**See Section 10 Politics and Public Policy: 10.4.19–10.4.20**

11.3.6 Any proposal to lead with, or headline in any output, or push alert, the result of a single opinion poll must be referred to Chief Adviser Politics.

**See 11.4.34**

<sup>1</sup> Reference Ofcom Code Section 5 for Meaning of 'matters of political or industrial controversy and matters relating to current public policy'

<sup>2</sup> See footnote 1

11.3.7 Any proposal to commission polls or any sort of survey seeking the views or asking about the experiences of children and young people on any issue must be referred to Chief Adviser Politics in advance.

See 11.4.31

See Section 9 Children and Young People as Contributors:  
9.4.3, 9.4.10 and 9.4.24–9.4.25

11.3.8 When the BBC commissions polls, the full results and accompanying data should normally be published. Any proposal not to do so should be referred to Chief Adviser Politics.

See 11.4.32

## Other Referrals

11.3.9 Any proposal to scrape websites for data or to use data scraped or extracted by a computer programme from the public facing part of websites should be referred to Editorial Policy.

See 11.4.18–11.4.19

11.3.10 Any proposal to access data derived from hacks or leaks must be referred to Editorial Policy and Programme Legal Advice in advance.

See 11.4.18 and 11.4.20

11.3.11 Any proposal to carry out a phone, text or online (including social media) vote on any issue must be referred to the Interactivity Technical Advice and Contracts Unit (ITACU) and Editorial Policy. The appropriate approval process must be completed.

See 11.4.41–11.4.43

See Section 17 Competitions, Votes and Interactivity: 17.4.23–17.4.24

## 11.4 Guidelines

### Statistics

11.4.1 When output includes statistics, they should be in context, weighed, interpreted, challenged where appropriate and presented clearly. The BBC's use of figures should give them no more and no less weight than the evidence supports.

Numbers can convey precision and certainty and, as a result, greater confidence or weight. Description of change can be made more precise and certain by adding a numerical value. However, the level of uncertainty behind statistics should also be considered carefully.

If the statistics are from the BBC's own journalism, they must be accurate and robust. Their presentation should reflect important caveats, limitations and the relevant range of evidence. These details may need to be made available to audiences to help them understand and make their own judgements on the value and weight of the statistics.

Where the BBC is reporting statistics provided or interpreted by others, such as campaign groups and charities, political parties, commercial interests or other media, it should do so with detachment and appropriate scepticism and not necessarily accept them at face value.

11.4.2 Even if a particular claim is well evidenced, for example from a well-conducted poll or scientific study, it may still be wrong or not give the full picture. Such a possibility should be factored into considerations of prominence. Similarly, selective quoting, often an issue in press releases, as well as false or 'rogue' findings—which can happen by chance—should be considered and sense-checked. Advice may be sought from Head of Statistics and the BBC's specialist correspondents.

**This section should be read in conjunction with guidance:  
Reporting Statistics.**

## Sources of Statistics

11.4.3 The individual or institution providing data or statistics used by the BBC—the source—is not as important as the quality of the data or the strength of evidence behind a claim. But knowledge about the source can give important context, or a warning, about the strength or trustworthiness of the evidence. The source of any statistic used should normally be identified.

A source that is unwilling or unable to show the methods or workings behind its claim, or to demonstrate broader evidence on the topic, should be treated with caution and its evidence checked with other experts in the field.

See Section 3 Accuracy: 3.4.8–3.4.9

11.4.4 If statistics come from a source with a vested interest, it does not necessarily mean the information is unreliable, but extra care needs to be taken to check how the source has selected the evidence and presented its figures. Political parties or campaign groups will have a clear vested interest but so too might other common sources, such as think-tanks, university departments and charities.

Consideration should be given to whether a source has proved reliable in the past; advice can be obtained from Head of Statistics.

11.4.5 Official statistics from government departments or statistical bodies (such as the OECD or, in the UK, the ONS) are expected to be produced impartially and free from political influence. However, this is not the case in every country and may not be the case anywhere for reports or press releases based on official statistics.

In many fields, professional bodies set standards for research and statistics, for example the UK Statistics Authority or, for polling, the British Polling Council; adherence to their standards can be an indicator of reliability.

See 11.4.25

11.4.6 Although press releases can be the source of useful content, they can also contain exaggerations about research, using statistics selectively. Such claims should be tested appropriately rather than taken at face value.

Peer review of research published in scientific journals is an indication of reliability but does not guarantee it. Scientific research that has not yet been peer reviewed should be treated with extra caution.

## Contextualising Statistics

11.4.7 The accurate use of statistics involves explaining any caveats and limitations where relevant; audiences should be told their significance, where appropriate, taking care to avoid giving figures more weight than can stand scrutiny.

Particular caution is required if considering using statistics in headlines, push alerts and social media generally, where including sufficient context is often not possible.

Content makers should take care with their use of language, such as in demonstrating an average, or a mean, or a median point. Using such terms interchangeably or in the wrong context can result in misleading the audience.

See guidance: Reporting Statistics 'Averages'

## Percentages and Percentage Points

11.4.8 Percentages can be a helpful way to describe data meaningfully provided they are used correctly and properly contextualised; but sometimes it might be simpler to say, for instance, that something has doubled rather than increased by 100%.

Reporting a large percentage change in isolation may sound significant and newsworthy but it can distort scale. Audience understanding may be improved by reporting the raw numbers alongside or instead of percentage increases. For example, an

unusual type of crime might have jumped by 300% but remain relatively low in terms of the actual number of cases—say, from three to twelve.

Content producers should use the terms ‘percentage’ and ‘percentage points’ with particular care. Audiences may be misled if they are used interchangeably because they highlight two different things: relative and absolute change.

Although the context can sometimes be sufficient to make the intended meaning clear, it can help audience understanding to be more explicit. For example: a tax change from 10% to 15% is not a 5% increase in the tax rate. It is an (absolute) increase of five percentage points. In relative terms, the tax rate has gone up by half which is a 50% increase if expressed as a percentage.

## Projections

11.4.9 Care should be taken when interpreting projections, explaining any caveats or qualifications. Projections and forecasts are typically presented as a range of possibilities because of uncertainty about future events. An appropriate range of possible views should be given, focused on the most likely number, rather than the most extreme value. Headline phrases based on the most extreme value, such as ‘up to’, ‘as much as’, ‘could rise to’, ‘could be as high as’ or ‘may reach’ should be used with particular care.

## Uncertainty

11.4.10 The level of uncertainty behind statistics should be considered carefully and should be communicated to the audience where appropriate, using accessible and non-technical language.

There may be uncertainty about the precision of the exact value being quoted or uncertainty about the quality of the underlying data.

Reporting should acknowledge any material uncertainty, for example by avoiding comparisons or rankings, by rounding ('roughly 200,000' as opposed to '203,400' or 'more than 60%' rather than '62.5%') and by reporting ranges instead of a single number.

See guidance: Reporting Statistics

## Correlation and Causation

11.4.11 Content makers must be careful not to assume that if two sets of data go up or down at the same time then one is necessarily causing the other. This is the difference between correlation and causation. A correlation is when two sets of data tend to move together, but causation should not be implied without a high threshold of proof. In looking for explanations of correlated data it should be considered if causation was actually examined by the study and care taken to avoid relying on preconceptions, including one's own. If there is no other evidence to support causation, the correlation should not be reported beyond its existence, unless editorially justified.

## Comparisons

11.4.12 Comparisons can help to make more sense of numbers which may seem meaningless in isolation. However, false comparisons should be avoided, such as variations in groupings or time periods, which may risk misleading the audience. Changes and differences in measuring systems or recording standards can invalidate comparisons over time, for instance, in comparing differences between the devolved nations.

## Graphs, Charts, etc

11.4.13 Content producers should take particular care with the use and interpretation of graphs and charts. They are helpful tools for visually displaying large amounts of data quickly, but can mislead or distort the data, for instance by the way a vertical scale is used, leaving out some data or selectively choosing start

and end dates to represent a change over time. Where graphs and charts are used, their source should always be shown.

Content makers should be mindful that using charts may appear to the audience as giving data more weight; they can be shared on social media in isolation, stripped of their surrounding context and may require the inclusion of appropriate caveats in titles, subtitles or footnotes.

## Risk

11.4.14 The BBC should report risks in context, taking care not to worry the audience unduly. Headlines which may cause unnecessary alarm or concern should be avoided.

The reporting of risk can have an impact on the public perception of that risk, particularly with health scares or crime stories. Misleading reports regarding statistical likelihood, for instance about health risks, may cause individuals to alter their behaviour in ways that could affect their health; a report that is not explicit about the risks of being a victim of crime may increase people's fear unnecessarily.

Content makers should consider the emotional impact pictures and personal testimony can have on perceptions of risk when not supported by the balance of evidence. If a contributor's view is contrary to majority opinion, the demands of due accuracy and due impartiality may require that to be made clear.

Where the actual level of risk remains small, despite an apparently large relative increase (eg a tripling), the editorial justification of reporting such a story must be considered. Where there is editorial justification for reporting changes in risk, the level of risk should also normally be sought and included as well as the relative change.

See Section 8 Crime and Anti-Social Behaviour: 8.4.10

## Reporting of Contested Issues

11.4.15 The reporting of a range of contested issues, such as the economy or the extent of climate change, can be complex and rely on an understanding of accurate and meaningful statistics. Advice should be sought, where appropriate, from the BBC's specialist journalists.

In presenting such issues, it is important to ensure that legitimate choices about policy, such as on tax and debt, or on energy consumption, are not presented as imperatives or inevitabilities. Relevant context should be made clear, including where there are trade-offs in policy choices. The BBC should report uncertainty when it is relevant to an understanding of the full context.

See Section 2 Impartiality: 2.4.1–2.4.4

## Data

11.4.16 It is important to use data for the right purposes and in the right way. Data does not just refer to numbers in spreadsheets; it can consist of text, images, video, or audio. It can be found in a variety of sources. Data can form the basis of investigations or original journalism but the following points should be considered in the first instance:

- whether a dataset can provide the answer to the editorial issue being investigated
- if the appropriate question is being asked.

In general, questions that can be answered with data are specific and measurable rather than qualitative or causal. For example, 'how many NHS trusts met targets for waiting times last year?' is more easily answerable by data than 'how well is the NHS doing?'

Using data to find a causal relationship between two factors, or to infer what might happen in the future based on what happened in the past, should be approached with caution and will require careful analysis.

See 11.4.11

## The Quality of Data

11.4.17 Content producers should be clear about what datasets do and do not include and take into account any description of the data.

It should be clear how the data has been compiled; data analysis of social media should be treated with particular caution.

## How Data is Sourced

11.4.18 Accessing some datasets may raise issues around privacy and the law, particularly if they are the result of a leak or of hacking by third-party individuals or groups. Before using such data consider how it was obtained and whether there is a significant public interest that justifies its use. The BBC would not normally engage in hacking or commission hacking activities by third parties.

If the data is downloaded from a website or public data store, producers should check whether they have the right to use it. Most publicly available datasets will be available under an open licence but some are not. Advice is available from the IP Legal team.

See Section 3 Accuracy: 3.4.6 and Section 7 Privacy: 7.4.44–7.4.45

11.4.19 Any proposal to scrape websites for data or to use data scraped from websites should be referred to Editorial Policy who will consider the public interest and the appropriateness of the method.

11.4.20 Any proposal to access data derived from hacks or leaks must be referred to Editorial Policy and Programme Legal Advice in advance.

11.4.21 Any proposal to engage in the unauthorised accessing of computer systems or accounts by hacking or commissioning hacking activities by third parties must be referred in advance to Director Editorial Policy and Standards.

## How Data is Accessed and Analysed

11.4.22 Consider any anonymity or ‘jigsaw identification’ issues that might be caused through any combination of datasets.

In more complex data analysis, in particular those using AI, it is important to have a thorough understanding of how the tool was trained, what its accuracy and error rates are and what its limitations are.

When proposing to use AI to infer sentiment or intention—what people might be thinking or intending to do—content makers should consider whether other means are available.

## How Data is Presented and Reported

11.4.23 The methodology used to analyse any dataset should normally be available to the audience, including any relevant uncertainty or margins of error.

Content makers using any automated analysis of data should give it a sense check and not assume it is correct, particularly if the outcomes appear unusual or surprising.

See Section 3 Accuracy: 3.4.8

## How Data is Stored

11.4.24 The collection and storage of all data must be handled in accordance with data protection legislation and the BBC's data protection policies<sup>3</sup>. If it is particularly sensitive, additional encryption or security should be considered.

The original dated dataset may need to be kept to provide an unedited record of the source.

## Polls, Surveys, Questionnaires, Votes, Focus Groups and Vox Pops

11.4.25 When the BBC is reporting research into people's views or experiences, it is important to maintain the standards of accuracy and impartiality which enable the audience to trust the reliability of the content.

In particular, polls and surveys can involve reputational risk, so care must be taken to ensure that they are not given undue weight when reported and that appropriate context and caveats are in place.

For any BBC-commissioned poll or survey, the methodology (eg online, telephone or face to face), the underlying data and the accuracy of the language used to report it, must stand up to scrutiny. Details of the raw data should normally be made available to the audience.

See 11.4.29

The BBC's reporting of a poll, survey, questionnaire or vote that it has commissioned must not suggest a BBC view on a particular policy or issue, or that it has been commissioned with the intention of influencing opinion on a current controversy.

<sup>3</sup> See Data Protection Handbook: available on Gateway for BBC staff or via commissioning editors for independent producers; and the BBC Privacy and Cookies Policy

The strength of evidence for claims based on these research methods can often be assessed by asking:

- whether those people responding accurately reflect the wider group they are supposed to represent
- whether the responses are used accurately, reliably reflecting how the original questions were asked
- if the research studied enough people to achieve a robust response.

See 11.4.34

11.4.26 Opinion polls seek to gauge the opinions of a large group of people (eg 'all adults,' 'under 35s', or 'parents') by asking questions to a representative sample of them. The sample can be found either by randomly selecting members of the group or using polling panels where respondents can be selected and weighted so they reflect the demographic or other characteristics of the larger group. Polls conducted in this way can be described alternatively as surveys.

See 11.4.29

11.4.27 Content producers may also use the term 'survey' to refer to a different type of research, where all the members of a smaller, specific group are contacted and all are asked to respond to questions. The group can be made up of individual people, such as constituency party chairs, university vice-chancellors or members of a specific association; or it may consist of organisations, such as health trusts, local authorities, football clubs in a particular league, etc. For this type of research, statistical credibility will depend on the whole group being contacted; it will require an approved and consistent methodology and need to receive substantive responses from an agreed proportion. The robustness of such a survey will depend both on the response rate (the higher the response rate the better) and on the degree of confidence that the respondents represent the whole group (for example, that they do not over-represent one part of the country, or a particular sub-group). Where insufficient responses are received, such research may still be usable (for instance, reporting raw numbers or in gathering anecdotal information); advice is available from Editorial Policy.

See 11.4.39

11.4.28 Other types of research, for instance where it is self-selecting, can be a useful way to find out about the experiences of individual members of a group or, on occasion, to identify raw numbers of people; but such methodology cannot be used to gauge the opinions or experiences of the group as a whole because the people choosing to take part cannot be regarded as representative. A larger response does not make it 'more' representative. Such research may often be described by other organisations as a 'survey' or 'poll'; content makers should ensure the audience is not misled about the weight being placed on the methodology by the use of those terms.

When the BBC itself commissions or carries out such research, it should not be described as a 'survey' or a 'poll'; it may be a 'questionnaire' or a 'study', but it must be made clear to the audience if it is self-selecting and has no representative or proportionate value.

See guidance: Opinion Polls, Surveys, Questionnaires, Votes and Straw Polls

## Commissioning Polls from Polling Companies

11.4.29 Polling can be conducted face to face, over the telephone or online. In the UK, on matters of current public policy, political or industrial controversy, or on 'controversial subjects' in any other area, polls should normally be commissioned using members of the British Polling Council. To commission such polls outside the UK, advice should be sought from the Political Research Unit regarding methodology and appropriate polling organisations.

Any poll commissioned jointly with another organisation must meet the requirements of due impartiality and address any potential conflicts of interest.

11.4.30 Any proposal to commission an opinion poll on matters of public policy, political or industrial controversy, or on 'controversial subjects' in any other area, must be referred to Chief Adviser Politics in advance.

See Section 10 Politics and Public Policy: 10.4.19–10.4.20

11.4.31 Particular care is needed in commissioning polls seeking the views or exploring the experiences of children and young people. Any proposal to commission polls seeking the views or asking about the experiences of children and young people on any issue must be referred to Chief Adviser Politics in advance.

See Section 9 Children and Young People as Contributors:

9.4.3, 9.4.10 and 9.4.24–9.4.25

See guidance: Opinion Polls, Surveys, Questionnaires, Votes and Straw Polls

11.4.32 When the BBC commissions polls, the full results and accompanying data should normally be published. Any proposal not to do so should be referred to Chief Adviser Politics.

11.4.33 The BBC rarely commissions polls on voting intention or other indications of party-political support. The BBC never commissions polls on voting intention or other indications of party-political support during any relevant election or referendum period. Any proposal to commission an opinion poll (or use other methods, such as data analysis) with the intention of sampling party-political support or voting intentions with regard to elections or referendums must be referred in advance to Chief Adviser Politics for approval.

See Section 10 Politics and Public Policy: 10.4.16–10.4.18

## Reporting Opinion Polls

11.4.34 The result of a single opinion poll should not normally be the lead or a main headline in any output, or a push alert, unless it has prompted a story which itself merits being the lead or headlined and reference to the poll's findings is necessary to make sense of the story. Any proposal to lead with, or headline in any output, or push alert, the result of a single opinion poll must be referred to Chief Adviser Politics in advance.

See 11.4.36

See guidance: Opinion Polls, Surveys, Questionnaires, Votes and Straw Polls

11.4.35 When reporting the findings of any opinion poll, whether commissioned by the BBC or others:

- language should not give greater credibility to polls than they merit; for example, polls 'suggest' and 'indicate', but do not 'prove', 'show' or 'reveal'
- language used to report the findings of an opinion poll should accurately reflect the meaning of the questions asked in the original research
- small differences within the margin of error of a given poll should not, normally, be reported as a substantive difference
- the BBC should not rely only on the interpretation given to a poll's results by the organisation or publication which commissioned it
- the BBC should report the methodology used (for instance, online, telephone or face to face), the sample size, the organisation which carried out the poll and the organisation or publication which commissioned it
- where editorially relevant, dates of the fieldwork and subsequent events which may have shifted opinion should be reported
- where there are doubts about the methodology of a poll or the bona fides of those carrying it out, appropriate qualifying language is essential. Advice is available from the Political Research Unit. Content makers must consider whether the findings from polls are sufficiently credible to report; advice is available from the Political Research Unit
- polls commissioned by the BBC should not normally be described as 'a BBC poll', but as 'a poll for the BBC'. Relevant details, including the questions, results and underlying data, should where possible be made available (for instance via a link to the polling company website) so the audience has access to the methodology and full results.

## Reporting Voting Intention Polls

11.4.36 The result, on its own, of a single voting intention poll (or any other method of assessing support for political parties or referendum questions) must not be the lead or be headlined in any output.

See guidance: Opinion Polls, Surveys, Questionnaires, Votes and Straw Polls

When reporting voting intention polls:

- in the UK they should, normally, have been conducted by a member of the British Polling Council
- the findings of voting intention polls must be reported in the context of trend, which may consist of the results of all major polls over a period or may be limited to changes in a single pollster's findings. Poll results which are out of step without convincing explanation should be treated with particular care.

11.4.37 Any proposal to report voting intention using research methods other than polling must be referred to Chief Adviser Politics.

The Political Research Unit is available for advice, including with regard to voting intention polls outside the UK.

## Polling Day Polls

11.4.38 In the UK and many other countries, there are legal restrictions on the publication and reporting of opinion polls on polling day; advice is available from Chief Adviser Politics.

See Section 10 Politics and Public Policy: 10.4.24–10.4.25

## **Surveys (other than from polling companies), Questionnaires, Focus Groups and Votes**

See 11.4.26–11.4.28

11.4.39 To be defined as a ‘BBC survey’ on any issue, a study must:

- have a defined and finite group whose opinions, policies, behaviours or experiences are being analysed
- have numerical parameters agreed in advance, such as an acceptable minimum response rate
- have an agreed methodology, including questions that are worded appropriately and posed consistently
- be reported in language that ensures nothing is claimed by the BBC which cannot be supported by the data
- be carried out by the BBC, not commissioned from a third-party organisation.

The result should normally be reported using actual numbers of respondents; percentages should be used only with care and appropriate context.

See 11.4.8 and 11.4.27

11.4.40 Focus groups, when properly selected, may be used to examine why certain views may be held but not the extent to which they are held.

The BBC must not imply that the views of focus groups, however carefully selected, represent the views of the population as a whole, or a particular section of the population; they must not be used as a means of trying to estimate party support or political opinion in the electorate at large.

11.4.41 ‘Straw polls’ are by definition an unrepresentative sample—they include phone, text and online (including social media) votes; they do not show the opinions or experiences of a wider group, nor do they have any value in measuring relative differences between a range of responses. They can, though, be an effective form of interaction with the audience, such as voting in competitions, illustrating a debate, or where they are being used for a non-serious purpose, such as in entertainment.

Where straw polls are used with regard to politics, current public policy or controversial issues, there should be an explicit reference making it clear to audiences that they are self-selecting and not representative or scientific. A large response does not make them any more representative.

Results can be given within the context of the content concerned in terms of actual numbers; percentages should be used with care. However:

- results of straw polls about politics, current public policy or controversial issues should not feature in news bulletins
- when straw polls are carried out on the same subject at different times, the results must not be presented in a way which may suggest a trend
- straw polls must never be used to gather serious information on party-political support or voting intentions.

See guidance: Audience Interactivity; and Opinion Polls, Surveys, Questionnaires, Votes and Straw Polls

11.4.42 Any proposal to commission any sort of survey, questionnaire, vote or focus group on matters of current public policy, political or industrial controversy, or on 'controversial subjects' in any other area, must be referred to Chief Adviser Politics in advance.

