

5

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 offence¹.

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 17². It should be noted that these are not legal definitions.

¹ 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

² 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 output³.
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

³ 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' column⁴, 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.

⁴ 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' column⁵, 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

⁵ 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 Code⁶. 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.

⁶ 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