

# 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