11.4.43 Any proposal to carry out a phone, text or online (including social media) vote on any issue must be referred to the Interactivity Technical Advice and Contracts Unit (ITACU) and Editorial Policy. The appropriate approval process must be completed.

See Section 17 Competitions, Votes and Interactivity: 17.4.23–17.4.24

11.4.44 Other types of social research or studies (which may include legitimate academic work) may be self-selecting or otherwise not representative of any larger group. This type of research can be a useful way to find out about the experiences of individuals and, on occasion, to identify an actual number of people with a particular experience. However, it should not normally be used to gauge the opinions or experiences of the group as a whole, or to attribute proportionate value to different responses; it should never be used for those purposes with regard to politics, current public policy or other controversial issues.

11.4.45 When reporting surveys commissioned or carried out by other organisations they should be treated with appropriate scepticism, and, where appropriate, their methodology should be described. Care is required, particularly in news output, not to report such surveys in a way which leads the audience to believe they are more robust than is actually the case.

### **Vox Pops**

11.4.46 The value of vox pops is to allow different sides of an issue to be expressed through the voices of the public. But the context should make it clear that they are illustrating an argument, not measuring opinion. Care should be taken, for instance, in choosing the location in which they are recorded and they should normally be edited in such a way as to ensure an appropriate range of views is reflected. They should not be used to imply false equivalence. Vox pops about politics, current public policy and controversial issues should normally be commissioned only with specific editorial purpose.



# 12

**War, Terror and  
Extreme Violence,  
Disaster and Disorder**



# War, Terror and Extreme Violence, Disaster and Disorder

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## 12.1 Introduction

The BBC has a special responsibility to its UK and international audiences when reporting conflict including wars, and extreme violence including extreme violence for political or ideological ends, and sieges<sup>1</sup>. People across the world access BBC services for trustworthy news and information. They expect context and analysis and a wide range of views and opinions. Being scrupulous in applying due accuracy and impartiality is of the utmost importance.

Care should be taken that BBC journalism does not put individuals at risk of additional harm or cause unnecessary distress.

Tone and language matter when reporting loss of life and human suffering. Some of the audience may have relatives or friends directly involved. Unnecessary offence should be avoided whilst also ensuring that the reality of events is conveyed and reporting is not unduly sanitised. There must be strong editorial justification for the use of very graphic images. As far as is reasonably practicable, next of kin should not learn of a relative's death or injury from any BBC content.

In addition to editorial and ethical considerations, the UK's terrorism legislation places legal obligations on individuals—including journalists—to disclose certain information to the police as soon as reasonably practicable.

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

At times of war, terror or disaster, services should be kept under review, particularly scheduled output and trails including films, drama, comedy and music, to identify anything which might be thought inappropriate in the light of events.

See Section 2 Impartiality: 2.1, Section 3 Accuracy: 3.1, Section 5 Harm and Offence: 5.4.9 and 5.4.22 and Section 7 Privacy: 7.4.52-7.4.57

<sup>1</sup> The sections of the Ofcom Broadcasting Code that relate to this are 3: Crime, Disorder, Hatred and Abuse and 8: Privacy

## 12.2 Principles

12.2.1 BBC reports of war, terror, disasters and similar events must meet the Editorial Guidelines' requirements on Accuracy and Impartiality.  
See Section 2 Impartiality and Section 3 Accuracy

12.2.2 It is important that human dignity is respected without unduly sanitising the realities of war, terror, disasters and similar events. There must be strong editorial justification for the use of very graphic content.  
See Section 5 Harm and Offence: 5.4.22 and Section 7 Privacy: 7.4.52–7.4.55

12.2.3 Content makers should take account of the Geneva Convention of 1949 and the Additional Protocols, particularly as they apply to the treatment of prisoners of war, hostages and detainees. Where the provisions have been disregarded, any use of humiliating and degrading footage of prisoners of war, hostages and detainees that disregards their right to human dignity should be considered carefully.

12.2.4 When people have been killed, injured or are missing, next of kin should not, as far as is reasonably practicable, find out from BBC output.

## 12.3 Mandatory Referrals— must be referred in advance

*Mandatory referrals are an essential part of the BBC's editorial and compliance process and must be observed.*

### Referrals to Director Editorial Policy and Standards

12.3.1 Any proposal to attend an event staged for the media by organisations proscribed under UK law, or groups known for extreme violence in pursuit of political or ideological objectives, must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. Referral must also be made to Director Editorial Policy and Standards.

**See 12.4.11**

12.3.2 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.

**See 12.4.12**

12.3.3 Any proposal to broadcast content made by perpetrators of a siege or mass killing, hijacking, kidnapping, assassination or hostage-taking must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor and must also be referred to Director Editorial Policy and Standards.

**See 12.4.19**

12.3.4 Any request from the police or others for a complete or partial news black-out must be referred to a senior editorial figure, who must consult Director Editorial Policy and Standards.

**See 12.4.20**

12.3.5 Official Secrets legislation affects the BBC's ability to report on some matters relating to confidential security and intelligence issues. Content makers must consult Director Editorial Policy

and Standards and Programme Legal Advice when handling material that falls, or might fall, within its terms.

See 12.4.21

12.3.6 Any approach to or from the Secretary to the Defence and Security Media Advisory Committee<sup>2</sup> must be referred to Director Editorial Policy and Standards.

See 12.4.22

12.3.7 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 promptly to Director Editorial Policy and Standards and Programme Legal Advice.

See 12.4.23

12.3.8 Any proposal to approach an organisation (or an individual member of an organisation) designated a 'terrorist group' by the UK Home Secretary under the Terrorism Acts, and any proposal to approach individuals or organisations responsible for extreme violence in pursuit of political or ideological objectives, to participate in BBC output whether in the UK or internationally must be referred in advance to Director Editorial Policy and Standards.

See 12.4.23

## Other Referrals

12.3.9 Any proposal to broadcast material recorded at legitimate events when paramilitary groups, or other groups with a known record of violence or intimidation, stage an appearance must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Editorial Policy.

See 12.4.13

<sup>2</sup> Sometimes also referred to as the D-Notice Committee

12.3.10 Before investigating, contacting or potentially secretly recording groups or individuals suspected of being involved in serious or potentially violent criminality, or extreme violence in pursuit of political or ideological objectives and extremism, BBC Safety's High Risk Team, Editorial Policy and Programme Legal Advice must be consulted.

See 12.4.24

12.3.11 Any proposal to travel to a country or area classified as a Hostile Environment or where a Travel Advisory applies must be referred to BBC Safety's High Risk Team before departure.

See 12.4.25

## 12.4 Guidelines

### Accuracy and Impartiality

12.4.1 When reporting war and covering national and international emergencies, including extreme violence for political or ideological ends, disasters and major accidents, it is important to give the source of information and material from third parties, particularly when there are conflicting claims. These sorts of chaotic events often generate misinformation. For instance, first estimates of casualty figures may often turn out to be inaccurate. If different sources give different estimates, content makers should either report the range or go for the source which carries the greatest authority and attribute the estimate accordingly.

12.4.2 The BBC should make it clear if reports are censored or monitored or if content makers are asked or required to withhold information. The BBC should explain, wherever possible, the conditions under which it is operating.

12.4.3 Reporters and correspondents must be aware that comments they make on social media may be perceived as having the same weight as a BBC report, so should bear in mind the requirement for due accuracy and impartiality at all times. Inaccuracies must be corrected as quickly as possible.

12.4.4 When reporting demonstrations, disturbances and similar events, estimates of the numbers involved should be treated with appropriate scepticism; wide disparities should be reported as well as the sources of the figures. A comprehensive and impartial view of events should be offered. When it is difficult for reporters to form a clear overall view because of their location, their material should be put into a wider context.

See Section 3 Accuracy: 3.1 and 3.4.16

12.4.5 In a UK civil emergency, the BBC aims to deliver essential information in the interests of public safety across services. Content makers should work with the relevant authorities to identify the kind of major incidents requiring a special response. However, appropriate editorial judgements to ensure accuracy and independence must be made.

See 12.4.20

## Audience Comment and Moderation

12.4.6 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 rumours—these factors should be considered while continuing to maintain open debate. Content makers may need to consider limiting online stories that are open to comments and make appropriate moderation arrangements—pre-moderating may be necessary. It may not be appropriate to publish BBC stories on social media where there is less ability to moderate comments and where moderation may involve a high level of resource.

See 12.4.9

See Section 7 Privacy: 7.4.52–7.4.55

See guidance: User-Generated Contributions

## Use of Language

12.4.7 Reporting of extreme violence in pursuit of political or ideological objectives should be timely and responsible, bearing in mind the requirement for due accuracy and due impartiality. Care is required in the use of language that carries implicit value judgements. The perpetrators of extreme political or ideological violence are not viewed in the same way by all audiences.

12.4.8 The term 'terrorist' should only be used with attribution, ie when quoting or citing its use by others. Content makers should not adopt other people's language as their own; their responsibility is to remain objective and report in a way that enables audiences to make their own assessments. The BBC should convey to the audience the full consequences of an act by describing the perpetrators as, for example, 'bombers', 'gunmen', 'kidnappers', 'insurgents' and 'militants'. Their actions should only be described as 'terrorist attacks' with attribution.

## Identifying Victims

12.4.9 When people have been killed, injured or are missing, next of kin should, as far as is reasonably practicable, find out from the relevant authorities and not from BBC production teams or output. This applies wherever in the world the event has happened.

To minimise anxieties, the area of concern should be narrowed 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.

See 12.4.6

See Section 7 Privacy: 7.4.52–7.4.55

## Violent Protests, Disturbances and Riots

12.4.10 Coverage of violent protests, disturbances and riots is an important part of news reporting. Content makers may conduct interviews with organisers provided the output is duly impartial. Interviews must be rigorous and challenging and the output should include alternative perspectives.

In addition to the specific guidelines concerning accuracy and impartiality, it is important that content makers:

- assess the risk that previewing potentially violent protests might encourage people to take part. However, this should not prevent discussion about the issues that underpin the protest
- withdraw immediately if they suspect their presence is inflaming the situation
- be prepared to collect material for later use or editing, if the level of violence or disorder becomes too intrusive or graphic to be broadcast live
- take particular care when considering using material posted by protesters on social media. Content makers should adhere to BBC Guidelines on impartiality, the use of third-party material and user-generated content. Content producers must be mindful that the use of such material could encourage further and more dangerous activity.

See 12.4.1–12.4.5

See Section 5 Harm and Offence: 5.4.22

## Staged Events

12.4.11 Any proposal to attend an event staged for the media by organisations proscribed under UK law, or groups known for mounting extreme acts of violence for political or ideological objectives, must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. Referral must also be made to Director Editorial Policy and Standards.

12.4.12 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.

12.4.13 Any proposal to broadcast material recorded at legitimate events when paramilitary groups, or other groups with a known record of violence or intimidation, stage an appearance must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Editorial Policy.

## Threats and Hoaxes

12.4.14 If a bomb warning or other credible and specific threat is received, the first priority is to pass it on to the appropriate authorities.

12.4.15 Security details or other sensitive information not widely in the public domain which might assist an attack must not be revealed.

12.4.16 Threats against named individuals must not normally be reported unless they have produced a tangible effect, such as the cancellation of a public appearance.

12.4.17 Care must be taken not to identify individuals or organisations, who would not otherwise be in danger, as possible targets unless there is an overriding editorial justification. Individuals or organisations which may be at risk of being targeted include those engaged in animal testing or working for military establishments.

12.4.18 Incidents which turn out to be hoaxes should not normally be reported unless they have had a serious and evident effect, such as major and highly visible transport disruption.

## Sieges, Mass Killings, Hostage-Taking, Hijacking and Kidnapping

12.4.19 In cases of sieges, mass killings, hostage-taking, hijacking, kidnapping, assassinations and bombings or other similar events, content makers must be aware that anything they publish or broadcast may be seen or heard, either directly or indirectly, by the perpetrators both in the UK and overseas.

It is important that demands are reported in context. Content makers should also consider carefully the ethical issues raised by providing a platform to shooters, bombers, hijackers, kidnappers or hostage-takers, especially if they make direct contact.

The BBC must remain in editorial control of the reporting of events and content makers must not:

- interview a perpetrator live on air  
See Section 8 Crime and Anti-Social Behaviour: 8.4.14–8.4.16
- broadcast live any content provided by a perpetrator.

Any proposal to broadcast content made by perpetrators of a siege or mass killing, hijacking, kidnapping, assassination or hostage-taking must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor and must also be referred to Director Editorial Policy and Standards.

In addition, content makers must:

- bear in mind that the outcome is unpredictable and be cautious about broadcasting live images as they risk showing distressing material that is unsuitable for broadcast
- subject information from social media from alleged victims and eyewitness accounts, to proper journalistic scrutiny to ensure its accuracy before using it.

Where an alleged victim in an ongoing situation puts information into the public domain on social media, content

makers need to weigh up very carefully whether their reporting of the situation creates further danger for the alleged victim, or other victims. Consideration must be given as to whether they are under pressure from the perpetrator to put out false statements or propaganda.

12.4.20 When reporting stories relating to sieges, mass killings, hostage-taking, kidnapping and hijacking, content makers must take due account of advice from the police and other authorities about anything that, if reported, could exacerbate the situation. Occasionally they will ask the BBC to withhold or even to include information. The BBC will normally comply with a reasonable request, but it will not knowingly broadcast anything that is untrue.

Any request from the police or others for a complete or partial news black-out must be referred to a senior editorial figure, who must consult Director Editorial Policy and Standards.

## National Security and Counter-Terrorism

### Official Secrets Legislation

12.4.21 Official Secrets legislation affects the BBC's ability to report on some matters relating to confidential security and intelligence issues. Content makers must consult Director Editorial Policy and Standards and Programme Legal Advice when handling material that falls, or might fall, within its terms. It is important that any material of this nature is only shared where necessary.

### Defence and Security Media Advisory Notices

12.4.22 Defence and Security Media Advisory Notices provide guidance to the media about information which, if broadcast or published, 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 Notices can be read on the DSMA Notice System website.

The system is voluntary; it has no legal authority and the final responsibility for deciding whether or not to broadcast or publish on the BBC rests solely with the BBC. Content makers should seek senior editorial and legal advice at an early stage when handling material that falls, or might fall, under the Notices.

Any approach to or from the Secretary to the Defence and Security Media Advisory Committee<sup>3</sup> must be referred to Director Editorial Policy and Standards.

## Terrorism Acts

12.4.23 There is a legal obligation under the Terrorism Acts to disclose to the police, as soon as reasonably practicable, any information which content makers 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 promptly to Director Editorial Policy and Standards and to Programme Legal Advice.

The Acts give the UK Home Secretary powers to designate UK and international organisations as 'terrorist groups',

<sup>3</sup> Sometimes also referred to as the D-Notice Committee

making it illegal for them to operate in the UK. The Home Office website carries a list of proscribed organisations. Any proposal to approach an organisation (or an individual member of an organisation) designated a 'terrorist group' by the UK Home Secretary under the Terrorism Acts, and any proposal to approach individuals or organisations responsible for extreme violence in pursuit of political or ideological objectives, to participate in BBC output whether in the UK or internationally must be referred in advance to Director Editorial Policy and Standards.

See Section 18 The Law: 18.4.4

12.4.24 Before investigating, contacting or potentially secretly recording groups or individuals suspected of being involved in serious or potentially violent criminality, or extreme violence in pursuit of political or ideological objectives and extremism, BBC Safety's High Risk Team, Editorial Policy and Programme Legal Advice must be consulted.

## Hostile Environments and Travel Advisories

12.4.25 Any proposal to travel to a country or area classified as a Hostile Environment or where a Travel Advisory applies must be referred to BBC Safety's High Risk Team before departure.

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 or epidemic disease. It also includes areas with extreme climate or terrain.

A 'Travel Advisory' applies to countries or areas where special care is needed.

BBC Safety maintains a list of hostile environments and travel advisories on its own website<sup>4</sup>.

<sup>4</sup> See BBC Safety Site: Available on Gateway for BBC or via commissioning editors for independent producers

# 13

## **Use of BBC Content after Publication or Broadcast**



# **Use of BBC Content after Publication or Broadcast**

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## 13.1 Introduction

The BBC's editorial archives are an important national record and a useful and valuable resource. It is in the public interest<sup>1</sup> for the archives to be available where possible and appropriate.

The archives consist of all content produced and published by the BBC. They also include some unpublished/unbroadcast rushes and audio recordings and written material, such as research notes, correspondence and other data that relate to editorial content.

Not all of the BBC's archives are publicly accessible—and the extent to which archive material is publicly available varies. There is a presumption that material published online, such as BBC News content, is part of a permanently, publicly accessible archive, unless it is made available temporarily. Historic programming may be re-used or reversioned by the BBC and, where appropriate and with permission, by third parties. Unpublished/unbroadcast rushes and audio recordings are not publicly available but continue to be part of the BBC's archives and may be accessed for re-use by the BBC or by third parties, where appropriate.

The BBC has a continuing responsibility to treat its content in accordance with the Editorial Guidelines after it has been published or broadcast, for example when it is re-used or reversioned.

This section outlines the additional steps that should be taken when content is re-used or reversioned. It applies to content that is recently broadcast or published, including via online services such as BBC Sounds or BBC iPlayer, and to content that is historic. It also applies whether the content is being re-used or reversioned by the BBC or by a third party.

It covers requests by third parties for any BBC material and also addresses how to manage online content, including requests for removal or amendment<sup>2</sup>.

<sup>1</sup> See Section 1 The BBC's Editorial Standards:  
1.3 The Public Interest

<sup>2</sup> The sections of the Ofcom Broadcasting Code that relate to this are 2: Harm and Offence, 5: Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions, 7: Fairness and 8: Privacy

## 13.2 Principles

- 13.2.1 When re-using or reversioning content, the current Editorial Guidelines must be taken into account. Content within the archives would have been made to the BBC's editorial standards of the day and, with the passage of time, those standards may have changed.
- 13.2.2 There is a continuing responsibility to respect privacy and to be fair to contributors, when re-using or reversioning content.
- 13.2.3 There is a presumption that material published online is part of a permanently, publicly accessible archive, unless it has only been made available temporarily. The online archive must be preserved in as complete a state as possible.
- 13.2.4 Content published with the expectation of remaining permanently available, particularly news content, should not normally be amended and should only be removed or hidden in exceptional circumstances.  
**See 13.4.27**
- 13.2.5 There is a continuing responsibility to consider the BBC's impartiality, editorial integrity and independence; these must not be compromised when content is re-used or reversioned, whether by the BBC or a third party.  
**See Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.2.1**

## 13.3 Mandatory Referrals—must be referred in advance

*Mandatory referrals are an essential part of the BBC's editorial and compliance process and must be observed.*

### Referrals to Director Editorial Policy and Standards

13.3.1 All requests for unpublished, unbroadcast or otherwise unused material—including notes—from the police or in connection with court proceedings, possible court proceedings or other procedures in which the material may be regarded as evidence (such as disciplinary hearings by regulatory bodies), must be referred to Programme Legal Advice and Director Editorial Policy and Standards.

See 13.4.41

### Other Referrals

13.3.2 Any proposal to use archive content that has previously been found in breach of editorial standards or content regulation codes must be referred to Editorial Policy.

See 13.4.2

13.3.3 Any proposal to use a light touch method of compliance for the large-scale release of content must be referred to Editorial Policy.

See 13.4.8

13.3.4 Any proposal to use potentially distressing archive content against the wishes of the relevant contributors, victims or the immediate family of dead people must be approved by a senior editorial figure, or for independent production companies by the commissioning editor, who should normally consult Editorial Policy.

See 13.4.15

13.3.5 Programme Legal Advice must be consulted about any proposed use of archive material of a crime if potentially related court proceedings are pending or in progress.  
**See 13.4.19**

13.3.6 Any plans to re-use, reversion or otherwise make archive content available which features members of the Royal Family or the Royal Palaces must be referred to the BBC's Royal Liaison Officer. This does not apply to news content showing members of the Royal Family carrying out public duties.  
**See 13.4.20**

13.3.7 If, in exceptional circumstances, there is a proposal not to observe restrictions on the re-use of distressing archive content Editorial Policy must be consulted.  
**See 13.4.23**

13.3.8 Any proposal to remove publicly available online content from a BBC site or elsewhere, which is either inside the window of availability, or permanently available, must be referred to the relevant senior editorial figure, or for independent production companies to the commissioning editor, who may consult Editorial Policy.  
**See 13.4.27**

13.3.9 Relevant Heads of Editorial Standards/Compliance and Complaints must be consulted over the wording of programme-specific explanations for a Revocation, Revision or Correction Label.  
**See 13.4.29**

13.3.10 Requests to remove mothballed pages, with a banner headline stating the page has not recently been updated, must be referred to the relevant senior editorial figure.  
**See 13.4.30**

13.3.11 All requests by third parties for published or broadcast content in connection with court proceedings, or other procedures in which the material may be regarded as evidence, must be referred to Programme Legal Advice and Editorial Policy.  
**See 13.4.32**

13.3.12 UK Public Service and World Service teams must consult Consumer Technology & Products legal team<sup>3</sup> about any request for re-use or reversioning of BBC material (including editorial content, metadata and other assets) by third parties as components of artificial intelligence. BBC Studios teams must consult BBC Studios Regulatory Affairs about any such requests. Editorial Policy may also be consulted in all cases.

See 13.4.34

13.3.13 Requests from third parties for access to unused material, including notes, rushes or audio recordings, must be referred to Editorial Policy who may consult Director Editorial Policy and Standards in sensitive cases.

See 13.4.36

13.3.14 Any proposal to give an individual's personal details, comments or other personal information to a third party without the individual's consent should be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should normally consult Programme Legal Advice and, where appropriate, Information Rights.

See 13.4.37

<sup>3</sup> ConsumerTechnology&ProductsLegal@bbc.co.uk

## 13.4 Guidelines

### General

13.4.1 When re-using or reversioning content, the current Editorial Guidelines must be taken into account. Content within the archives would have been made to the BBC editorial standards of the day and, with the passage of time, those standards may have changed.

This requirement applies irrespective of the proposed platform and the age of the material – including proposals involving artificial intelligence, to use archive BBC content.

13.4.2 Where content is re-used, reversioned or otherwise made available, findings of breaches of editorial standards by the BBC's Executive Complaints Unit, the BBC Trust or other predecessors, and of code breaches recorded by Ofcom or previous regulators must be taken into account.

Any proposal to use archive content that has previously been found in breach must be referred to Editorial Policy who will consider whether:

- there has been a change in standards since the original finding
- the content could be released if it were edited and/or additional information were given.

13.4.3 Editorial content originally broadcast or published in the UK that is re-used internationally may not be appropriate for re-use in all territories around the world out of duty of care to international contributors or BBC staff. Rights issues should also be considered.

13.4.4 Where appropriate it should be made clear to audiences when content is not contemporaneous. Labels, first transmission dates, contextual information or other signalling may be required to make clear when content is archive in order to avoid misleading audiences.

13.4.5 When content is re-used or reversioned, or otherwise made available for BBC or third-party use, its original context should be taken into account and it should not normally be misrepresented. There may be editorially justified exceptions, such as where content is used for a comedic/satirical purpose. However, fairness and harm and offence considerations apply.

Legal copyright, data protection issues and the legal right to privacy should also be considered.

13.4.6 While respecting that archive content is a record of history, consideration must be given to whether it is appropriate to use it unedited or whether this would breach the Editorial Guidelines or the law.

It may be appropriate to indicate when archive content has been edited or removed, in order to make audiences aware that a record has been changed.

13.4.7 Access or location agreements should be reviewed before content is made available as there may be special conditions for re-use.

13.4.8 With large-scale release of collections of archive content it may be acceptable to adopt a light touch method of compliance, where overall risks of breach of standards are mitigated by identifying parts of the collection which must be excluded or complied in full. When it is published or broadcast there should be a route for the public to get in touch and for a rapid response to take place if necessary.

Any proposal to use a light touch method of compliance for the large-scale release of content must be referred to Editorial Policy who will take into account the nature of the content and whether the proposed compliance arrangements are appropriate for that content.

13.4.9 There is a presumption that material published online is part of a permanently, publicly accessible archive, unless it has only been made available temporarily. The online archive must be preserved in as complete a state as possible.

See 13.4.28

## Accuracy Issues

13.4.10 Content should not be re-used in a way that materially misleads the audience about a situation, events or what is being depicted. Labelling may be required. There may be exceptions for trails, comedy or entertainment purposes.

Editorial material that content makers plan to re-use or reversion may have become inaccurate or out of date and where appropriate it should be made clear to audiences that it is archive.

See Section 3 Accuracy: 3.4.32

## Content Affected by Changing Circumstances

13.4.11 Content that is planned for repeat should normally be checked to make sure that it has not been overtaken by events, including the known death of, or significant life changes affecting, a contributor, and the arrest, appeal or charging of a suspect. In some cases an appropriate label or on-air announcement may be required; in others, the alteration or removal of some content may also be needed.

See Section 3 Accuracy: 3.4.32

## Fairness, Consent and Privacy Issues

13.4.12 There is a continuing responsibility to respect privacy and to be fair to contributors.

13.4.13 Before content is re-used or reversioned, any relevant available contributor consents must be checked and any restrictions on the re-use of the content should normally be observed, unless it can be established that circumstances have changed since the restrictions were imposed, so that they no longer apply.

See Section 6 Fairness: 6.4.1–6.4.2

13.4.14 Archive content may become more sensitive over time, for example if contributors:

- have died or suffer illness, emotional trauma or were otherwise featured as vulnerable contributors
- have disclosed sensitive personal information in the archive content
- featured as children when they were unable to give informed consent
- featured as young people whose lives may have changed.

See Section 6 Fairness: 6.4.10

Consideration must be given to how to minimise possible distress to surviving contributors when such content is re-used, reversioned or otherwise made available.

13.4.15 When use of the archive may cause distress to contributors, victims or the immediate family of dead people featured they should normally be notified of plans for re-use so far as is reasonably practicable. If they object to re-use, any proposal to do so must be approved by a senior editorial figure, or for independent production companies by the commissioning editor, who should normally consult Editorial Policy. Approval will only be given if the objections are outweighed by the public interest<sup>4</sup>.

13.4.16 Archive content of identifiably grieving or distressed people should only be used when there is editorial justification. The circumstances of the recording, such as the location; and the nature of the content, such as the intimacy and length of it, should be weighed against the public interest in re-using the content.

See Section 7 Privacy: 7.4.53–7.4.57

<sup>4</sup> See Section 1 The BBC's Editorial Standards:  
1.3 The Public Interest

13.4.17 Re-use of factual content in dramas and drama-documentaries, entertainment, comedy and satirical content must be editorially justified and must not create unfairness.

It should not cause unjustified embarrassment or offence to identifiable people featured in the archive or their living close relatives.

See Section 5 Harm and Offence: 5.4.44 and Section 6 Fairness: 6.4.27

For portrayal of real people in drama see Fairness.

See Section 6 Fairness: 6.4.58–6.4.59

For any proposal to use material from the chambers or committees of Parliaments or Assemblies, including Westminster, see Politics and Public Policy.

See Section 10 Politics and Public Policy: 10.4.10

## **Secretly Recorded Content**

13.4.18 Secretly recorded content may infringe privacy and/or reveal wrongdoing. The editorial justification for re-use must assess the public interest.

See Section 7 Privacy: 7.4.11–7.4.29

## **Content Depicting Illegal or Anti-Social Activity**

13.4.19 The use of archive material relating to crimes and to victims of crime must be editorially justified. While content depicting illegal or anti-social behaviour may have a clear public interest on first transmission, this may diminish over time. Any re-use must be considered on a case-by-case basis.

When releasing archive content relating to crimes, victims of crime and anti-social activity, content makers should:

- avoid repeated use of the same incident to illustrate a general theme
- not use archive content 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 identifiable if they were not involved in the crime in question.

Programme Legal Advice must be consulted about any proposed use of archive material of a crime if potentially related court proceedings are pending or in progress.

See guidance: Re-use of Factual Content Featuring Illegal or Anti-Social Behaviour

## Royal Archive Content

13.4.20 Content featuring members of the Royal Family or the Royal Palaces is often subject to specific contractual arrangements, especially when the BBC has negotiated particular access.

Any plans to re-use, reversion or otherwise make such archive content available must be referred to the BBC's Royal Liaison Officer. This does not apply to news content showing members of the Royal Family carrying out public duties.

## Harm and Offence Issues

13.4.21 The re-use of any archive content must take account of the current guidelines on Harm and Offence. In assessing appropriateness for re-use, consideration should be given to:

- current events and circumstances which may make release inappropriate
- changes in public attitudes to potentially offensive content
- changes in platform, service or timeslot which would have an effect on audience expectations
- whether the way that content may be discovered online, via links or embedding on other sites, means that audiences may not be prepared or realise it is archive, possibly increasing the risk of offence.

See Section 5 Harm and Offence: 5.4.35

13.4.22 When archive content would not have been made by the BBC today because standards or attitudes have changed, there may, nonetheless, be reasons to make it available. These might include if it is of historical or cultural interest, or if it is otherwise editorially justified in the public interest<sup>5</sup>. The content should be appropriately scheduled and/or signposted.

See Section 5 Harm and Offence: 5.1

13.4.23 The use of traumatic archive content, particularly when it features identifiable people, must be editorially justified and the public interest must outweigh issues around privacy or harm and offence. It should not be used as 'wallpaper'.

Any restrictions placed on re-use should normally be observed. If, in exceptional circumstances, there is a proposal not to observe restrictions on distressing archive content, Editorial Policy must be consulted.

## Managing Online Content

13.4.24 At the time that editorial content is published online, there should be a strategy for its management over time. It should be considered whether content needs to be updated or, if not, how it is to be treated.

13.4.25 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. Amendments, to both time limited and permanently available content, should be clearly signposted.

<sup>5</sup> See Section 1 The BBC's Editorial Standards:  
1.3 The Public Interest

13.4.26 When a material change is made to content, the change should normally be indicated to users. In exceptional circumstances there may be reasons, including legal or editorial considerations, not to do so.

13.4.27 The BBC's online content available in perpetuity is a permanent public record and its existence is in the public interest. It should not normally be amended.

Where there is an expectation that content, from an individual's name to a whole programme, is made available permanently, it should only be removed or hidden in exceptional circumstances.

These may include legal reasons, safety risks to individuals or a serious breach of editorial standards that cannot be rectified except by removal of content; or where tragic events make a programme containing similar content unsuitable for continued availability.

Removal is a last resort and content producers should not normally hide or remove content while requests, including so called 'right to be forgotten' requests, are considered, unless there are legal or editorial reasons to do so.

Any proposal to remove publicly available online content from a BBC site or elsewhere, which is either inside the window of availability, or permanently available, must be referred to the relevant senior editorial figure, or for independent production companies to the commissioning editor, who may consult Editorial Policy.

Considerations should include:

- the potential harm of removal to the public interest and the integrity of what remains publicly available
- any significant harm or distress continued publication may cause an individual to whom content producers have a duty of care
- whether information has been put in the public domain other than by the BBC or is available in public records. If so, requests to remove it should normally be refused.

Even when content is already circulating widely on the internet, any decision to remove it must be consistent with the Editorial Guidelines.

See guidance: Removal of BBC Online Content

Where there may be legal repercussions, any proposals to remove content should normally be referred to Programme Legal Advice, who may consult Information Rights where content contains personal information that might identify a living person.

13.4.28 Requests to remove content where contributors to the BBC complain that they did not give consent to their contribution appearing online or being made available in perpetuity should normally be refused, providing they gave informed consent to one part of the BBC and their safety is not endangered by the content's presence.

13.4.29 Requests to remove comments on BBC platforms and other social media platforms should normally be refused as long as the BBC's terms and conditions or privacy policy published at the time provide adequate protection.

See Section 17 Competitions, Votes and Interactivity: 17.4.64–17.4.66

Removal and revocations to online content should only be initiated by the relevant executive producer, commissioner or senior editorial figure. This also applies to any proposed removal of distributed content from partners' platforms.

Relevant Heads of Editorial Standards/Compliance and Complaints must be consulted over the wording of programme-specific explanations for a Revocation, Revision or Correction Label. In some circumstances the Press Office should be informed if a Revocation, Revision or Correction Label and explanation are to be applied.

Amendments that have been approved in order to avoid unjust or unfair treatment should normally be carried out promptly, clearly and appropriately and they should normally set out what was wrong, as well as putting it right.

See Section 3 Accuracy: 3.4.33–3.4.35

13.4.30 Requests to remove mothballed pages, with a banner headline stating the page has not recently been updated, must be referred to the relevant senior editorial figure who will consider whether, exceptionally, to remove the page that is a public record.

## Third-Party Requests for BBC Content<sup>6</sup>

13.4.31 The BBC has a continuing responsibility towards its content. Its use by third parties must not compromise the BBC's impartiality, editorial integrity and independence.

### Published/Broadcast Material

13.4.32 All requests by third parties for published or broadcast content in connection with court proceedings, or other procedures in which the material may be regarded as evidence, must be referred to Programme Legal Advice and Editorial Policy. Editorial Policy will consider whether accepting the request would compromise the BBC's impartiality, editorial integrity or independence.

13.4.33 For other requests by third parties for editorial content, when deciding whether its release is appropriate, the following should be taken into account:

- any copyright, legal, contractual and editorial implications
- whether the content is controversial, sensitive, does not meet today's generally accepted standards or could affect the privacy of a contributor if released
- the nature of the third party
- whether this is a contributor request for material relating to the original contribution
- whether there is an existing external relationship, including whether the organisation is a partner

<sup>6</sup> This section of the Editorial Guidelines, covering both published/broadcast and unpublished/unbroadcast content, does not apply where there is a statutory requirement to produce content, for example to Ofcom

- whether the use would be commercial and/or should be handled by a BBC commercial subsidiary
- whether the use would be non-commercial, including educational or for training purposes, for data journalism or otherwise in the public interest.

For non-commercial use a fee which reflects the cost of providing the content should normally be charged and a licence or other written agreement setting out how it can be used is normally required.

A BBC website sets out how the public can request content<sup>7</sup>.

13.4.34 The re-use or reversioning of BBC material (including editorial content, metadata and other assets) by third parties as components of automated technology, such as artificial intelligence, should be in accordance with the values and standards of the Editorial Guidelines. For UK Public Services and World Service requests Consumer Technology & Products legal team must be consulted<sup>8</sup>. For BBC Studios requests referral must be made to BBC Studios Regulatory Affairs. Editorial Policy may also be consulted in all cases.

13.4.35 Licensing arrangements should normally include a provision for BBC material to be promptly removed or blocked if required by the BBC. BBC material must not be edited unless agreed by the BBC.

See Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.5

<sup>7</sup> Can I Use BBC Content? website

<sup>8</sup> ConsumerTechnology&ProductsLegal@bbc.co.uk

## Unpublished/Unbroadcast Material

13.4.36 Requests from third parties for access to unused material, including notes, rushes or audio recordings, must be referred to Editorial Policy who may consult Director Editorial Policy and Standards in sensitive cases. Editorial Policy will consider:

- the public interest
- whether release would compromise the BBC's impartiality, editorial integrity or independence and
- the proposed use of the material.

See 13.4.32–13.4.34 and 13.4.41

There is a separate process for the BBC Written Archives Centre.

13.4.37 Any proposal to give an individual's personal details, comments or other personal information to a third party without the individual's consent should be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should normally consult Programme Legal Advice and, where appropriate, Information Rights.

13.4.38 Access to unused material must never be provided:

- when to do so would endanger people, including those 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 the BBC's contractual obligations
- when the rights of third parties may be impaired by handing it over.

13.4.39 The BBC will only release unpublished/unbroadcast material to individuals or organisations for public relations, marketing or commercial purposes in exceptional circumstances, and when its editorial integrity and independence can be maintained.

13.4.40 Where the BBC has a partnership agreement, unpublished or unbroadcast material will only be released when the BBC's editorial integrity and independence can be maintained.

13.4.41 All requests for unpublished, unbroadcast or otherwise unused material—including notes—from the police or in connection with court proceedings, possible court proceedings or other procedures in which the material may be regarded 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.

There is no legal obligation for documents, records or unused material to be kept unless and until they are the subject of a request from the police or the courts or there is a realistic threat of litigation.



# 14

## **Religious Content**



# **Religious Content**

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## 14.1 Introduction

The right to exercise freedom of thought, conscience and religion is set out in human rights legislation. This includes the freedom to worship, teach, practise and observe.

This section relates only to the BBC's religious content on all platforms. For the purposes of these guidelines, and in line with Ofcom's Broadcasting Code, this means programmes dealing entirely or mainly with religion, religious beliefs, and views about religion and religious beliefs. The Agreement that accompanies the BBC's Royal Charter reflects that the BBC's religious output contributes to how it meets its Mission and Public Purposes. This content includes programmes and other output—such as online reports—that are derived from or related to those programmes<sup>1</sup>.

Religious beliefs are central to many people's lives and this section ensures that the content of religious programmes and related output is made with a proper degree of responsibility.

Content makers in other genres that make reference to religion or religious leaders and beliefs should consult the guidelines on Harm and Offence and where necessary Accuracy and Impartiality.

See Section 5 Harm and Offence: 5.4.66–5.4.68, Section 3 Accuracy and Section 2 Impartiality

## 14.2 Principles

14.2.1 Producers of religious programmes and related content have editorial freedom for the output to express faith and to explore matters of faith. Production teams must ensure that contributors to content about religious views and beliefs are not subject to abusive treatment.

<sup>1</sup> The section of the Ofcom Broadcasting Code that relates to this is 4: Religion

- 14.2.2 Where a religion or religious denomination is the subject of a religious programme or related content, the identity of the religion must be clear to the audience.
- 14.2.3 Vulnerable audiences must be protected from exploitation, and religious programmes must not seek to promote religious views or beliefs by stealth.

## 14.3 Guidelines

- 14.3.1 Content makers have editorial freedom for output to include expressions of faith and to explore matters of faith. The requirement that religious views and beliefs should not be subject to abusive treatment is not intended to preclude reasonable debate or challenge. While religion and religious views and beliefs may be criticised, it should be ensured that there is appropriate context and that critical views are open to challenge.
- 14.3.2 Any claims made in religious output for the particular powers or abilities of a living person or group should be treated with due objectivity. Such claims should not be made in online content likely to be accessed by children, when significant numbers of children may be expected to be watching television or when children are particularly likely to be listening to the radio.
- 14.3.3 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.
- 14.3.4 Where religious content includes audience interaction, appropriate measures must be in place to allow the expression of faith and an exploration of issues around faith, while ensuring that religious and non-religious views and beliefs are not subject to abuse and that vulnerable audiences are also protected from exploitation.

See Section 17 Competitions, Votes and Interactivity: 17.4.55–17.4.71



# 15

**Independence from  
Commercial and other  
External Interests**



# **Independence from Commercial and Other External Interests**

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## 15.1 Introduction

The BBC's reputation and the strength of its brand in the UK and around the world are based upon its fundamental values of impartiality, editorial integrity, and independence. These values are central to the BBC's UK Public Services, the BBC World Service and the BBC's Commercial Services. Audiences everywhere must be able to trust the BBC.

This section of the Editorial Guidelines concerns the editorial decisions and production of BBC editorial content and related BBC activities<sup>1</sup>. It should be read in conjunction with Section 4: Conflicts of Interest, which considers how to ensure that the external activities and interests of those working for the BBC and involved in producing content or related activities do not bring their or the BBC's editorial integrity into question. Collaborations with other parties and financing are covered in Section 16: External Relationships, Including Commercial Relationships, and Financing.

## 15.2 Principles

- 15.2.1 The BBC's impartiality, editorial integrity and independence must not be compromised by outside interests and arrangements.
- 15.2.2 The BBC must maintain independent editorial control over its output.
- 15.2.3 Brands, products, organisations, services and trade marks can be referred to where it is editorially justified, but must not be given undue prominence.
- 15.2.4 Travel, accommodation and most other services should normally be paid for. This does not apply to product placement and prop placement.

<sup>1</sup> The sections of the Ofcom Broadcasting Code that relate to this are 9: Commercial References on TV and 10: Commercial Communications in Radio Programming

- 15.2.5 People working for the BBC must not accept gifts or hospitality where there may be a business advantage.
- 15.2.6 The BBC must not commission, produce or co-produce output for its UK Public Services which contains product placement.

## **BBC UK Public Services and BBC World Service**

- 15.2.7 The BBC UK Public Services as set out in the BBC Charter and Framework Agreement, are primarily funded by licence fee revenue, and the BBC World Service is funded principally by licence fee revenue together with agreed supplementary funding.  
  
Brands, products, organisations, services, trade marks, activities, views or opinions must not be promoted on the UK Public Services or the World Service.

## **Commercial Services**

- 15.2.8 Commercial Services are activities that the BBC is permitted to carry out through separate commercial subsidiaries, which operate to make a profit to supplement the licence fee. They are not funded by licence fee revenue either directly or indirectly and are undertaken with a view to generating a profit.

The BBC's Commercial Services can refer to other brands, products, organisations, services, trade marks or activities as part of a commercial arrangement but they must not promote brands, products, organisations, services and trade marks in their editorial content. If they do make such references, they must follow the guidelines on product placement and on advertising and sponsorship which explain that it is not appropriate to make deals with some types of organisations.

See 15.4.32–15.4.37

See Advertising and Sponsorship Guidelines for BBC Commercial Services

## 15.3 Mandatory Referrals— must be referred in advance

***Mandatory referrals are an essential part of the BBC's editorial and compliance process and must be observed.***

15.3.1 When planning to feature a brand, product, organisation, service or trade mark in a number of pieces of editorial content (excluding daily news output), broadcast or published in a limited period, such as a single day, referral must be made to the relevant output controller(s) and Editorial Policy, who will consider the cumulative effect.

**See 15.4.2**

15.3.2 Any proposal to use advertising clips in programme trails on UK Public Services or the World Service must be referred to the relevant Head of Editorial Standards/Compliance and Complaints.

**See 15.4.5**

15.3.3 Any proposal to accept a trip that is paid for or heavily discounted by a third party must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor who may consult Editorial Policy.

**See 15.4.19**

15.3.4 Any proposal to direct UK audiences toward charities that are not listed on an Action Line must be referred to Editorial Policy.

**See 15.4.28**

15.3.5 Any proposal to carry output on UK Public Services which requires signalling for product placement must be approved by the Director-General.

**See 15.4.29**

15.3.6 Any proposal to broadcast/publish a programme that was originally transmitted on a UK commercial service unconnected with the BBC which includes product placement must be referred in advance to the relevant channel controller and to Editorial Policy.

**See 15.4.31**

15.3.7 All proposals to include product placement on BBC Commercial Services must be approved by a senior editorial figure or, for independent production companies, by the commissioning editor. In BBC Studios the senior editorial figure must also consult the Head of Editorial Standards/Compliance and Complaints. The senior editorial figure/commissioning editor is responsible for ensuring any relevant onward referrals are made.

See 15.4.32

15.3.8 Any proposal for a BBC Commercial Service, operating in the UK, including but not limited to video on demand, to insert product placement into any content produced by the BBC, or by an independent producer, which was originally commissioned by a BBC UK Public Service, must be referred to Editorial Policy and the Head of Editorial Standards/Compliance and Complaints, BBC Studios.

See 15.4.36

## 15.4 Guidelines

### Product Prominence

15.4.1 The BBC needs to be able to reflect the real world and this will involve referring to brands, products, organisations and services in output. A product can include references to organisations, to people, such as artists or performers, or to artistic works, such as films, books or musical tracks. However, there must be no undue prominence of brands, products, organisations, services, or trade marks in content. To avoid this, content makers must:

- ensure that visual and aural references, including verbal and musical references, to brands, products, organisations, services, trade marks, and slogans are editorially justified
- make sure that the way in which the reference is made is appropriate. Favourable descriptions must be editorially justified. Prices and availability should not normally be discussed outside consumer review content

- avoid lingering on, or showing close-ups of, brand names or logos, and use aural references sparingly unless it is editorially justified to do so
- minimise references in output designed to appeal to children.

The degree of prominence that may be acceptable will depend on the context. A product that is integral to an item may justify a greater degree of exposure. Organisations who are partners must be given due attribution, but this must not be unduly prominent.

Use of material from advertising campaigns or promotions must be editorially justified. Normally only a short extract should be selected.

References to products may be verbal or visual but a combination of the two is likely to create a greater risk of undue prominence than one or the other.

## Product Prominence—the cumulative effect

15.4.2 Content producers should consider the cumulative effect of repeated references when planning to feature a brand, product, organisation, service or trade mark in output over a limited period to ensure it does not become unduly prominent. Programme repeats and marketing should be included in this assessment. A cumulative effect is likely to be greatest around the time of a new launch by a brand or the release of a product such as a film or record.

When planning to feature a brand, product, organisation, service or trade mark in a number of pieces of editorial content (excluding daily news output), broadcast or published in a limited period such as a single day, referral must be made to the relevant output controllers(s) and Editorial Policy who will consider whether any cumulative impact of such references is editorially justified.

## Product Prominence and Interactivity

15.4.3 When encouraging audiences to interact with the BBC, or where their comments are referred to online or on air, any references to products, such as social media platforms or hashtags, can reflect how audiences prefer to interact with content. However, they should not be unduly prominent either within a single piece of content or cumulatively.

Any brands and hashtags should be appropriate for the expected audience. With calls to action on UK Public Services and the World Service, the third-party platforms referred to should be free to use. Decisions will need to take into account the expectations of the target audience and to refer to the options in a demonstrably fair way.

15.4.4 Contributions from a variety of platforms should normally be offered but the brands should not be attributed each time they are used.

See Section 17 Competitions, Votes and Interactivity: 17.4.55–17.4.71

## Product Prominence in Trails

15.4.5 References to products or services in programme trails or BBC programme marketing material should normally be avoided because the repeated exposure could be unduly prominent. Music in trails may also become unduly prominent if it is around the time of a new release of the track. The cumulative effect of use of a new release in a trail should be considered when it is also scheduled to be performed elsewhere in BBC content. Any reference to a branded product or service in trails should be editorially justified.

Any proposal to use advertising clips in programme trails on UK Public Services or the World Service must be referred to the relevant Head of Editorial Standards/Compliance and Complaints, who will consider whether the use is editorially justified and not unduly prominent.

## Undue Prominence and Contributors

15.4.6 Undue prominence must be avoided when contributors discuss their new work, such as a film or music release, or a new book or play. Any related products should not be used as a prop unless editorially justified and any references, particularly close-ups, must be editorially justified and appropriately limited.

## Reviewing Products or Services

15.4.7 Products or services should not be promoted when reviewing them and a range from different suppliers should be reviewed within a programme or series. In the case of books, albums and other digital products, only copies for review may normally be accepted. Those responsible for reviewing or covering theatre, concerts or other events or performances may accept review tickets. Products of significant value should generally be bought for review. However, if on occasion content makers are supplied with them, the products must be returned to the manufacturer or supplier.

## Linked or Embedded Streams from Third Parties

15.4.8 There must be no undue prominence of the linked/embedded third party. On UK Public Services and the World Service when a stream has been sponsored, there must be no reference to the sponsor or the sponsor's brands, products, organisations, services or trade marks. On Commercial Services any reference to a sponsor or their products, services or trade marks may be product placement. However, references must not be promotional.

See 15.4.32–15.4.37

See Section 7 Privacy: 7.4.37–7.4.41, Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.20–16.4.21 and Section 17 Competitions, Votes and Interactivity: 17.4.67

## Supply of Props in Drama, Comedy, Entertainment or Lifestyle Content

15.4.9 The use of, or reference to, branded products, organisations or services in drama, comedy, entertainment and lifestyle content must be editorially justified and a wide range should be used over time to avoid undue prominence.

Any spoken reference accompanying a visual reference must be editorially justified.

When real products are used as set dressing, lingering shots should be avoided, and content makers should try to avoid their visibility in other shots. Consideration should be given to whether there is any conflict of interest in relation to a product and any external commercial relationships of talent used in the content.

## Prop Placement

Prop placement, as defined by Ofcom<sup>2</sup>, is the inclusion in a programme of, or a reference to, a product, service or trade mark where the provision of the product, service or trade mark has no significant value, and no relevant provider, or person connected with a relevant provider, has received any payment or other valuable consideration in relation to its inclusion, or the reference to it, in the programme, disregarding the costs saved by including the product, service or trade mark, or a reference to it, in the programming.

15.4.10 On UK Public Services and the World Service, programme makers should usually expect to pay for props used in productions. Where possible, productions should use the BBC internal procurement process.

<sup>2</sup> Ofcom Code Section 9: Commercial References on TV

15.4.11 On Commercial Services there must be no arrangements guaranteeing that placed props will receive exposure in editorial content. If these conditions are met, then it will be regarded as prop placement not product placement provided the provision of the prop or service has no more than a trivial value.

Props of significant value may be treated as product placement if they are not returned to the provider.

See 15.4.32–15.4.37

15.4.12 On UK Public Services and the World Service when props are accepted at a reduced cost, and on Commercial Services when props are accepted free or at a reduced cost, there should be:

- records kept by production of all free or reduced cost props
- no guarantee that any brand, product, organisation or service will be featured and, if featured, no guarantee that it will be in a favourable light
- no undue prominence of the prop that has been accepted.

See guidance: Props

## Free and Reduced Cost Facilities, Products and Services

15.4.13 Travel, accommodation and most other services should normally be paid for by production. This does not apply to product placement and prop placement.

15.4.14 Consumer and lifestyle content which reviews or features a wide range of products may accept free or reduced cost products or services if they are editorially justified and meet appropriate selection criteria. But in such cases production must:

- keep records of what has been accepted
- never promise that any brand, product, organisation or service will be featured, and if featured, that it will be in a favourable light
- only accept discounts if these are consistent with discounts offered to other large organisations

- inform suppliers in writing that they cannot refer to the BBC's use of their brand, products, organisation or services in any advertising or promotions
- only give online and on-air credits if editorially justified. UK Public Services and the World Service should never promise to feature a supplier's details online in return for the supply of free or reduced cost products or services.

15.4.15 No payment must be accepted for brands, products, organisations or services to be featured on any BBC output as product placement is prohibited in consumer advice content.

See 15.4.32–15.4.37

15.4.16 Suppliers must not have an editorial say in the content and should not be given a preview of it.

See Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.39

## Shared Facilities

15.4.17 Where a facility, such as a feed, is shared between the BBC and a third party, the BBC must retain editorial control of any ensuing content on BBC services and pay the appropriate portion of the cost.

## Media Facility and Fact-Finding Trips

15.4.18 UK Public Services and the World Service, and news and current affairs content on Commercial Services, should not normally accept a trip paid for or heavily discounted by a third party unless it is the only way to cover a significant event.

15.4.19 Any proposals to accept a trip paid for or heavily discounted by a third party must meet the BBC's Anti-Bribery Policy.

Any reference to organisations which have facilitated the trip must be editorially justified.

Care should be taken if accepting facilities from charities or lobby groups. Any proposal to accept a trip that is paid for or heavily discounted by a third party must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor, who may consult Editorial Policy to consider whether:

- the trip, and any references to organisations which have facilitated it, is editorially justified and will not damage the editorial integrity of the BBC
- a contribution should be made towards the cost, where reasonably practicable
- acceptance of the trip would give rise to a reasonable perception by the public that it could influence the BBC's decision making.

15.4.20 Staff working for Commercial Services which review a range of services and facilities may seek assistance from travel providers such as tourist boards, airlines and hotels. In such cases:

- there must be no assurances of any coverage in exchange for such services
- information should be published on a range of travel suppliers and not just those who provide assistance.

### **Promotional Material or Stories Supplied by Outside Bodies**

15.4.21 Stories must be selected and covered for independent editorial reasons and content makers should be alert to the possibility that organisations may approach a number of areas of the BBC by different routes to try to gain coverage across services in a limited period.

## Online Links and References to Third-Party Platforms

15.4.22 The impression must not be given that the BBC is promoting a commercial brand, product, organisation or service when linking to a commercial platform.

Links from UK Public Service or World Service platforms and from the editorial content of a Commercial Service platform must be editorially justified.

See 15.4.1–15.4.9

See Section 2 Impartiality: 2.4.10 and Section 3 Accuracy: 3.4.24

On UK Public Services and the World Service, links should lead to third-party sites which, if not free to access, should be labelled as subscription sites.

See guidance: Links and Feeds

## Logos and Credits

15.4.23 Use of third-party logos and credits on UK Public Service or World Service platforms and in the editorial content on Commercial Service platforms must be editorially justified.

Where the BBC is in a formal partnership, partners should be given due attribution and recognition, including in the branding and promotion of the output and services created or distributed.

See 15.4.1–15.4.9

See Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.11–16.4.15

See guidance: Crediting and Labelling External Relationships

15.4.24 UK Public Services and the World Service should never promise to mention a supplier's details in return for the supply of free or reduced cost products or services.

See 15.4.13–15.4.21

## **UK Public Service and World Service References to BBC Commercial Services and Products and Other Material Related to Editorial Content**

### **UK Public Service and World Service References to BBC Commercial Services**

15.4.25 On UK Public Services and the World Service all references to commercial products and services must be editorially justified and this includes references to BBC Commercial Services.

The BBC, and independent companies working for the BBC, may produce and license programme-related material, such as a book, which may be referred to during, or promoted around, the editorial content from which it is directly derived and/or is relevant. Any such promotion must be to allow audiences to benefit from or interact with the related editorial content and must be editorially justified.

Following the above guidance should ensure that UK Public Services and the World Service do not unfairly promote any BBC Commercial Services or products.

### **Trails for Commercial Products Related to BBC Programmes**

15.4.26 UK Public Services and the World Service online may link to a page on a commercial site where commercial products related to BBC programmes may be purchased, if editorially justified.

On air there may be broadcast trails for some programme-related materials in junctions adjacent to the editorial content from which they are directly derived<sup>3</sup>.

<sup>3</sup> Cross Promotions Guidelines online from BBC Policy

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 content. Trails or announcements after programmes should be focused on providing sufficient factual information to enable audiences to benefit from, or interact with, the products in question.

BBC-branded magazines must not be trailed on BBC UK Public Services or the World Service online or on air. For other BBC-related products on radio and BBC Sounds, see the relevant guidance.

See guidance: Trailing of BBC-Related Commercial Products, Material or Services on BBC Network Radio Stations, Nations, BBC Public Service Television Channels and BBC Public Service Platforms

## **Transactional Links from UK Public Service and the World Service Platforms to Commercial Products Related to BBC Editorial Content**

15.4.27 BBC UK Public Service and World Service platforms may offer users the opportunity to purchase selected BBC-related editorial content from a range of online commercial suppliers.

## **BBC Support Services and Supporting Material**

15.4.28 The BBC may offer support services and programme-supporting material that extends the impact and understanding of its content.

When the BBC publishes or broadcasts content raising difficult or distressing issues it may be appropriate to provide details of an action line listing organisations which offer front line support relevant to the issues raised. BBC Action Line should normally be consulted for UK-facing content.

Any proposal to direct UK audiences toward charities that are not listed on an Action Line must be referred to Editorial Policy.

Fact packs and other learning programme-supporting material may be provided to complement other content.

The following conditions apply to support services and supporting material:

- information provided on support services and supporting material should be duly accurate and duly impartial
- any external links should be justified by the relevance and value to the audience. Links to a range of charities, agencies or statutory organisations should normally be provided. They should be chosen using appropriate selection criteria
- any organisation featured should be able to provide resources to meet anticipated demand which can follow a BBC reference. Any front line support services via a helpline (phone line) or equivalent live interface, such as webchat or SMS, should be capable of offering a robust service
- front line support service phone lines should be free or priced at cost recovery, not designed to make a profit. Premium rate services must not be used for action lines  
*See Section 17 Competitions, Votes and Interactivity: 17.4.32–17.4.33*
- for action lines, support provided by an organisation should not be used to drive secondary religious, campaigning, political or other aims which may compromise the BBC's impartiality. Due diligence must be carried out on the third party's objectives and aims, its activities, its financial soundness, who funds or sponsors the organisation, and whether the organisation has been involved in any controversy which could have a material negative effect on the BBC's reputation  
*See Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.1–16.4.3*
- third-party campaigns must not appear to be promoted when supporting material is produced in conjunction with other organisations
- third-party fundraising material should not be distributed unless it is for BBC-approved charity appeals
- UK Public Service supporting material online must not be sponsored

- the BBC may credit organisations that have contributed to supporting material, on the material itself. The BBC may credit the involvement of a partner  
See Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.40
- in the UK, helplines or action lines run by other organisations should not normally be trailed, except where they offer a specialised service.

## Product Placement

**Product placement**<sup>4</sup> is the inclusion in a programme of, or a reference to, a product, service or trade mark where the inclusion is for a commercial purpose and is in return for the making of any payment or the giving of other valuable consideration to any relevant provider or any person connected with a relevant provider. It is not prop placement.

### Product placement—UK Public Services

15.4.29 The BBC must not commission, produce or co-produce output for its UK Public Services which contains product placement. All programmes made by the BBC or an independent producer for broadcast on UK Public Services must be free of product placement. Any proposal to carry output on UK Public Services which requires signalling for product placement must be approved by the Director-General.

<sup>4</sup> Ofcom Code Section 9 Commercial References on TV

## Product Placement in UK Public Service Acquisitions from Third Parties with No Connection to the BBC

### Acquisitions from outside the UK

15.4.30 When a UK Public Service acquires content containing product placement that it has not commissioned or produced and that has not been commissioned or produced by a connected person<sup>5</sup>, such as a BBC Commercial Service, there is no product placement signalling requirement.

There must be no conditions attached to the acquisition that the product placement will be broadcast.

Any visual or aural mentions of products that have been placed in an acquisition that is not from a connected person should be editorially justified and must not be promotional or unduly prominent.

A record should normally be kept of the existence of any product placement where known, and of any measures taken in relation to it.

See 15.4.1–15.4.9

Editorial content made after December 2009 and distributed on an Ofcom-regulated service must not contain product placement of any products, services or trade marks prohibited under the Ofcom Code.

5 Connected person—the following persons are connected with a particular person ('person' includes an individual as well as a corporate body and other incorporated and unincorporated legal entities):

- (a) a person who controls that person
- (b) an associate of either person in (a); and
- (c) a body which is controlled by that person or an associate of that person

## Acquisitions from the UK

15.4.31 Some acquisitions contain placed products. Product placement should normally be removed or obscured.

Any proposal to broadcast/publish a programme that was originally transmitted on a UK commercial service unconnected with the BBC which includes product placement must be referred in advance to the relevant channel controller and to Editorial Policy who will consider:

- whether the product placement is editorially justified
- would bring the BBC into disrepute
- whether the placed products should be obscured or removed
- whether the acquisition arrangements allow the BBC the discretion to obscure or remove the products.

## Product Placement Requirements for BBC Commercial Services

15.4.32 In some cases, BBC Commercial Services may commission or make editorial content which includes appropriate product placement.

All product placement in any editorial content made by any part of the BBC for a BBC service or for any third party, or commissioned or produced by an independent production company for a BBC service, must meet these requirements:

- product placement must not compromise the editorial integrity or independence of the content or BBC service
- no product placement of any product or service may bring the BBC and its services into disrepute
- in services under the BBC's control, product placement must not influence the content and scheduling of content in a way that affects the responsibility and editorial independence of the broadcaster
- references to placed products, services and trade marks must not be promotional or unduly prominent

- the inclusion of product placement should be signalled to audiences
- product placement must meet the applicable product placement regulation for the territory in which it will be broadcast.

All proposals to include product placement on BBC Commercial Services must be approved by a senior editorial figure, or for independent production companies by the commissioning editor, who will consider whether the product placement would damage the reputation of the BBC.

In BBC Studios the senior editorial figure must also consult the Head of Editorial Standards/Compliance and Complaints.

The senior editorial figure/commissioning editor is responsible for ensuring any relevant onward referrals are made.

## **Restrictions on Programme Genres Which May Take Product Placement and Types of Product Which May Be Placed**

15.4.33 Product placement must not be included in:

- news and current affairs content
- religious content
- children's content
- consumer advice content.

15.4.34 Product placement of the following is prohibited:

- any product or service connected to a political party or political organisation
- any product or service connected to a body associated with faith, religion or equivalent systems of belief
- adult products and services
- tobacco products (including but not limited to cigarettes)

- placement by or on behalf of any undertaking whose principal activity is the manufacture or sale of cigarettes or other tobacco products
- weapons
- any product or service which may not be advertised on the output.

Careful consideration should be given to other products which may have a reputational risk.

These prohibitions apply in addition to applicable laws and regulations in the particular territory.

## **Transparency and Signalling Requirements**

15.4.35 In content commissioned, produced or co-produced for the BBC, the inclusion of product placement should be made transparent to audiences. This should normally be through a list of all placed products in the credits for produced or commissioned programmes and should be done in a neutral, non-promotional manner, similar to other programme credits.

Any local regulations on product placement signalling must always be observed.

## BBC Commercial Services Targeted at UK Audiences

15.4.36 BBC Commercial Services targeted at UK audiences should not normally insert product placement into any content produced by the BBC which was originally made for UK Public Services.

Any proposal for a BBC Commercial Service, operating in the UK, including but not limited to video on demand, to insert product placement into any content produced by the BBC, or by an independent producer, which was originally commissioned by a BBC UK Public Service must be referred to Editorial Policy and the Head of Editorial Standards/Compliance and Complaints, BBC Studios who will consider whether the product placement would damage the reputation of the UK Public Services and the BBC Commercial Services.

## BBC Commercial Services Targeted at Audiences Outside the UK

15.4.37 Where a BBC Commercial Service or a connected person<sup>6</sup> co-commissions or co-produces a programme with a UK Public Service, the version on the UK Public Service must not contain product placement.

6 Connected person—the following persons are connected with a particular person ('person' includes an individual as well as a corporate body and other incorporated and unincorporated legal entities):

- (a) a person who controls that person
- (b) an associate of either person in (a); and
- (c) a body which is controlled by that person or an associate of that person

# 16

## **External Relationships, Including Commercial Relationships, and Financing**



# **External Relationships, Including Commercial Relationships, and Financing**

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## 16.1 Introduction

The BBC can extend the impact and value of its output by working collaboratively with other organisations. It can reach new and more diverse audiences and explore new creative opportunities. In doing this it can also maximise public value<sup>1</sup>.

The BBC's commitment to partnerships is set out in the BBC Charter which has a requirement to enter partnerships with other organisations, particularly in the creative economy, where it would be in the public interest. These partnerships must be with a wide range of organisations of all sizes, both commercial and non-commercial, throughout the United Kingdom, on television, radio and online.

The BBC encourages people to engage with new subjects and activities through partnerships, for example with educational, sporting and cultural organisations, appropriate charities and new technologies.

For the purposes of this section, a partnership is defined as a relationship between the BBC and one or more third-party organisations which aims to deliver mutually beneficial outcomes in the form of:

- contributions, albeit often of different types from all those involved
- creation of designated partnership activities
- shared responsibility and accountability.

## Financing

Partnerships and other external relationships can involve the use of third-party funds for broadcasting content on BBC services.

<sup>1</sup> The sections of the Ofcom Broadcasting Code that relate to this are 9: Commercial References on TV and 10: Commercial Communications in Radio Programming. Under the 2016 Charter, UK Public Services came under the provisions of Section 9 and Section 10 of the Ofcom Broadcasting Code for the first time

## Financing for the UK Public Services

UK Public Services are funded by the licence fee, and the extent to which additional sources of funding can be used is set by Clause 49 of the BBC Framework Agreement<sup>2</sup>. These provisions allow, for example, the use of funding from the BBC's commercial activities and co-production finance. This framework is complemented by the BBC's principles which are set out in the Statement of Policy on Use of Alternative Finance in BBC content<sup>3</sup> and the Policy Statement on Ticketing for BBC Public Service events<sup>4</sup>.

## Financing for the BBC World Service

The BBC World Service is licence fee funded. In addition, the BBC may by mutual agreement accept UK Government funding for the World Service. Specific forms of alternative finance are also set out in the BBC World Service Statement of Policy for Sources of Finance Other Than the Licence Fee<sup>5</sup>.

## Commercial Services

The BBC is permitted to carry out commercial activities through separate commercial subsidiaries, which operate to make a profit to supplement the licence fee. They are not funded by licence fee revenue, directly or indirectly, and are undertaken with a view to generating a profit.

The BBC's commercial activities must not jeopardise its good reputation or the value of its brand and must meet the guidelines on advertising and sponsorship.

See Advertising and Sponsorship Guidelines for BBC Commercial Services

- <sup>2</sup> Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation December 2016
- <sup>3</sup> Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016)

- <sup>4</sup> Policy Statement on Ticketing for BBC Public Service Events 2017
- <sup>5</sup> The BBC World Service Statement of Policy for Sources of Finance Other Than the Licence Fee ('Alternative Finance') 2017

The Statement of Policy on use of Alternative Finance in BBC Content<sup>6</sup>, the Policy Statement on Ticketing for BBC Public Service Events<sup>7</sup>, the BBC World Service Statement of Policy for Sources of Finance Other Than the Licence Fee<sup>8</sup> and the Advertising and Sponsorship Guidelines for BBC Commercial Services all set editorial content standards in their relevant areas.

See Advertising and Sponsorship Guidelines for BBC Commercial Services

## 16.2 Principles

16.2.1 In seeking to work collaboratively with other organisations, including commercial ones, external relationships and financing arrangements must not compromise the BBC's impartiality, editorial integrity and independence. They must also be in line with the BBC's values, so as not to bring the BBC into disrepute.

16.2.2 Before entering into an external relationship it must be ensured that:

- the third party is appropriate
- the relationship is appropriate given the activities being undertaken
- the BBC will maintain independent editorial control over its editorial content and output.

See 16.4.1–16.4.8

16.2.3 Partnerships must be fair and beneficial to all organisations in the partnership.

16.2.4 To be fair and transparent in partnerships and other relationships, the nature of the relationship must be appropriately signposted to the audience and the partner given due recognition and attribution.

See guidance: Crediting and Labelling External Relationships

<sup>6</sup> Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016)

<sup>7</sup> Policy Statement on Ticketing for BBC Public Service Events 2017

<sup>8</sup> The BBC World Service Statement of Policy for Sources of Finance Other Than the Licence Fee ('Alternative Finance') 2017

- 16.2.5 UK Public Services must not broadcast sponsored editorial content or carry advertising<sup>9</sup>, although the BBC has specific permission to accept sponsorship for BBC events<sup>10</sup>.
- 16.2.6 Arrangements with external organisations must not give the impression that a UK Public Service is sponsored. Arrangements involving funds from not-for-profit bodies and other similar bodies must be in accordance with Clause 49 (4)(e) of the Framework Agreement<sup>11</sup>.
- 16.2.7 On Commercial Services and the World Service there must be distinction between editorial content and commercial content, such as advertising. Surreptitious advertising is prohibited.
- 16.2.8 On Commercial Services and the World Service, news and current affairs content must not be sponsored or externally funded, so as not to compromise their due impartiality and independence. Consumer advice content must not be directly sponsored or externally funded by sponsors or funders whose products, services or activities are likely to be reviewed in the editorial content.

<sup>9</sup> The BBC must not, without the prior approval of the appropriate Minister, include any sponsored material in any of its services. Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation 2016 Clause 50 (2)

<sup>10</sup> Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016)

<sup>11</sup> Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation 2016

## 16.3 Mandatory Referrals— must be referred in advance

*Mandatory referrals are an essential part of the BBC's editorial and compliance process and must be observed.*

### Referrals to Director Editorial Policy and Standards

16.3.1 Any proposal to enter a partnership with any government must be referred to Director Editorial Policy and Standards.

**See 16.4.14**

16.3.2 Any proposal for the World Service or Media Action's democratic governance content to be externally funded must be approved by the relevant director after taking advice from Director Editorial Policy and Standards.

**See 16.4.60**

### Other Referrals

16.3.3 When procuring technology from third parties, including automated systems that involve artificial intelligence, any product that could impact editorial content must be approved by a senior product figure in consultation with a senior editorial figure.

**See 16.4.8**

16.3.4 Any proposal for a BBC relationship with the National Lottery or other UK lottery organisations must be approved by a senior editorial figure who must consult Editorial Policy.

**See 16.4.14**

16.3.5 Any proposal for a UK Public Service or World Service editorial partnership with a commercial organisation or a charity must be referred to Editorial Policy.

**See 16.4.15**

16.3.6 Any proposal to broadcast or embed a third party's live stream must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor, who must consult Editorial Policy.  
**See 16.4.21**

16.3.7 Any proposal to link to or embed a live stream from the sponsor of a third-party event must be referred to Editorial Policy.  
**See 16.4.21**

16.3.8 On UK Public Services and the World Service, any co-funding projects must be approved in writing by the relevant director or their nominated representative.  
**See 16.4.28**

16.3.9 Any proposal to defray the cost of a UK Public Service online or on-air event or a World Service online or on-air event targeted at a UK audience by taking commercial sponsorship income must be referred to Editorial Policy, Public Policy and Regulatory Legal.  
**See 16.4.30**

16.3.10 Any proposal for a UK Public Service or World Service joint event with a third party, or a hybrid event where a UK Public Service or the World Service mounts an event on behalf of a third party, which is to be shown on UK Public Service channels and which takes commercial sponsorship, must be referred to Editorial Policy, Public Policy and Regulatory Legal to be considered against the Statement of Policy.  
**See 16.4.30**

16.3.11 Any proposal for sponsorship of a UK Public Service online or on-air event or for a World Service online or on-air event targeted at a UK audience, and the proposed credits, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, and Editorial Policy.  
**See 16.4.30**

16.3.12 Any proposal for online or on-air events on UK Public Services to accept product sponsorship must be referred to Editorial Policy.

**See 16.4.32**

16.3.13 Any proposal to accept sponsorship from alcohol, gambling and e-cigarette organisations should be referred in advance to a senior editorial figure and Editorial Policy.

**See 16.4.33**

16.3.14 Sponsorship by any tourist or trade boards may be acceptable but must be referred in advance to a senior editorial figure and Editorial Policy.

**See 16.4.33**

16.3.15 On UK Public Services and the World Service, tickets to events and/or BBC shows may be included in auctions and prize draws to raise money for BBC partner charities. Any such proposals must be referred to the senior editorial figure in charge of the content to be included. They must also be referred to Editorial Policy and ITACU (Interactivity Technical Advice and Contracts Unit).

**See 16.4.38**

16.3.16 On UK Public Services and the World Service, the commissioning of a new category of event which is not a regular recording with charged ticketing arrangements must be approved by the relevant Head of Department/controller who must refer to Editorial Policy, Public Policy and Regulatory Legal.

**See 16.4.38**

16.3.17 On UK Public Services and the World Service, any proposal for funding online or off-air support material from a commercial organisation must be referred to Editorial Policy.

**See 16.4.40**

16.3.18 On UK Public Services and the World Service, any proposal to include references to sponsors of third-party, non-sports events online or on air, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, and Editorial Policy. Any proposal to use content from the sponsor on UK Public Service or World Service output or platforms must also be referred.

See 16.4.42

16.3.19 Any coverage by a UK Public Service or the World Service of an event that is sponsored by a commercial brand or product must be referred to a senior editorial figure and may be referred to Editorial Policy. So as to avoid the risk of cross-promotion, if an event is sponsored by a BBC Commercial Service it must also be referred to a senior editorial figure and to Editorial Policy.

See 16.4.45

16.3.20 Proposals for broadcast appeals (which are not cross-BBC charity funding initiatives) must be referred to the Charity Appeals Adviser and Editorial Policy.

See 16.4.47

16.3.21 The arrangements for the broadcast of Disasters Emergency Committee appeals must be referred to the Charity Appeals Adviser.

See 16.4.48

16.3.22 Advice must be sought from Editorial Policy before opening discussions with prospective partners for the start of a new cross-BBC charity fundraising initiative. Editorial Policy will then consult the Charity Appeals Adviser if the proposal is due to be taken forward, so that consideration can be given to any likely impact across other BBC regular appeals.

See 16.4.49

16.3.23 Any reference to an external funder in the World Service or Media Action's editorial content must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor.

See 16.4.56

16.3.24 Any proposal for the World Service or Media Action's editorial content to be externally funded by a non-UK government department or agency must be approved by the relevant director.

**See 16.4.57**

16.3.25 The World Service and Media Action's external funding acknowledgements must be approved by the relevant World Service output controller, or by the relevant BBC Media Action country director for Media Action content that does not appear on a BBC service.

**See 16.4.58**

16.3.26 Any proposal to use a BBC News brand for marketing purposes in connection with any off-air event must be approved by a senior editorial figure.

**See 16.4.65**

## **16.4 Guidelines**

### **Part A: Guidelines for All Services**

#### **Guidelines for All Editorial External Relationships**

16.4.1 Before entering into an external relationship it must be ensured that:

- the third party is appropriate
- the relationship is appropriate given the activities being undertaken
- the BBC will maintain independent editorial control over its editorial content and output.

## **Appropriateness: third parties**

- 16.4.2 An assessment must be made of the third party's objectives and aims, its activities, its financial soundness, who funds or sponsors the organisation and whether the organisation has been involved in any controversy which could have a material negative effect on the BBC's reputation.
- 16.4.3 It must be ensured that the external relationship will not conflict with the values and standards in the BBC Editorial Guidelines.

Due diligence must be carried out on the appropriateness of the external relationship, and a senior editorial figure, at least at head of department level, must take a decision in light of this.

There should be due diligence at the start of further projects or series of content with the same organisation to ensure that nothing has changed that could affect the appropriateness of the relationship. Consideration should be given to whether the cumulative effect of extending it is appropriate.

## **Appropriateness: relationship being undertaken**

- 16.4.4 An external relationship with other parties must not be entered into if it would create a conflict of interest which could compromise the BBC's impartiality, editorial integrity or independence.

## **Appropriateness: editorial control**

- 16.4.5 The BBC must have independent editorial control over everything it produces, broadcasts or publishes and must have the right to reject material supplied by any third party. Content created by third parties for the BBC must meet the standards in the Editorial Guidelines. The BBC must always retain the right to edit as it sees fit.

16.4.6 The BBC may license in or host content on its platforms which may not have been commissioned by the BBC. The BBC must retain the right to comply this content to meet editorial standards.

16.4.7 External relationships should normally match the editorial remit and audience expectation of the service. Editorial content must not be created solely to provide an opportunity for a commercial relationship, for example advertising, sponsorship or external funding.

16.4.8 When procuring technology from third parties, including automated systems that involve artificial intelligence, any product that could impact editorial content must be approved by a senior product figure in consultation with a senior editorial figure.

Any use of technology in relation to BBC content or the creation of a BBC product must meet the Editorial Guidelines.

There may also be legal risks, including information security, data protection and rights issues, so further guidance should be sought. Any BBC use of software, including software and services that are accessed only through the internet ('cloud services') must be authorised through the software asset management process.

See Software Asset Management Process

Any product that could impact upon editorial content must be approved by a senior product figure who will consider:

- the appropriateness of the use of the technology
- in consultation with a senior editorial figure, whether the resulting content will meet the Editorial Guidelines or the resulting outcomes on a BBC product will meet the Editorial Guidelines.

16.4.9 The BBC must not accept money or other valuable consideration in exchange for editorial coverage, links, credits or publicity by the BBC. However, Commercial Services may make product placement and sponsorship arrangements.

See Section 15 Independence from Commercial and Other External Interests: 15.4.32–15.4.37

Any public reference to the BBC or to a relationship with the BBC which is made by the third party or parties in the external relationship should normally be approved by the BBC.

16.4.10 For transparency, departments and producers should keep records of any financing from an outside organisation and retain details of assessments conducted for due diligence purposes.

## **Editorial Partnerships**

An editorial partnership is a partnership that is connected to BBC-commissioned editorial content or brand. As with all editorial content the BBC must maintain independent editorial control over its content and brands.

16.4.11 The BBC seeks to offer public value by working in partnership with others. Sharing common aims and ambitions should benefit audiences and the parties involved. By working with others, the BBC aspires to create a richer experience than might be achieved separately.

The partnership may involve complementary activities, such as a gallery mounting an exhibition on the theme of a BBC programme, or an education gaming challenge embedded into gameplay on a third-party games engine. In other cases, the partner and the BBC may jointly fund and create off-air activity.

The partnerships must be editorially justified, and the partner selected according to editorially appropriate criteria.

16.4.12 Partnerships should be fair and beneficial to all organisations in the partnership. An editorial partnership must not be limited to the BBC simply covering a partner's activities or promoting their campaigns. The BBC must not give undue prominence to third parties, their brands, products, organisation, services or trade marks.

16.4.13 Editorial partners must be given due attribution and recognition, including in the branding and promotion of the output, and services and activities created or distributed. The BBC should seek to be innovative in how fair recognition for partners is delivered.

Credits for partners must be appropriate, fair and editorially justified.

**See** guidance: Crediting and Labelling External Relationships

16.4.14 Editorial partnerships should not jeopardise the good reputation of the BBC or the value of the BBC brand.

They should not be formed with:

- political parties and political organisations
- lobby groups
- tobacco firms or those mainly known for tobacco-related or other smoking-related products
- organisations involved in adult products or services
- weapons manufacturers
- on UK Public Services, with alcoholic drinks manufacturers or suppliers.

Relationships with any UK governments or departments, or religious organisations, charities, trusts, foundations and non-governmental organisations which undertake lobbying should not compromise the BBC's impartiality. Sponsored material must also not be broadcast or published.

The BBC should not be used by a government or campaign group initiative to launch or appear to endorse a government, political party or campaign group policy. The BBC should not normally enter into a partnership with any government. Any proposal to do so must be referred to Director Editorial Policy and Standards.

Any proposal for a BBC relationship with the National Lottery or other UK lottery organisations must be approved by a senior editorial figure who must consult Editorial Policy.

See Section 2 Impartiality: 2.4.23

## Partnerships on UK Public Services and the World Service

16.4.15 On UK Public Services and the World Service the BBC must seek to enter into partnerships, particularly in the creative economy, where to do so would be in the public interest, and with a wide range of organisations.

Non-broadcast costs for editorial partnerships may be shared with suitable bodies such as arts and cultural bodies, charitable institutions, trusts or foundations and organisations including local authorities and government agencies where editorially justified. All partnerships must conform to the Statement of Policy on Use of Alternative Finance in BBC Content<sup>12</sup>.

The UK Public Services and the World Service may enter into editorial partnerships with a commercial organisation or a charity. Such proposals must be referred to Editorial Policy who will consider:

- the positive benefits to the BBC and BBC output, services and platforms

<sup>12</sup> Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016)

- whether the partnership would compromise the BBC's impartiality, editorial integrity or independence
- whether the partnership conforms to the Statement of Policy
- whether it would give undue prominence to the third party.

A UK Public Service editorial partnership must not give the impression that the BBC service is sponsored.

Editorial Policy will consult with, or inform the Charity Appeals Adviser as appropriate on new charity partnerships.

## Joint Editorial Initiatives

A joint editorial initiative is where the BBC joins with another organisation for a one-off project or initiative, typically a programme or a specific piece of content.

It is not intended to be a long-term relationship and is not therefore a formal partnership. Rather it is where both organisations share a common aim, and it may be appropriate to share resources and reference each other to extend the experience for the audience.

### 16.4.16 When undertaking a joint editorial initiative:

- the BBC must retain independent editorial control of any element of the project that refers to it
- the initiative must not be used to promote the outside body
- on the UK Public Services and the World Service, the BBC should not normally link directly to any page of the third party's site whose main purpose is to promote or sell any commercial product or service.

The BBC and the organisation may carry out other activities in relation to the project as well as producing content.

## Co-Productions

A co-production is an arrangement where BBC output is created, commissioned or otherwise obtained by the BBC in co-operation with one or more appropriate third parties, and where funding is provided in exchange for broadcasting, publishing or other rights in the material.

16.4.17 A co-producer may have involvement with the editorial content. In some cases it may also be a partner. On UK Public Services and the World Service, credits for co-producers must be in line with the guidance on crediting and labelling external relationships.

A co-production agreement must not compromise the BBC's impartiality, editorial integrity or independence. Co-producers may include other broadcasters, production entities in any media, arts, education, science, sporting, cultural and charitable organisations, platforms, record labels and other suitable bodies.

See guidance: Crediting and Labelling External Relationships

## Distribution

Distribution refers to making content available to viewers, listeners and other users. It can take a wide variety of forms across numerous different technologies and platforms and has to evolve constantly as new technologies and platforms are developed. It covers a broad range of activities including:

- transmission of broadcast TV and radio signals received directly by audiences
- syndication of services to managed platforms
- publishing individual assets to open online platforms.

It does not include programme sales.

16.4.18 When distributing its content, the BBC must retain independent editorial control of the content.

The BBC must be able promptly to remove or block its content, and platforms must not edit BBC content or metadata unless otherwise agreed.

Users should be able to easily identify which content on a platform is provided by the BBC.

UK Public Services distributed within the UK must meet the BBC Distribution Policy.

16.4.19 On other services, the Advertising and Sponsorship Guidelines for BBC Commercial Services apply.

See Advertising and Sponsorship Guidelines for BBC Commercial Services

## Live Streams from Third Parties

16.4.20 The BBC should maintain editorial control of a live stream on any service.

The risk of allowing a third party's live output to appear on a BBC service must be assessed before proceeding. The source of the live stream, the nature of the content and the format should be considered.

The BBC should not normally link to, or embed, live streams or any other form of continuous live broadcasting from personal or unverified social accounts. On UK Public Services and the World Service it should not normally link to, or embed, live streams from a sponsor of a third-party event.

16.4.21 Any proposal to broadcast or embed a third party's live stream must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor who must consult Editorial Policy. Approval will only be given if:

- it would not be possible for the BBC to obtain the content itself, due to its exclusive nature and/or the circumstances in which it was being live streamed
- it would meet the Editorial Guidelines on privacy, harm and offence, due impartiality and undue prominence

- on UK Public Services and the World Service the content would not contain any reference to its sponsor, or their brands, products, organisations, services or trade marks.

It is not normally appropriate to broadcast or embed a live stream from an event sponsor on a UK Public Service or World Service platform.

**Any proposal to link to or embed a live stream from the sponsor of a third-party event must be referred to Editorial Policy** who will consider whether the proposal would compromise the BBC's impartiality, editorial integrity or independence.

See Section 7 Privacy: 7.4.37–7.4.41, Section 15 Independence from Commercial and Other External Interests: 15.4.8 and Section 17 Competitions, Votes and Interactivity: 17.4.67

## Location and Production Incentives

16.4.22 Location and production incentives are often offered by film councils or governmental or regional organisations around the world for editorial content and are a permitted exception under Clause 49 of the Framework Agreement<sup>13</sup>.

Any conditions made by the funder must not compromise the BBC's impartiality, editorial integrity or independence.

The source of the incentive must not have an interest in the content that would create a conflict if its funds were accepted<sup>14</sup>.

## Third-Party Advertising and the BBC Brand

16.4.23 The BBC brand must not be used to promote other organisations. This can be achieved by ensuring that advertising, promotion and

<sup>13</sup> Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation December 2016

<sup>14</sup> Agreeing Alternative Funding Guidance from Commercial Rights and Business Affairs: available on Gateway for BBC staff or via commissioning editors for independent producers

press releases by other organisations do not give the impression of BBC endorsement, and advertising does not pass off BBC content.

The BBC name, logos, titles, channel names, programme titles, formats or characters, sets, music or catchphrases and any other identifiable BBC content and Intellectual Property should not normally be used by commercial advertisers, except in joint promotions or advertising for licensed BBC products.

For joint promotions and advertising for BBC licensed products, the BBC brand can be referenced within the advertising, if the number and prominence of references to the BBC across the campaign is proportionate to the BBC's involvement in the product.

## Testimonials

16.4.24 The BBC may receive requests from past or current suppliers for permission to refer to their relationship with the BBC in promotional material for the goods or services that they have provided. There is a risk that these references may be misleading or imply BBC endorsement of that supplier. Contracts with suppliers should, therefore, normally include a clause which requires the supplier to seek BBC permission for all promotional material which references its relationship with the BBC.

16.4.25 Permission to enable a supplier to reference their relationship with the BBC may be granted as long as:

- the BBC is a satisfied customer of the supplier's goods or services
- the BBC has agreed in advance to, and retains independent editorial control over, such references
- references to the BBC are factual, accurate, not misleading with respect to the nature and scope of the relationship and do not imply BBC endorsement of any organisation.

## Part B: Guidelines for UK Public Services and the BBC World Service

### UK Public Services and BBC World Service— Permitted Means of Finance

16.4.26 The UK Public Services and the World Service may take finance from:

- BBC Commercial Activities<sup>15</sup>
- BBC Trading Activities<sup>16</sup>
- voluntary payments of the licence fee, legacies or other donations
- The Open University for learning and educational output in line with the Framework Agreement between the Open University and the BBC
- any co-production agreement<sup>17</sup>.

The following activities must conform to the Statement of Policy on Use of Alternative Finance in BBC Content<sup>18</sup>:

### Partnerships

16.4.27 The UK Public Services and the World Service may use funds derived from any not-for-profit cultural, arts, sports, educational and science bodies or similar organisations but only where the funding is compatible with the Statement of Policy. See Editorial Partnerships for more details.

See 16.4.11–16.4.15

<sup>15</sup> As defined by Clause 23 of the Framework Agreement

<sup>16</sup> As defined by Clause 31 of the Framework Agreement

<sup>17</sup> Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation December 2016 Clause 49

<sup>18</sup> Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016)

## Co-Funding

Co-funding for Public Services is financing for output by not-for-profit bodies in minority languages. It may also be appropriate in other limited circumstances such as learning and educational output targeted at a specific section of the audience, where it might be unjustifiable to fund the output entirely from the licence fee.

16.4.28 The BBC may accept co-funding from not-for-profit bodies for output in minority languages such as on BBC Alba, or in Irish Gaelic, and in other limited circumstances—but only where compatible with the Statement of Policy, to represent and serve the UK's nations, regions and communities. Occasionally, the BBC may accept co-funding from not-for-profit bodies for learning or educational content, or output targeted at a specific section of the audience, in circumstances where it would be unjustifiable to fund output entirely from the licence fee.

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

Co-funding must never be taken for news, current affairs or consumer advice content.

Co-funded editorial content must not promote the funder.

Any co-funding projects must be approved in writing by the relevant director or their nominated representative.

## **Competitions, Prizes and Awards**

16.4.29 On UK Public Services and the World Service, jointly organised competitions, donated prizes for viewer, listener or online competitions, and external funding of a prize, bursary or award, must conform to the Statement of Policy on Use of Alternative Finance in BBC Content<sup>19</sup>.

See Section 17 Competitions, Votes and Interactivity: 17.2.8

## **Sponsored UK Public Service and World Service Events**

### **Sponsored BBC Online or On-Air Events**

Sponsored editorial content (which may include a programme, channel, programme segment or block of programmes) is editorial content that has had some or all of its costs met by a sponsor. It includes advertiser-funded programmes. Sponsors must be identified by means of sponsorship credits.

A sponsor (of editorial content) means any public or private undertaking or individual (not engaged in the provision or production of content) funding the editorial content (or its publication or broadcast) with a view to promoting its name, brands, products, organisations, services, trade marks and/or its activities.

16.4.30 The UK Public Services and the World Service may mount public events, such as concerts and award ceremonies, which are held at outside venues and covered online or on air. These events are key to fulfilling the BBC's public purpose remit to bring people together for shared experiences and to engage personally with the BBC.

<sup>19</sup> Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016)

In some cases, it may be acceptable to supplement the cost of mounting a public event with sponsorship from a non-commercial body.

Any proposal to defray the cost of a UK Public Service online or on-air event or a World Service online or on-air event targeted at a UK audience by taking commercial sponsorship income must be referred to Editorial Policy, Public Policy and Regulatory Legal who will consider whether:

- the proposal meets the Statement of Policy on use of Alternative Finance in BBC Content<sup>20</sup>
- the proposal would bring the BBC into disrepute
- the proposal would raise adverse market impact issues
- the proposal would lead to a perception that the BBC was promoting one commercial organisation over its competitors.

Any proposal for a UK Public Service or World Service joint event with a third party or a hybrid event where a UK Public Service or the World Service is mounting an event on behalf of a third party, which is to be shown on UK Public Service channels and which takes commercial sponsorship, must be referred to Editorial Policy, Public Policy and Regulatory Legal to be considered against the Statement of Policy.

Any proposal for sponsorship of a UK Public Service online or on-air event, or for a World Service online or on-air event targeted at a UK audience, and the proposed credits, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor and Editorial Policy, who will consider whether:

- the proposal meets the Statement of Policy on use of Alternative Finance in BBC Content<sup>21</sup>

<sup>20</sup> Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016)

<sup>21</sup> Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016)

- the proposal would bring the BBC into disrepute
- the proposed credits are in line with the guidance on Sponsored Public Service Events and are not unduly prominent.

See guidance: Sponsorship of BBC On-Air or Online Events Broadcast on BBC Public Services

16.4.31 On UK Public Services and World Service events targeted at the UK, the money from the sponsor may only be used towards the costs of mounting the event and no sponsorship money may be used for production or broadcast coverage costs.

Production must keep separate accounts for event and broadcast costs.

16.4.32 The UK Public Services and the World Service targeted at the UK may cover National Lottery events and other lotteries' events with referral to Editorial Policy—see other referrals earlier. Sponsorship is only acceptable for online or on-air events which are distinctive and help the BBC promote its public purposes. Events which are eligible for sponsorship include:

- concerts, performance, cultural or artistic events including but not limited to competitive performance events which celebrate artistic achievement
- BBC award ceremonies
- BBC community, or youth talent search initiatives which include an online or on-air event.

News and current affairs on-air or online events, and events based on general consumer advice programmes, must not be sponsored.

In addition:

- the sponsor must not be featured in the title of a BBC event

- online or on-air events must not create a conflict of interest which could compromise the BBC's impartiality, editorial integrity and independence<sup>22</sup>
- sponsorship arrangements must not give the impression that a BBC programme or service is being sponsored. Credits should make it clear that it is the event itself which is being sponsored
- a contractual arrangement which guarantees online or on-air credits must not be entered into because it could amount to product placement.

Any proposal for online or on-air events on UK Public Services to accept product sponsorship must be referred to BBC Editorial Policy who will consider whether:

- the proposal meets the Statement of Policy on use of Alternative Finance in BBC Content<sup>23</sup>
- the proposal would bring the BBC into disrepute.

#### 16.4.33 Organisations which are associated with the following must not sponsor UK Public Service or World Service events:

- political parties and political organisations
- foreign governments
- lobby groups
- faith, religion and equivalent systems of belief
- tobacco firms or those mainly known for tobacco-related or other smoking-related products
- adult products and services
- weapons manufacturers.

Any proposal to accept sponsorship from alcohol, gambling and e-cigarette organisations should be referred in advance to a senior editorial figure and Editorial Policy.

<sup>22</sup> An example could be sponsorship by organisations directly related to the subject matter of the event or editorial content connected with it

<sup>23</sup> Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016)

**Sponsorship by any tourist or trade boards may be acceptable but must be referred in advance to a senior editorial figure and Editorial Policy.**

16.4.34 The sponsor's agenda must not determine the editorial remit of the event and the event must not become a vehicle for promoting the sponsor or its activities.

It is not normally appropriate to broadcast or embed a live stream from an event sponsor on a UK Public Service or World Service platform.

See 16.4.20–16.4.21

### **Sponsored Awards**

16.4.35 UK Public Service awards given at a BBC event may be supported by a non-commercial sponsor.

See Section 17 Competitions, Votes and Interactivity: 17.4.8–17.4.11

### **Sponsored Off-Air Events**

16.4.36 BBC off-air events may take sponsorship.

See guidance: Public Service Off-Air Events

### **Ticket Sales**

16.4.37 The BBC may recover costs from the proceeds of ticket sales for BBC UK Public Service or World Service events which contribute to the BBC's Mission and Public Purposes<sup>24</sup>. This should be in line with the Statement on Ticketing for BBC Public Service Events<sup>25</sup>.

**24** Clause 49(4)(h) of Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation December 2016

**25** Policy Statement on Ticketing for BBC Public Service Events 2017

16.4.38 Admission should not be charged to regular recordings of programmes.

See guidance: [Ticketing for BBC Events and Programmes](#)

Ticket revenue must only cover the costs of an event or series of events and not be used for broadcast or production costs. The proceeds are not designed to generate further income for the BBC.

Tickets to events and/or BBC shows may be included in auctions and prize draws to raise money for BBC partner charities. Any such proposals must be referred to the senior editorial figure in charge of the content which is to be included. They must also be referred to Editorial Policy and ITACU (Interactivity Technical Advice and Contracts Unit).

Production, commissioning and Commercial Rights and Business Affairs (CRBA) should keep separate accounts of event and production costs and records of ticketing revenue going to the BBC or via the BBC.

There is a procedure for approval of new events and ongoing approval for existing events.

See guidance: [Ticketing for BBC Events and Programmes](#)

The commissioning of a new category of event, which is not a regular recording, with charged ticketing arrangements must be approved by the relevant Head of Department/ controller who must refer to Editorial Policy, Public Policy and Regulatory Legal.

## Makeovers

16.4.39 UK Public Services and the World Service must cover the full production costs of makeover programmes.

The homeowner or organisation benefiting may contribute towards some makeover costs, but a financial contribution must not be a pre-requisite for taking part in a makeover programme. Such arrangements must conform to the Statement of Policy on Use of Alternative Finance in BBC Content<sup>26</sup>.

See guidance: Makeover Programmes—funding and selection of contributors

No money from the homeowner may go into a production budget. Production must keep separate accounts for the programme and the makeover.

See Section 15 Independence from Commercial and Other External Interests: 15.4.16

## Funding of Online or Off-Air Supporting Material

16.4.40 Outside funding for online or off-air supporting material or services on UK Public Services and the World Service may be accepted in the form of sponsorship from a third party, which would usually be a not-for-profit organisation.

Any proposal for funding of online or off-air supporting material from a commercial organisation must be referred to Editorial Policy who will consider whether the funding would amount to BBC promotion of the organisation, its products or services. The third party must also meet the Guidelines on Appropriateness.

See 16.4.1–16.4.10

See Section 15 Independence from Commercial and Other External Interests: 15.4.28

<sup>26</sup> Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016)

## Other UK Public Service and BBC World Service External Relationships

### Coverage of Sponsored Third-Party Events

16.4.41 The BBC covers a wide variety of third-party events, sports events, awards shows and music events, many of which are sponsored.

In such coverage:

- the enabling role of sponsors should be fairly credited
- sponsors must not be promoted in the BBC coverage. Any references and credits must not be unduly prominent  
See Section 15 Independence from Commercial and Other External Interests: 15.4.1–15.4.9
- third-party sponsored events must not be created solely to attract broadcast coverage
- the UK Public Services or the World Service targeted at UK audiences must not accept any money from sponsors or organisers towards the cost of any element of the broadcast coverage of an event, unless the organiser is a co-producer. However, they can pay all the costs associated with the event itself
- a contractual arrangement must not be entered into which guarantees a sponsor a set number of minutes of signage reflection on air.

16.4.42 Any proposal to include references to sponsors of third-party, non-sports events online or on air must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, and Editorial Policy. Any proposal to use content from the sponsor on UK Public Service or World Service output or platforms must also be referred. They will consider whether:

- the proposals meet with the guidance on Coverage of Sponsored (Non-Sports) Events mounted by Third Parties (See guidance: Coverage of Sponsored (Non-Sports) Events mounted by Third Parties)

- the reference creates the impression that UK Public Service or World Service editorial content has been sponsored.

**16.4.43** Links from UK Public Service or World Service platforms covering events to the sponsor's platforms must be editorially justified and must be to areas which give relevant information about the event and do not sell products or services.

**16.4.44** The sponsor should be appropriate. Coverage of the sponsored event must not compromise the BBC's impartiality, editorial integrity or independence.

See 16.4.1–16.4.10

**16.4.45** Any coverage by a UK Public Service or the World Service of an event that is sponsored by a commercial brand or product could carry with it an increased risk of undue prominence. It must be referred to a senior editorial figure and may be referred to Editorial Policy who will consider whether the risk may be mitigated. If an event is sponsored by a BBC Commercial Service it must also be referred to a senior editorial figure and to Editorial Policy in case of a risk of cross-promotion. They will consider if this can be mitigated.

See Section 15 Independence from Commercial and Other External Interests: 15.4.25

## **The National Lottery**

**16.4.46** The BBC may cover the National Lottery which is established by an Act of Parliament.

See 16.4.14

## **Charities**

### **Broadcast Appeals**

**16.4.47** The UK Public Services make airtime and online space available for broadcast appeals by charities as a public service broadcaster. These appeals are distinct from long-term charity partnerships. They fall into several different categories:

- the regular 'access' appeal slots on Radio 4, BBC One's Lifeline, Radio Ulster and BBC TV Northern Ireland
- local radio
- other one-off appeals.

See 16.4.49

See guidance: Charitable Appeals

The selection of broadcast appeals should reflect the range of the charitable sector. The selection process must be fair and transparent and should include criteria looking at financial robustness and governance of the organisation.

The choice of charities must be overseen by the Charity Appeals Adviser, with advice from Editorial Policy.

For requests for content from charities, see Section 13 Use of BBC Content After Publication or Broadcast.

See Section 13 Use of BBC Content After Publication or Broadcast: 13.4.31–13.4.41

All broadcast appeals should meet the guidance on Charitable Appeals. Proposals for broadcast appeals (which are not cross-BBC charity fundraising initiatives) must be referred to the Charity Appeals Adviser and Editorial Policy who will advise on the processes required to ensure fair and transparent selection.

See guidance: Charitable Appeals

## Disasters Emergency Committee Appeals

16.4.48 In the case of a major international disaster, the BBC may broadcast or publish an appeal on behalf of the Disasters Emergency Committee, which represents the UK's leading humanitarian aid charities. The BBC must retain independent editorial control and the broadcast must comply with the Editorial Guidelines.

The approval process and arrangements for the broadcast of such appeals should meet the BBC's guidance for Disasters Emergency Committee appeals and referral must be made to the Charity Appeals Adviser who will liaise with senior

figures across the BBC to seek approval for the appeal from the Director-General.

See guidance: Charitable Appeals

## Cross-BBC Charity Fundraising Initiatives

16.4.49 The BBC runs cross-BBC charity fundraising initiatives such as BBC Children in Need and Comic Relief.

These initiatives are partnerships between the BBC and charitable organisations. They:

- are part of a partnership agreement and the BBC may co-produce with the charity in such initiatives
- may be mounted with a charity which is an umbrella organisation that gives grants to a wide range of charities or an initiative with a number of separate charities for an agreed common editorial aim with the BBC as broadcast partner
- will usually consist of a range of programming and content from the BBC and the charitable partner
- should meet the guidance on cross-BBC charity fundraising initiatives.

See guidance: Charitable Appeals

Advice must be sought from Editorial Policy before opening discussions with prospective partners for the start of a new cross-BBC charity fundraising initiative. Editorial Policy will consider whether the initiative would compromise the BBC's impartiality, editorial integrity and independence. Editorial Policy will then consult the Charity Appeals Adviser if the proposal is due to be taken forward, so that consideration can be given to any likely impact across other BBC regular appeals.

## References to Charities in Other BBC Output

16.4.50 Apart from the BBC broadcast appeals and cross-BBC charity fundraising initiatives, BBC editorial content should not directly appeal for funds for charities.

See Section 3 Accuracy: 3.4.13–3.4.14

Impartiality, editorial integrity and independence must be retained when covering the work of charities and one charity must not appear to be favoured over another.

## BBC World Service—Additional Permitted Means of Finance

16.4.51 In addition to the permitted means of finance that are applicable under the Framework Agreement,<sup>27</sup> the World Service may be supported by alternative finance to supplement its funding by the licence fee as set out in the BBC World Service Statement of Policy for Sources of Finance Other Than the Licence Fee<sup>28</sup>.

See 16.4.26–16.4.40

The World Service must keep a record of the limited alternative finance that it takes.

16.4.52 The World Service is only permitted to carry an appropriate and proportionate amount of advertising and sponsorship on its services which are not targeted at UK audiences. Advertising and sponsorship must meet the Advertising and Sponsorship Guidelines for BBC Commercial Services and must take account of the likely expectations of target audiences, regulatory requirements and local market norms in the relevant territory.

See Advertising and Sponsorship Guidelines for BBC Commercial Services

The World Service may also take externally funded content, which is not sponsored content, but which is either:

- funded by BBC Media Action as long as any relevant external funding provided to Media Action meets the applicable compliance procedures in accordance with BBC Media Action's constitution or

<sup>27</sup> Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation December 2016

<sup>28</sup> The BBC World Service Statement of Policy for Sources of Finance Other Than the Licence Fee ('Alternative Finance') 2017

- externally funded by other appropriate external funders, provided that it is consistent with the Editorial Guidelines.

The World Service may also enter into an agreement under which the UK Government provides funding for the World Service for a specific period or purpose. It must be consistent with the BBC Framework Agreement<sup>29</sup>.

## **Part C: Additional Guidelines for BBC World Service and BBC Media Action**

### **External Funding for BBC World Service Which is Not Co-Production or Sponsorship and for BBC Media Action**

External funding occurs when any public or private undertaking (including but not limited to an individual) finances, but does not co-produce or sponsor, editorial content. An external funder may not receive any promotion within the editorial content or around it through a sponsor credit.

However, for reasons of transparency an external funder must receive acknowledgment in the end credits or adjacent to the editorial content. Such external funding usually comes in the form of a grant. External funders are not co-producers because the primary purpose of the financing is not the exchange of rights.

**16.4.53 All external funding relationships must comply with the guidelines for All Editorial External Relationships.**

**See 16.4.1–16.4.10**

**29** Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation December 2016

External funding must not be accepted where there is a connection between the external funder's objectives and the editorial content that would compromise the BBC's independence.

The World Service may accept external funding to make editorial content that conforms to the BBC World Service Statement of Policy for Sources of Finance Other Than the Licence Fee<sup>30</sup>.

16.4.54 News and current affairs content must not be externally funded. Consumer advice content must not be externally funded by external funders whose products, services, or activities may be reviewed in the editorial content.

16.4.55 Content which is not news, current affairs or consumer advice content can be funded by other appropriate parties that meet the criteria in the guidelines for All Editorial External Relationships.

See 16.4.1–16.4.10

Appropriate external funders may be non-commercial or commercial organisations. However, the external funder and its name, brand, products, organisations, services, trade mark, image and activities, must not receive any promotion within or around the content either within the editorial or through a sponsor credit.

Organisations which are principally involved in the following are prohibited from externally funding content:

- political parties and political organisations
- lobby groups
- faith, religion and equivalent systems of belief
- tobacco firms or those mainly known for tobacco-related or other smoking-related products

<sup>30</sup> The BBC World Service Statement of Policy for Sources of Finance Other Than the Licence Fee ('Alternative Finance') 2017

- adult products and services
- weapons manufacturers.

16.4.56 Any reference to an external funder in the World Service or Media Action's editorial content must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who will consider whether the reference is editorially justified and is non-promotional.

16.4.57 Any proposal for the World Service or Media Action's editorial content to be externally funded by a non-UK government department or agency must be approved by the relevant director who will consider whether the external funding would harm the BBC's reputation for impartiality and independence.

See 16.4.60

16.4.58 External funding arrangements must be made clear with an informational and non-promotional acknowledgement. This must not suggest that the programme has been made by the external funder. To avoid promotion, no external funder logos may be used. Acknowledgements must be given in a standard form adjacent to the editorial content. For audio and video content this should normally be in the end credits. They must not appear to be a sponsorship credit. Contact details for the external funder, including but not limited to web addresses, may not be included.

External funding acknowledgements must not incorporate any element of the programme or other BBC branding or be voiced by someone appearing in the programme. BBC Media Action is the BBC's international charity. It is primarily funded from grants and voluntary contributions and donations. The World Service and Media Action's external funding acknowledgements must be approved by the relevant World Service output controller, or by the relevant Media Action country director for Media Action content that does not appear on a BBC service, who will consider whether the acknowledgement would promote the external funder, which is prohibited.

External funders are not normally allowed a preview of BBC content.

16.4.59 The World Service may publish or broadcast programmes which are made either with or by the BBC's international charity BBC Media Action.

Media Action programmes published or broadcast on the World Service may be financed by grants made to Media Action by the Foreign, Commonwealth and Development Office.

## **Democratic Governance Content**

Democratic governance content is a type of current affairs content on the World Service and Media Action that is aimed at improving democratic accountability by building greater understanding of the political process and institutions and by holding those in power to account. This is through citizens' access to information and the ability to challenge, or debate with, holders of public office. It frequently gives citizens information about public institutions and how they operate, and the opportunity to question those holding power through formats such as debate, panel discussions, call-in shows or other events where leaders are held to account. Democratic governance content is targeted at audiences outside the UK.

Democratic governance is a category of editorial content which may be externally funded by appropriate external funders on the World Service and services which are not funded by the licence fee.

16.4.60 Any proposal for the World Service or Media Action's democratic governance content to be externally funded must be approved by the relevant director after taking advice from Director Editorial Policy and Standards who will consider whether it would compromise the BBC's impartiality, editorial integrity or independence.

## BBC Media Action

16.4.61 All editorial content produced by the BBC's international charity, BBC Media Action, must meet the standards in the BBC Editorial Guidelines, regardless of the service on which it will be made available, no matter whether it is the World Service or a local broadcaster's or publisher's service. Where Media Action is not in control of the editorial content (such as where it is acting in its capacity as a training provider), the content is not required to meet the BBC Editorial Guidelines.

## Part D: BBC Commercial Services

16.4.62 BBC Commercial Services must not jeopardise the good reputation of the BBC or the value of the BBC brand<sup>31</sup>.

16.4.63 Advertising and sponsorship around the BBC brand must meet the Advertising and Sponsorship Guidelines for BBC Commercial Services. These guidelines apply in addition to the relevant advertising regulations in specific territories.

See Advertising and Sponsorship Guidelines for BBC Commercial Services

Sponsored editorial content (which may include a programme, channel, programme segment or block of programmes) is editorial content that has had some or all of its costs met by a sponsor. It includes advertiser-funded programmes. Sponsors must be identified by means of sponsorship credits.

A sponsor (of editorial content) means any public or private undertaking or individual (not engaged in the provision or production of content) funding the editorial content (or its publication or broadcast) with a view to promoting its name, brands, products, organisations, services, trade marks and/or its activities.

<sup>31</sup> See Broadcasting: An Agreement Between Her Majesty's Secretary for Culture, Media and Sport and the British Broadcasting Corporation December 2016

There may also be sponsors of events and awards.

These guidelines apply in addition to the relevant advertising regulations in specific territories.

Advertising and Sponsorship arrangements on BBC Commercial Services available in the UK must be presented in such a way that there is no confusion to consumers about what is a Public Service and what is a Commercial Service. Such services should be identifiable as Commercial Services.

16.4.64 When BBC Commercial Services produce content for third parties the arrangements should be in accordance with the BBC's values and standards and must not damage the reputation of the BBC. The standards in these guidelines should be followed, but in some cases the specific detail may not be appropriate, such as where the third party is not regulated by Ofcom.

## Use of BBC News Brands by BBC Commercial Services for Marketing Events

16.4.65 The impartiality of the BBC News brand must not be compromised by BBC Commercial Services' marketing and off-air activities.

Such activities should meet the Editorial Policy guidance for Use of BBC News Brands by BBC Commercial Services for Marketing Events.

See guidance: Use of BBC News Brands by BBC Commercial Services for Marketing Events

Any proposal to use a BBC News brand for marketing purposes in connection with any off-air event, must be approved by a senior editorial figure who will consider whether the proposal would compromise the BBC's impartiality, editorial integrity or independence or otherwise bring the BBC into disrepute.

# 17

## Competitions, Votes and Interactivity



# Competitions, Votes and Interactivity

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## 17.1 Introduction

BBC audiences expect to be able to interact with its content in the most creative and innovative ways possible. Large sections of the audience have grown up with gaming and social media as a fundamental part of their lives and rapid developments in technologies such as AI and immersive experiences are bringing other editorial opportunities and challenges. The BBC aims to offer opportunities for interactivity to everyone by using different platforms in different ways.

This section includes all forms of audience interaction including social media, phone-ins and relevant formats such as game shows, talent searches and quizzes.

To enrich its offering and enhance audience experiences as much as possible the BBC's UK Public Services are likely to undertake deals and partnerships with commercial organisations who may provide technology, research and innovations. It is important that such arrangements do not act as a commercial service or are designed to make a profit if they are intended as a UK Public Service activity.

Activity by Public Services and some Commercial Services in this domain are regulated by the Ofcom Broadcasting Code (notably sections 2,5, 7,8,9 and 10), and UK Public Services and the BBC World Service must conform to the Statement of Policy on Use of Alternative Finance in BBC Content<sup>1</sup>.

## 17.2 Principles

- 17.2.1 All audience interactivity must be conducted in a manner that is honest and fair.
- 17.2.2 Entrants and contestants must always be treated fairly, properly and in accordance with the rules/terms and conditions.

<sup>1</sup> Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016)

17.2.3 Audiences must not be materially misled about any competition or vote.

17.2.4 All BBC competitions, votes and awards on UK Public Services and the World Service must comply with the BBC's Code of Conduct for Competitions and Voting.  
**See Code of Conduct for Competitions and Voting online**

17.2.5 When the BBC offers interactivity it must be distinctive and match the expectations of the likely audience. On UK Public Services and the World Service, it must add public value, be editorially justified and enhance output in a way that fits the public service remit.

17.2.6 The privacy of everyone who interacts with the BBC must be respected. The storage and disposal of personal information must be carried out in accordance with all relevant BBC group data protection policies.  
**See Section 7 Privacy: 7.1**

17.2.7 Interactivity may be set up and approved in advance as a method of raising money for a cross-BBC charity fundraising initiative. It must also be available to the target audience.

17.2.8 On UK Public Services and the World Service, jointly organised competitions, donated prizes for viewer, listener or online competitions, and external funding of a prize, bursary or award, must conform to the Statement of Policy on Use of Alternative Finance in BBC Content<sup>2</sup>.

17.2.9 When working in partnership with others, the BBC must maintain overall editorial control of interactivity in its output.

<sup>2</sup> Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016)

17.2.10 References to commercial platforms and service providers as a method of entry must be editorially justified and not unduly prominent.

**See** Section 15 Independence from Commercial and Other External Interests: 15.4.3–15.4.4

17.2.11 BBC employees, employees of BBC brand licensees and their immediate families and close associates may not normally enter BBC competitions, talent searches and prize draws.

17.2.12 When interacting with audiences using new technologies and platforms, BBC teams and those who work for it must conduct all activity in a manner that is consistent with the BBC's editorial values.

17.2.13 The BBC should aim to make audience interactivity and availability of opportunities via competitions, awards and talent searches, as accessible as possible.

## 17.3 Mandatory Referrals— must be referred in advance

***Mandatory referrals are an essential part of the BBC's editorial and compliance process and must be observed.***

17.3.1 All BBC competitions and votes must be approved by a senior editorial figure.

**See** 17.4.2

17.3.2 Any proposal to commission any sort of vote on matters of public policy, political or industrial controversy or any 'controversial subjects' in any other area must be referred to Chief Adviser Politics.

**See** 17.4.4

17.3.3 Any proposal to run a competition or vote jointly with a third party must be referred to Editorial Policy and the Interactivity Technical Advice and Contracts Unit (ITACU) well in advance.

**See** 17.4.5

17.3.4 Any proposal to mount a UK Public Service or World Service competition or vote with a commercial organisation must be referred to the relevant Head of Department, Editorial Policy and ITACU well in advance. The BBC should normally pay a substantial part of the costs, and money from the outside organisation should not normally flow into any production budget without first seeking advice from Editorial Policy and Regulatory Legal.

See 17.4.6

17.3.5 Any exceptions to the BBC being in direct control of systems and procedures when running a vote must be referred in advance to Editorial Policy and ITACU before any deal is entered into. They will advise whether the proposal is robust and meets BBC standards and/or on any additional measures that will need to be put in place.

See 17.4.7

17.3.6 Any proposal to establish a BBC award must be referred to a senior editorial figure.

See 17.4.10

17.3.7 Any proposal to take alternative finance funding for a UK BBC Public Service or World Service award must be referred in advance to Editorial Policy.

See 17.4.11

17.3.8 Any proposal to offer a substantial prize must be referred to Editorial Policy.

See 17.4.15

17.3.9 Any proposal to accept the donation of a substantial prize for a cross-BBC charity fundraising initiative must be referred to Editorial Policy.

See 17.4.20

17.3.10 Giveaways where there is no test of skill must meet certain criteria and still require ITACU and Editorial Policy approval. Giveaways on Commercial Services must be approved by a senior editorial figure.

See 17.4.21

17.3.11 Any UK Public Service or World Service competition, vote, award, or prize draw which involves audience interaction must be referred to the Interactivity Technical Advice and Contracts Unit (ITACU) and Editorial Policy.

For any BBC Studios-produced content, not commissioned by the UK Public Service, teams should refer to the Head of Editorial Standards/Compliance and Complaints for BBC Studios, who will consult ITACU or Editorial Policy as appropriate.

**See 17.4.23**

17.3.12 All proposals to use paid-for interactivity on UK Public Services and the World Service must be referred to the Interactivity Technical Advice and Contracts Unit (ITACU) and Editorial Policy.

**See 17.4.26**

17.3.13 Any use of paid-for interactivity on BBC Commercial Services must be referred in the first instance to a senior editorial figure who should consult Head of Editorial Standards/Compliance and Complaints, BBC Studios.

**See 17.4.27**

17.3.14 Any proposal to use premium rate services to raise money for charity through any form of audience interaction must be referred to Editorial Policy and the Interactivity Technical Advice and Contracts Unit (ITACU). Approval will also be required from a senior editorial figure.

**See 17.4.28**

17.3.15 Any proposal to use premium rate services aimed at children must be referred to Editorial Policy and the relevant director.

**See 17.4.28**

17.3.16 Any proposal to use text messaging for viewer, listener or online competitions or votes must be referred to Editorial Policy and the Interactivity Technical Advice and Contracts Unit (ITACU).

**See 17.4.29**

17.3.17 Any proposal to invite people to apply to be part of a programme by ringing a contestant line must be referred to the Interactivity Technical Advice and Contracts Unit (ITACU).

See 17.4.30

17.3.18 Any proposal to use a premium rate information line for events or performances being covered by BBC content, or to offer tickets for sale via such information lines must be referred to Editorial Policy.

See 17.4.31

17.3.19 Any proposal to offer a cash prize or a donated prize for a UK Public Service or World Service game show or quiz must be referred to, and approved by, the relevant output controller. Substantial cash prizes must be referred to the commissioning controller who must consult Editorial Policy.

See 17.4.43

17.3.20 Substantial cash prizes for Commercial Services content that is not a UK Public Service or World Service commission must be referred to Head of Editorial Standards/Compliance and Complaints, BBC Studios.

See 17.4.44

17.3.21 Any proposal to launch a talent search/talent show must also refer to the guidance on Talent Searches, and Editorial Policy must be consulted. If the proposal is not for the UK Public Services, BBC Studios Regulatory Affairs must also be consulted.

See 17.4.46

17.3.22 Any proposal for the BBC to accept a donated career or life-changing opportunity for contestants or participants must be referred to Editorial Policy.

See 17.4.48

17.3.23 Any proposal not to pre-moderate online spaces for under-18s must be referred to Editorial Policy.

See 17.4.56

17.3.24 Any online safeguarding concerns about under-18s, whether related to online grooming or child abuse images, must be referred to the BBC Safeguarding Team<sup>3</sup> immediately.

Any images must not be shared.

See 17.4.60

17.3.25 Users of all mobile networks should normally be able to take part in any UK Public Service or World Service mobile interactivity. Proposed exceptions must be referred to Editorial Policy.

See 17.4.72

17.3.26 The BBC and production companies working with the BBC may enter into UK Public Service or World Service co-production arrangements with gaming companies in both technical and creative collaborations. Editorial Policy should be consulted. Regulatory Affairs and Public Policy may need to be consulted and all such arrangements must conform to the Statement of Policy on Use of Alternative Finance in BBC Content.

See 17.4.81

## 17.4 Guidelines

### Competitions and Votes

17.4.1 All BBC competitions and votes must be honest, open and fair, meeting the editorial, ethical and technical standards that BBC audiences expect.

17.4.2 BBC competitions and votes must be approved by a senior editorial figure. Competitions and votes must meet the following criteria:

- technical systems must be robust

<sup>3</sup> safeguarding@bbc.co.uk, See Safeguarding Contact Us website: available on Gateway for BBC staff or via commissioning editors for independent producers, [www.bbc.com/safeguarding/](http://www.bbc.com/safeguarding/)

- competitions and votes entail complex requirements, which must be appropriately resourced
- contingency planning for both editorial and technical matters is essential
- appropriate measures must be taken to protect the integrity of a vote and the result
- rules for competitions and votes must be published
- the results must be reported with due accuracy to the audience
- it must be made clear to the audience when votes open and close and when the closing deadline is set for competition entries
- there must be sufficient time allowed between closing the competition or vote and announcing the result to ensure that it can be verified
- competitions and votes must be set up and run according to the relevant guidance
- on UK Public Services and the World Service competitions and votes must be editorially justified.

For additional considerations for competitions and votes for children see guidance.

See guidance: Audience Interactivity

## Competitions

17.4.3 All qualifying entries must have a fair chance of winning and the selection process must be designed to achieve this. The BBC should offer a genuine test of skill, knowledge or judgement appropriate to the audience:

- 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 duly accurate
- competitions using premium rate services must not be lotteries, which are defined in law. Legal advice must be taken

- the BBC may run prize draws for charity but all such proposals must be referred well in advance to ITACU and Editorial Policy  
**See Prizes & Prize Draws below**
- judging panels for viewer, listener, online and reader competitions must have clear criteria for selecting winners, which will be made available to audiences. Editorial Policy may be consulted
- UK Public Services and the World Service must not directly promote any competition which is not organised by or run in conjunction with them
- the BBC must retain editorial independence, and UK Public Service and World Service competitions must not unduly promote any service, product or publication
- costs to enter should be appropriately signposted
- people must not be required to buy anything to enter a UK Public Service or World Service competition unless it is linked to a cross-BBC charity fundraising initiative.  
**See 17.4.14–17.4.20**  
**See Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.29**

## **Votes**

17.4.4 Consideration must be given at the outset to whether a public vote is the most editorially appropriate method of deciding a result. Votes can be used to provide entertainment, to raise money for cross-BBC charity fundraising initiatives or to help the audience register an opinion on topics ranging from light subjects to matters of public policy or politics. Consider carefully that 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.

- audiences must not be misled about the purpose of a vote
- running totals should not normally be announced before broadcasting the final verified outcome, as this could have the potential to affect it

- the BBC 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
- voting/polling tools provided by social media platforms or other online services do not provide statistical or representative results. They should only be used to entertain or engage with audiences.

Any proposal to commission any sort of vote on matters of public policy, political or industrial controversy or any 'controversial subjects' in any other area must be referred to Chief Adviser Politics.

See Section 2 Impartiality: 2.4.31–2.4.32 and Section 10 Politics and Public Policy: 10.4.16–10.4.20

See guidance: Opinion Polls, Surveys, Questionnaires, Votes and Straw Polls

## Jointly Run Competitions and Votes

17.4.5 UK Public Service and World Service competitions and votes may be run jointly with an appropriate third party such as an academic or artistic institution and/or suitable commercial partner.

See Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.1–16.4.10

Any proposal to run a competition or vote jointly with a third party must be referred to Editorial Policy and the Interactivity Technical Advice and Contracts Unit (ITACU) well in advance who will consider whether:

- the organisation the BBC is to work with is appropriate
- the competition or vote is robust and agreed contingencies are appropriate
- there is sufficient transparency of all key aspects if the vote or competition is being run editorially or technically by the third party
- the BBC will retain editorial control of its output.

17.4.6 Any proposal to mount a UK Public Service or World Service competition or vote with a commercial organisation must be referred to the relevant Head of Department, Editorial Policy and ITACU well in advance.

The BBC should normally pay a substantial part of the costs, and money from the outside organisation should not normally flow into any production budget without first seeking advice from Editorial Policy and Regulatory Legal.

17.4.7 The BBC must retain editorial control and have technical oversight and approval of an overall competition. When running a vote, the BBC must be satisfied with the systems and procedures in place and should usually be in direct control.

Any exceptions to the BBC being in direct control of systems and procedures must be referred in advance to Editorial Policy and ITACU before any deal is entered into. They will advise whether the proposal is robust and meets BBC standards and/or on any additional measures that will need to be put in place.

## Awards

17.4.8 The BBC may 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 appropriate third parties.

See Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.1–16.4.10

17.4.9 BBC awards carry 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 and must be appropriately organised and resourced.

BBC awards must be set up and run according to the relevant guidance.

See guidance: Audience Interactivity

17.4.10 Any proposal to establish a BBC award must be referred to a senior editorial figure. Awards must meet the following criteria:

- the subject matter of BBC awards should be appropriate and should not compromise the BBC's impartiality, editorial integrity or independence
- there must be clear terms, conditions and criteria for both the nominees and the judges.
- UK Public Service awards given at a BBC event may be supported by a non-commercial sponsor.

See Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.1-16.4.13

17.4.11 Funding arrangements for UK Public Service and World Service awards must conform to the Statement of Policy on Use of Alternative Finance in BBC Content<sup>4</sup>, and the guidance on Sponsorship of BBC On-Air or Online Events Broadcast on BBC Public Services. Any proposal to take alternative finance funding for a UK Public Service or World Service award must be referred in advance to Editorial Policy.

See guidance: Sponsorship of BBC On-Air or Online Events Broadcast on BBC Public Services

## Content that is Pre-Recorded, Available on Catch-Up Services or Repeated

17.4.12 When live (or as-live) programmes containing competitions, votes or other interactivity are repeated, time-shifted or distributed via catch-up services, the audience must be informed that the interactivity is no longer available.

<sup>4</sup> Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016)

17.4.13 Programmes containing a vote or competition that is in breach of the BBC's editorial standards must be re-edited so the audience is not misled.

See guidance: Removal of BBC Online Content

## Prizes, Prize Draws, Giveaways, Auctions and Ticket Ballots

17.4.14 Prizes must be described accurately. They should meet the expectations of the likely audience and must not bring the BBC into disrepute.

References to prizes and their donors must avoid undue prominence. UK Public Service and World Service competitions should not normally refer to branded goods or services which are offered as prizes.

See Section 15 Independence from Commercial and Other External Interests: 15.4.1–15.4.9)

17.4.15 The BBC should normally pay for prizes offered in UK Public Service and World Service viewer, listener and online competitions and aim to offer original, rather than expensive prizes. Any proposal to offer a substantial prize must be referred to Editorial Policy who will consider whether it is appropriate in the particular circumstances.

Cash prizes are not normally offered for UK Public Service viewer, listener or online competitions.

See 17.4.43

17.4.16 Prizes for children should be appropriate to the age of the target audience and the entrants, and should normally be modest, unique or rely on 'money can't buy' experiences.

17.4.17 Cash prizes must not be offered for any children's game show, quiz or competition.

See 17.4.42–17.4.45

17.4.18 On UK Public Services and the World Service, references to prizes should not give the impression of being promotional. Prizes featuring BBC or BBC-licensed commercial products must not give the impression of promotion of Commercial Services.

See Section 15 Independence from Commercial and Other External Interests: 15.4.25

### **Donated Prizes for UK Public Service and World Service Competitions**

17.4.19 Donated prizes for a UK Public Service or World Service viewer, listener or online competition must conform to the Statement of Policy on Use of Alternative Finance in BBC content<sup>5</sup>.

Donated prizes should usually have a modest monetary value. They could include an opportunity, such as a backstage tour.

The following criteria apply:

- cash prizes must not be accepted
- over time, there should be a wide range of donors
- donated prizes must be appropriately signposted to ensure transparency but should not be unduly prominent.

There must be no references to donated prizes in, or immediately adjacent to, news bulletins.

<sup>5</sup> Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016)

## Prizes for Cross-BBC Charity Fundraising Initiative Competitions and Auctions

17.4.20 It may be possible to offer or accept the donation of a substantial prize for a cross-BBC charity fundraising initiative competition, prize draw or auction. Any proposal to accept the donation of a substantial prize for a cross-BBC charity fundraising initiative must be referred to Editorial Policy who will consider whether the prize is appropriate in the particular circumstances.

## Giveaway

17.4.21 A giveaway is a simple and effective way of engaging the audience in events that the BBC mounts or covers, or which may be taking place in the local area. It is, in effect, a free prize draw where items (usually tickets) are offered as prizes. It differs from a competition as there is no test of skill or knowledge. Winners are chosen at random from the total pool of entrants.

Prizes must be of relatively low value, be generally available (ie not 'money can't buy' or high-end experiences with a high face value) and should not be of excessive current demand or popularity.

Giveaways where there is no test of skill must meet certain criteria and still require ITACU and Editorial Policy approval. Giveaways on Commercial Services must be approved by a senior editorial figure.

## Ticket Ballots

17.4.22 Ticket ballots can be used to select audiences for BBC and BBC joint events and studio shows. They may be run by the BBC or via a third party that manages the ballot on the BBC's behalf. The BBC may also partner with other suitable organisations to run a joint ballot for an event it is covering. More detailed advice is available from Editorial Policy.

## The Interactivity Technical Advice and Contracts Unit (ITACU)

17.4.23 The Interactivity Technical Advice and Contracts Unit (ITACU) is a specialist BBC unit which provides advice on all technical aspects of running a competition, giveaway, vote or award, and auctions, charity donations ballots or prize draws 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.

**Any Public Service or World Service competition, vote, award, or prize draw which involves audience interaction must be referred to the Interactivity Technical Advice and Contracts Unit (ITACU) and Editorial Policy.**

**For any BBC Studios-produced content, not commissioned by the UK Public Service, teams should refer to the Head of Editorial Standards/Compliance and Complaints for BBC Studios, who will consult ITACU or Editorial Policy as appropriate.**

## Telephony Services

17.4.24 Any proposal to run a competition, vote or award using telephony services must also follow the mandatory approvals process set out in the guidance on interactivity.  
See guidance: Audience Interactivity

## Paid-for Interactivity

17.4.25 Paid-for interactivity occurs when some or all of charges paid by the audience accrue to the broadcaster. It may be via a premium rate telephone service, a mobile device or app or some other technology.

BBC content must comply with the code of practice issued by the industry regulator, Phone-paid Services Authority (PSA).

The cost to the audience for using non-geographic telephony services must be made clear and broadcast as appropriate.

Non-geographic telephony services are those telephone numbers that are not linked to a specific location.

17.4.26 All proposals to use paid-for interactivity on UK Public Services and the World Service must be referred to the Interactivity Technical Advice and Contracts Unit (ITACU) and Editorial Policy who will consider whether it is appropriate for the particular circumstances.

17.4.27 Any use of paid-for interactivity on BBC Commercial Services must be referred in the first instance to a senior editorial figure who should consult Head of Editorial Standards/Compliance and Complaints, BBC Studios.

## Premium Rate Services on Public Service Broadcast Channels

17.4.28 Premium rate services are services for which the revenue is shared between relevant parties. They are regulated by the Phone-paid Services Authority.

On UK Public Services and the World Service, premium rate services are normally used when they are the safest and most suitable way to handle large volumes of calls effectively.

Premium rate services must meet the following criteria:

- the lowest viable tariff must be charged
- technical systems must prevent callers from being charged should they try to use the system when the lines are not open
- they must not be used with the aim of making a profit except to raise money for a cross-BBC charity fundraising initiative where this has been approved.

There is a mandatory approvals process for the use of premium rate services within UK Public Services and the World Service and there are also separate legal and regulatory constraints.

Any proposal to use premium rate services to raise money for charity through any form of audience interaction must be referred to Editorial Policy and the Interactivity Technical Advice and Contracts Unit (ITACU) who will consider whether the proposal is appropriate to the particular circumstances. Approval will also be required from a senior editorial figure.

Any proposal to use premium rate services aimed at children must be referred to Editorial Policy and the relevant director. If such services are to be used, then children must be prompted to seek permission to call from the bill payer.

See guidance: Audience Interactivity

## Text Messaging (SMS)

17.4.29 There are technical issues involved in the use of SMS that can jeopardise editorial integrity.

Any proposal to use text messaging for viewer, listener or online competitions or votes must be referred to Editorial Policy and the Interactivity Technical Advice and Contracts Unit (ITACU) who will consider whether the proposal is robust enough in the particular circumstances.

There must be enough time allowed for receipt, collation and examination of texts as there can be delays in this form of interaction.

## Contestant Lines

17.4.30 In some cases it may be appropriate to invite people to apply to be part of a programme/BBC content by ringing a contestant line. Any proposal to invite people to apply to be part of a programme by ringing a contestant line must be referred to the Interactivity Technical Advice and Contracts Unit (ITACU).

## Event Information Lines on UK Public Services and the World Service

17.4.31 The BBC may trail on air phone lines which provide information about events or performances being covered by BBC content. These lines should not normally be premium rate or a means of purchasing tickets, though they may give details of telephone sales numbers. Any proposal to use a premium rate information line for events or performances being covered by BBC content, or to offer tickets for sale via such information lines must be referred to Editorial Policy who will consider whether the proposal is appropriate in the particular circumstances.

## Automated Information Services

17.4.32 Recorded 'dial and listen' information services should be directly relevant to the output.

See Section 15 Independence from Commercial and Other External Interests: 15.4.28

17.4.33 The duration of calls should be kept to a minimum and the audience should be informed of the cost. The service must not be used to promote any product, retailer or supplier.

See Section 15 Independence from Commercial and Other External Interests: 15.4.28

## Game Shows and Quizzes

17.4.34 BBC-commissioned game shows and quizzes must be conducted with integrity. On UK Public Services and the World Service, BBC content producers must take care not to appear unduly commercial or promotional in relation to brand references in questions and references to commercial products as prizes.

### Selection of Contestants for Game Shows and Quizzes

17.4.35 Contestants on game shows and quizzes are contributors so these provisions are in addition to the Editorial Guidelines on contributors and consent.

See Section 6 Fairness: 6.4.1–6.4.11

Contestants taking part in BBC Public Service content will be subject to public scrutiny. Therefore, the choice of contestant must not bring the BBC or the contestants themselves into disrepute. Reasonable steps should be taken to screen out contestants who are unsuitable and to make reasonable adjustment to ensure inclusion where possible.

17.4.36 Appropriate measures should be put in place to assess whether it is in the best interests of potential contestants to take part in a broadcast gameshow. Consideration should be given to whether a psychological assessment should be used.

17.4.37 The duty of care shown by productions to their contributors is extremely important and commissions should ensure that appropriate duty of care, and aftercare provisions and staffing, are included.

## **Fairness to Contestants in Game Shows and Quizzes**

17.4.38 Members of the public who take part in game shows and quizzes must be treated honestly, fairly and with regard for their dignity. They must be made aware of the rules and should normally be given information about what is likely to happen to them and what is expected of them. If they are to appear in a humorous way it is important that they feel part of the joke rather than ridiculed. Care needs to be taken where contestants have been volunteered by family or friends and colleagues.

**See** Section 5 Harm and Offence: 5.4.32, Section 6 Fairness: 6.4.1–6.4.5 and 6.4.23 and Section 7 Privacy: 7.4.25–7.4.28

## **Safety of Contestants in Game Shows and Quizzes**

17.4.39 The BBC must 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.

**See** Section 5 Harm and Offence: 5.4.49 and Section 6 Fairness: 6.4.22–6.4.26

## **Setting Questions for Game Shows and Quizzes**

17.4.40 Questions and their answers should be accurate, legal, require a reasonable level of skill, and be appropriate in subject matter and tone for audience expectations.

## Rules or Terms and Conditions for Game Shows and Quizzes

17.4.41 There must be rules for quizzes or game shows, setting out what is expected of contestants and the terms of their participation.

Contestants should be clearly informed of these rules before they take part and should confirm that they accept and understand the terms of their participation.

## Prizes for Game Shows and Quizzes

17.4.42 Prizes must be described with due accuracy. Donated prizes for game shows or quizzes are not normally accepted, except for cross-BBC charity fundraising initiatives.

17.4.43 Any proposal to offer a cash prize or a donated prize for a UK Public Service game show or quiz must be referred to, and approved by, the relevant output controller. Substantial cash prizes must be referred to the commissioning controller who must consult Editorial Policy who will consider whether:

- the proposal conforms to the Statement of Policy on Use of Alternative Finance in BBC Content<sup>6</sup>
- the prize is appropriate in the particular circumstances
- suitable levels of skill have been demonstrated.

17.4.44 Substantial cash prizes for Commercial Services content that is not a UK Public Service or World Service commission must be referred to Head of Editorial Standards/Compliance and Complaints, BBC Studios.

<sup>6</sup> Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016)

17.4.45 Where children are contestants in gameshows or quizzes, care must be taken to ensure the format, tone, style, questions and prizes are appropriate to the age range of the children taking part.

## Talent Searches and BBC Content Offering Life-Changing Opportunities

17.4.46 Talent searches/talent shows are different from viewer, listener or online user competitions. They require contestants to have a specific skill or talent and contestants are cast and/or chosen via an audition process. They often require contestants to be part of an immersive process which may last several weeks.

Any proposal to launch a talent search/talent show must also refer to the guidance on Talent Searches, and Editorial Policy must be consulted. If the proposal is not for the UK Public Services, BBC Studios Regulatory Affairs must also be consulted.

See guidance: Talent Searches and Contestants

17.4.47 The BBC may enter into editorially justified agreements with an appropriate third party to offer winning contestants or participants 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 in a start-up business, a chance to showcase a skill, a contract in a gaming organisation, or a performance-based opportunity such as a concert or recording contract or an appearance in a professional production on stage or film.

See Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.1–16.4.4

The BBC must maintain editorial control.

17.4.48 Any proposal for the BBC to accept a donated career or life-changing opportunity for contestants or participants must be referred to Editorial Policy who will consider whether:

- the proposal conforms to the Statement of Policy on Use of Alternative Finance in BBC content<sup>7</sup>
- the proposal is appropriate in the particular circumstances.

## **Talent Search Selection of Contestants/Participants**

See Section 6 Fairness: 6.4.1–6.4.5

**17.4.49** Talent search contestants and participants in BBC Public Service commissioned content offering life-changing opportunities are contributors, so these provisions are in addition to the Editorial Guidelines on contributors and consent.

It is fundamental to inclusion and fairness to ensure that the BBC and productions it commissions have explored fully how to make all reasonable adjustments to enable the inclusion of the widest range of participants possible.

Contestants/participants 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. Duty of care measures and processes are extremely important and must be established at the outset.

**17.4.50** The background of prospective contestants/participants must be checked before final selection is made, to ensure suitability to appear in BBC content. The BBC operates from a principle of inclusion, where appropriate and possible, rather than exclusion. Factors such as an ability to withstand the pressure of a competitive and sometimes live broadcast format must be considered, as well as previous criminal convictions or other matters which could bring the BBC and themselves into disrepute.

<sup>7</sup> Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016)

## Care of Contestants/Participants

17.4.51 At the outset, contestants/participants may not appreciate the life-changing impact of appearing in BBC content of this nature. Processes should be put in place to ensure they are appropriately briefed, prepared and supported—including, but not limited to, suitable support if the series is likely to attract considerable press and marketing attention. Additional processes are required for contestants/participants who are under 18, particularly if the output is to be broadcast live.

Aftercare is extremely important. Appropriate provisions should be in place at the point of commission.

## Fairness to Contestants/Participants

17.4.52 All contestants/participants must be treated honestly, fairly and with regard for their dignity. Appropriate steps should be taken to ensure they understand and appreciate the criteria which will be used to judge them.

Contestants/participants should be given copies of the specific terms and conditions governing their participation and where relevant the code of conduct for the production. The penalties for cheating and/or breaching the code of conduct must be clearly outlined, especially when a show involves an audience vote.

See Section 6 Fairness: 6.4.1–6.4.5

See guidance: Talent Searches and Contestants

## Phone-ins

17.4.53 Phone-in programmes play an important part in BBC output and enable BBC content to connect directly with audiences. They may use comments sent via social media, text and email as well as talking to callers directly.

Because phone-ins are live, everyone working on the output should be ready to deal with the unexpected. Contributors may become upset or themselves cause distress, offence, or advocate breaking the law. Phone-ins should not become a vehicle for the opinions of the presenter.

See Section 2 Impartiality: 2.1

The following may help to minimise risks while enabling audiences to express their views and ensuring that the BBC remains as accessible as possible:

- contributors to phone-ins should normally be called back and if necessary briefed before they go on air. This should establish whether or not it is appropriate to go ahead
- in cases of doubt the contribution should be pre-recorded and appropriate referral made
- producers and presenters must have contingency plans to deal with unexpected issues including potential breaches of the Editorial Guidelines or the law
- when producing a phone-in on a difficult or sensitive subject, the production team should be briefed on how to deal appropriately with contributors, including children and young people and vulnerable callers. Information about support services for contributors may be required
- a breadth and diversity of views should be sought, and the requirements of due impartiality should be met
- the BBC should ensure that audiences can access phone-ins and make reasonable adjustments to ensure that they can contribute

See Section 2 Impartiality: 2.1

- if a programme has not attracted any callers or contributions then it should seek alternative content. Under no circumstance should programmes make up callers, or other interactions such as social media messages, emails and texts. The BBC and those who work with it must be honest with audiences at all times.

See Section 9 Children and Young People as Contributors: 9.4.1–9.4.11

17.4.54 When a programme is contacted unexpectedly by someone wishing to share a difficult or sensitive story, teams should consider whether it is appropriate to carry it. They should also reflect whether it is appropriate to air it immediately or whether a delay would provide time for further preparation and to deal appropriately with the contributor concerned.

## Comment and Moderation

17.4.55 Every online space on BBC platforms that includes comment should be appropriately moderated. For message boards for over-18s, comments should normally be reactively moderated unless the sensitivity of the subject requires a more active form of moderation.

17.4.56 Online spaces directed to under-18s should be pre-moderated. Any proposal not to pre-moderate online spaces for under-18s must be referred to Editorial Policy who will consider whether the proposed form of moderation would offer an appropriate level of child protection. BBC content should not link to unmoderated spaces for an audience of under-18s.

17.4.57 Responsibility for ensuring the message board maintains appropriate overall standards of moderation lies with the senior editorial figure responsible for the associated content.

Additional measures may be necessary at times of special sensitivity, such as during armed conflict or elections.

See Section 12 War, Terror and Extreme Violence, Disaster and Disorder: 12.4.6

17.4.58 Online spaces which publish pictures or video or other digital content from members of the public are usually pre-moderated.

17.4.59 Every online space must be able to implement a swift, robust and appropriate escalation strategy if, for example, illegal or harmful material is posted or if illegal conduct is suspected.

Escalation strategies should also be in place for suspected child grooming, threat to life, serious sexual assault or to avoid serious harm.

17.4.60 Any online safeguarding concerns about under-18s, whether related to online grooming or child abuse images must be referred to the BBC Safeguarding Team<sup>8</sup> immediately. Any images must not be shared. The Safeguarding or Corporate Investigations<sup>9</sup> Team will advise further once the referral has been made.

See guidance: Interacting with Children and Young People Online

17.4.61 Every interactive space should publish easily accessible house rules that govern what content is acceptable and what will normally be removed.

There should also be an easily accessible reporting function to alert the BBC to breaches of those rules.

17.4.62 The BBC and those working with it should aim to accommodate the widest possible range of opinions consistent with the house rules and the law. BBC content should also include, where it is offered, comment that is critical of the BBC, its presenters, programmes or policies.

17.4.63 Care must be taken to mitigate risk around content, contact and conduct when running message boards directed to children.

See Section 9 Children and Young People as Contributors: 9.4.27

See guidance: Interacting with Children and Young People Online

## Social Media and Other Third-Party Platforms

17.4.64 BBC-branded activity and content on social media platforms and other third-party sites should reflect the same values and expectations of the BBC's own platforms, subject to the specific constraints and audience experience of each platform.

<sup>8</sup> safeguarding@bbc.co.uk, See Safeguarding Contact Us site: available on Gateway for BBC staff or via commissioning editors for independent producers, [www.bbc.com/safeguarding/](http://www.bbc.com/safeguarding/)

<sup>9</sup> See Corporate Investigations site: available on Gateway for BBC staff or via commissioning editors for independent producers

17.4.65 The choice of third-party sites must not bring the BBC into disrepute or pose significant risks to children and young people and vulnerable contributors or those at risk of vulnerability.

Teams should be mindful of the BBC's legal and contractual responsibilities in operating on these sites and the expectations of other users towards BBC activity and behaviour on these sites.

Any intervention should normally be light touch, but it may be reasonable to remove material that could cause unjustifiable offence.

**See** Section 13 Use of BBC Content After Publication or Broadcast: 13.4.29

17.4.66 A clear distinction must be maintained between BBC spaces which are run by the BBC for BBC purposes and personal spaces which are run by staff or BBC presenters for their personal purposes.

There should be editorial oversight and responsibility for all activity in BBC spaces.

**See** guidance: Social Media BBC Programme, Brand and Genre Accounts

## Comments on Live Streams

17.4.67 Live streaming provides the opportunity to interact directly with audiences in real time on BBC services. Appropriate steps should be taken to manage comments during the live stream and for a period after the event has finished, in line with the platform, its functionality, and the likely audience.

**See** Section 7 Privacy: 7.4.37–7.4.41, Section 15 Independence from Commercial and Other External Interests: 15.4.8 and Section 16 External Relationships, Including Commercial Relationships, and Financing: 16.4.20–16.4.21

## User-Generated Content

17.4.68 User-generated content can take the form of video or still pictures or other digital content in addition to text and comment. It can be sourced either by a direct call to action to audiences or be found through searches across the web.

Whenever using user-generated content in BBC output, consideration should be given to the following:

- the authenticity of the content and the context in which it is to be used, to ensure due accuracy
- consent—both to use the content and, where relevant, from those who feature in it, particularly where this includes under-18s or anyone who may be considered vulnerable  
**See** guidance: Interacting with Children and Young People Online
- the legitimate expectation of privacy of anyone who appears in it, for example if they are receiving medical treatment, or if the intention of the original publication on social media was for it to be shared among a limited number of followers such as via a WhatsApp group and other closed or restricted spaces
- whether the BBC is encouraging breaking the law or putting contributors at risk by commissioning or using content where personal safety could be endangered
- any legal or copyright issues
- providing an online or onscreen credit to the owner of the picture or video.

17.4.69 Where the BBC embeds third-party content on its own platforms care should be taken to ensure that associated content that might be accessible to audiences is appropriate.

17.4.70 Content producers should also be aware of risks of advertising or commercial references appearing on embedded third-party material and remove them if necessary.

17.4.71 References to products, such as social media platforms, can only be made if editorially justified and not unduly prominent.

See Section 15 Independence from Commercial and Other External Interests: 15.4.3–15.4.4

See guidance: User-Generated Contributions

## Mobile Content, including Apps

Apps are software applications for audience participation in content. Most are computer programmes designed to enable users to access the web. Some apps are not designed to access the web—particularly those aimed at children. They are generally associated with mobile devices like phones and tablets.

See 17.1

17.4.72 Users of all mobile networks should normally be able to take part in any UK Public Service or World Service mobile interactivity. Proposed exceptions must be referred to Editorial Policy who will consider whether it is justified to exclude some networks.

17.4.73 The cost to the audience of Public Service mobile interactivity should be kept to the lowest tariff possible, except for approved cross-BBC charity fundraising initiatives.

17.4.74 When inviting people to interact with BBC content, appropriate cost information and, where relevant, content information should be included with mobile content. Audiences should normally be warned that data charges may apply.

17.4.75 Content distributed via mobile devices should be suitable for, and meet the expectations of, the likely audience. When editing its content for mobile the BBC should ensure that the suitability and integrity of the original content is not affected. Producers should take account of the original context and avoid misrepresentation.

See Section 13 Use of BBC Content After Publication or Broadcast: 13.4.1–13.4.9

17.4.76 UK Public Services and the World Service may include references to free apps connected to content, which are likely to be considered as programme-related material.

See Section 15 Independence from Commercial and Other External Interests: 15.4.22

However, where an app is paid for, or where the app is free but enables payment to be taken, the guidelines for premium rate telephony apply.

See 17.4.28

## Games and Gaming

17.4.77 The use of play-along games on mobile devices, online/digital and interactive television, as well as play-along content that can be delivered via apps and a range of platforms, can reach new audiences and enhance output. The cost of accessing them on UK Public Services and the World Service should be kept to a minimum. The games must not be designed to make a profit on UK Public Services and the World Service.

17.4.78 When featuring gaming, BBC content should aim to reflect a range of games, gaming platforms or gaming consoles and avoid undue and/or cumulative prominence. The gaming content must be suitable for the likely audience. Appropriate safeguarding measures must be considered if proposals include introducing audiences to immersive and interactive third-party communities.

17.4.79 The use of immersive technology enables the BBC to enhance the experiences of content and bring audiences closer to the action. These may include:

- Augmented Reality (AR) is a real-world environment which has been enhanced by overlaying computer-generated special effect (visual, sounds and others). A user may have a more immersive experience. It does not require a headset and can be accessed via a smartphone

- Virtual Reality (VR) is a computer-generated, virtual, immersive environment, in which scenes, objects, and characters appear to be real. They are designed to give the user the illusion that they are immersed in the surroundings. Users can access this environment via a Virtual Reality headset or helmet
- Artificial Intelligence (AI) is a machine-based system that can perform tasks commonly associated with human intelligence
- Generative AI is a type of artificial intelligence capable of creating text, images, speech, music, video and code in response to prompts from a user.

#### 17.4.80 When using AR and VR technology and effects, consideration should be given to the following:

- the impact of heightened reality and immersion on the audience member. This is a different experience from other content and requires careful thought about possible enhanced risks of harm and offence and shock
- there may be safety considerations about the use of surround auditory technology especially if content (such as a podcast) is designed to be consumed whilst on the move
- audiences may interact with each other without knowing exactly who they are communicating with; for example, catfishing if used in a dating context
- the ability of the audience to change the narrative in a variety of genres and how this is managed so the BBC does not lose overall editorial control.

17.4.81 The BBC and production companies working with the BBC may enter into UK Public Service or World Service co-production arrangements with gaming companies in both technical and creative collaborations. Editorial Policy should be consulted. Regulatory Affairs and Public Policy may need to be consulted and all such arrangements must conform to the Statement of Policy on Use of Alternative Finance in BBC Content<sup>10</sup>.

## Interactive Services including Virtual Reality, Red Button, Augmented Reality and Artificial Intelligence

17.4.82 Interactive services broadcast on UK Public Service or World Service television, such as BBC iPlayer and BBC Sounds and those activated by the red button, should not promote any specific platform. They must be appropriate for the audience of any associated television programme.

See Section 5 Harm and Offence: 5.4.1–5.4.3

17.4.83 It should be made clear to audiences where payment is required and the total cost displayed where practical. Interactive TV services on UK Public Service or World Service channels should not be designed to make a profit.

<sup>10</sup> Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016)



# 18

## The Law



# The Law

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## 18.1 Introduction

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, legal rights of anonymity and all other types of reporting restrictions. Programme Legal Advice has a duty lawyer on call 24 hours a day for urgent enquiries. In addition, Programme Legal Advice keeps a list of lawyers in other jurisdictions and may be able to assist with advice on foreign law.

Advice on copyright (including fair dealing) and trade marks can be obtained from Intellectual Property.

Specialist data protection advice can be obtained from Information Rights.

There are some significant differences between the legal systems of England and Wales and Scotland and Northern Ireland which, if not observed, can cause serious problems. For advice on Scottish media law, consult the BBC Legal Director, Scotland.

While following the Editorial Guidelines will often ensure that BBC content will be legally defensible, there are situations where the law imposes specific obligations, or requires standards, that are not addressed fully in these Guidelines. It is important, therefore, that referrals to Programme Legal Advice and other legal departments are adhered to. As the law is subject to interpretation and change by the courts and by statute, content producers should, in any event, consider whether taking legal advice would be appropriate.

Other common legal considerations are set out in this section.

## 18.2 Mandatory Referrals— must be referred in advance

*Mandatory referrals are an essential part of the BBC's editorial and compliance process and must be observed.*

There are a number of them to Programme Legal Advice in the previous sections. The ones listed below are those which arise from this section alone.

- 18.2.1 If, during the course of making programmes or content, it is believed laws may be broken by someone working for the BBC, it must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should normally consult Programme Legal Advice and, if necessary, Director Editorial Policy and Standards.  
*See 18.3.1*
- 18.2.2 Where there may have been a data breach, a data breach form on Gateway must be completed or the matter must be referred to Information Rights, who will assess if the breach meets the legal threshold for reporting to the Information Commissioner.  
*See 18.4.8*

## 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, the following must be considered:

- what effect laws that have not been complied with might have on the BBC and any people concerned
- internationally, the effect on the BBC's future coverage of the region.

Where it is believed that the making of a programme or content will involve possible conflict with the law, it must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should normally consult Programme Legal Advice and, if necessary, Director Editorial Policy and Standards.

## 18.4 Principal Legal Considerations

### Defamation and Privacy

18.4.1 An individual or corporation can sue for damage to their reputation over material that is published about them. This area of law is called defamation or libel and can have serious financial consequences if the BBC gets it wrong. Whilst a number of possible defences are available, it is important to note that when relying on the truth of what was published, it is the defendant (or defender in Scotland) who has to prove that it was true. Where serious allegations of wrongdoing are made, content makers will usually be required to demonstrate that they offered the individual or corporation concerned a right of reply.

See Section 6 Fairness: 6.4.43–6.4.49

Individuals can take legal action to enforce their right to privacy, including asking the court to grant an injunction (or 'interdict' in Scotland) to stop true stories based on private information being made public. Examples of private information

include information about their family life, health or sexual relationships. Children and vulnerable people may have a greater expectation of privacy than adults. The fact that information is in the public domain diminishes but does not necessarily extinguish the expectation of privacy. Allegations of wrongdoing and/or criminality raise both defamation and privacy issues.

All legal entities including corporations may also have enforceable rights to keep information confidential. In these cases, the court will seek to balance the right to privacy or confidentiality against the media's right of free expression and the right of the public to be informed.

## Legal Rights to Anonymity

18.4.2 Victims and alleged victims of sexual offences, some human trafficking offences and female genital mutilation have a legal right to anonymity. The rules regarding anonymity in these cases are complex and the right of anonymity cannot always be waived.

Teachers also have a legal right of anonymity in some circumstances when an allegation of an offence is made concerning a pupil.

See Section 6 Fairness: 6.4.36

## Reporting Restrictions

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

Automatic restrictions apply to:

- reports of preliminary hearings in criminal proceedings.  
What can be reported is very restricted

- reports of proceedings in Youth Courts. In particular, anything likely to identify someone under 18 as involved in Youth Court proceedings must not be published
- family proceedings and Court of Protection proceedings (which may be heard in a number of courts including magistrates' courts, the County Court, the Family Division of the High Court, the Court of Appeal and Supreme Court). In particular, anything which is likely to identify any child as being involved in such proceedings must not be published.

These restrictions can be lifted or varied by a court.

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

- orders preventing the identification of under-18s involved in proceedings before an adult court
- postponement orders, preventing publication of reports of proceedings, usually until after the conclusion of related proceedings
- anonymity orders, where the court has allowed a person's details to be withheld.

Any queries involving legal proceedings in Scotland should be referred to the BBC Legal Director, Scotland.

See Section 8 Crime and Anti-Social Behaviour: 8.4.13 and Section 9 Children and Young People as Contributors: 9.4.22

## Obligations Under Terrorism Legislation

18.4.4 There are obligations under terrorism legislation on all people, including journalists, to disclose information regarding terrorist activity to the police as soon as reasonably practicable. Failure can amount to a criminal offence. There is also a wide range of powers for the police and other authorities to obtain information from journalists as part of a terrorism investigation.

See Section 12 War, Terror and Extreme Violence, Disaster and Disorder: 12.4.23

## Contempt

18.4.5 Contempt of court is a criminal offence. Contempt can take many forms. The aim of the law is to prevent interference with legal proceedings in the UK. It protects proceedings in all courts and tribunals in the UK which carry out judicial functions.

Statutory contempt law bans the publication of material which creates a substantial risk of seriously prejudicing or impeding 'active' legal proceedings. The risk of causing serious prejudice is highest when the proceedings involve a lay jury, for example, in serious criminal cases.

The 'active' period in criminal legal proceedings starts with the granting of an arrest warrant, the arrest of a suspect or the issue of a summons (in Scotland a complaint) or indictment. This may be well before a person is charged.

Serious prejudice to a criminal case might be caused by, for example, the publication of information linking the person to the offence, suggesting they are of bad character or publishing previous convictions.

## Accessing Illegal Content

18.4.6 Journalists carrying out investigations may wish to access illegal content which may include indecent images or information relating to terrorism. There are offences regarding accessing and disseminating this material which can present difficulties. Advice should be sought from Programme Legal Advice.

Content makers should also seek advice as to whether laws around disseminating indecent images apply to paintings and artwork.

## Bribery

18.4.7 It is illegal under the UK's Bribery Act to offer or receive a bribe anywhere in the world and there is a separate offence of bribing a foreign public official.

## Data Protection

18.4.8 Personal data must be processed in accordance with the provisions of the Data Protection Act 2018 and the Information Commissioner's Office Data Protection and Journalism Code of Practice. Data protection breaches, in some circumstances, can give rise to criminal sanctions as well as fines. In addition, data breaches which may result in a high risk of adversely affecting individuals' rights and freedoms must be reported to the Information Commissioner within 72 hours.

Where there may have been a data breach, a data breach form on Gateway must be completed or the matter must be referred to Information Rights, who will assess if the breach meets the legal threshold for reporting to the Information Commissioner.