

Forewords

Chairman

Sir David Clementi

These Guidelines are an essential element in the delivery of the BBC's mission; they should be used by all BBC programme and content makers to help deliver what our audiences expect.

The BBC exists to deliver high quality content that informs, educates and entertains our audiences. In doing so, nothing is more important than the BBC's reputation for independence, impartiality and editorial integrity, combined with the highest levels of creativity.

The public and BBC audiences rightly demand the highest editorial standards from the BBC and it is the job of the BBC Board to ensure that our content – across all services and genres – meets those. The BBC's Charter charges the Board with upholding the BBC's editorial and creative independence and this principle is at the heart of these Guidelines. Our public purposes also specifically require the BBC to champion freedom of expression, as well as to provide duly accurate and impartial news, current affairs and factual programming.

The Board takes these responsibilities seriously and these Guidelines, approved by the Board, are designed to help achieve our editorial ambitions across an extensive range of output, both in the UK and around the world.

The Editorial Guidelines are the basis of our accountability to audiences. Following the Guidelines will ensure that we will all deliver the standards expected of us and meet the obligations set out in the Charter.

June 2019

Director – General

Tony Hall

The BBC's Editorial Guidelines have been at the heart of our journalism and programme-making for decades.

The Guidelines set the standards for the BBC. They represent the wisdom of nearly 100 years of programme-making. They help us to be ambitious and confident in the choices we make, and are an essential tool for anybody producing content for us.

The Guidelines are designed to support our creativity. They provide the justification for many of the challenging things we do in the public interest. They are set by the BBC Board and also reflect the requirements of our regulator, Ofcom.

This is the seventh edition we've produced – and it's published in a media landscape that's changed dramatically since the last set was devised.

It's just a few short years since the term 'fake news' entered our lexicon. It's now a weapon of choice used worldwide. In a world of misinformation, our values have never been more important. That's why accuracy, impartiality and fairness are given such prominence in these Guidelines. It's also why they have been updated to include all that we do on social media.

Stories are broken, shared, expanded at the touch of a screen, every second, every day. That's an astonishing advance. It can be a tremendously exciting, but challenging, environment to work in. And these Guidelines are a constant reference point for teams making decisions around content, comment and debate – including what we post online and on social media.

One of the other critical things that's changed is that we've put freedom of expression at the heart of the Guidelines. We're making that commitment explicit for the first time. It's a fundamental principle and is at the heart of our Charter and our values.

We have the immense privilege of leading the BBC. We're here to produce programmes of the highest quality; content audiences can trust. And to do so fairly, decently and with all the care people would expect from the BBC.

Audiences rightly count on us for a great range of original UK drama, comedy, documentary, sport, music, entertainment and journalism. They expect us to do so with the greatest integrity, and to the highest ethical and creative standards. That's what these Guidelines seek to promote and why they matter so much to all of us.

June 2019

The BBC's Editorial Standards

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Accessibility

1.1 Introduction

The BBC's Royal Charter¹ specifies the BBC's Mission, which is to act in the public interest, serving all audiences through the provision of impartial, high-quality and distinctive output and services which inform, educate and entertain. It also establishes our independence from government, guarantees our editorial and artistic freedom and safeguards the licence fee, the unique funding arrangement which enables the BBC to pursue a distinctive mission.

The Charter sets out the BBC's Public Purposes:

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

The Royal Charter and the accompanying Framework Agreement² establish that it is a duty of the BBC Board to set the standards for the BBC's editorial and creative output and services. The BBC must publish, review periodically and ensure the observance of guidelines designed to secure appropriate editorial standards for our UK Public Services and safeguard the editorial integrity and high quality of the World Service and maintain high standards of editorial integrity and quality for BBC Monitoring.

¹ Broadcasting: Royal Charter for the Continuance of the British Broadcasting Corporation December 2016.

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

Producing and upholding these Editorial Guidelines fulfils those requirements; making our content to the standards in them is an obligation on all of us, led by the Director-General, as the BBC's editor-in-chief. All output made in accordance with these Editorial Guidelines will also thereby meet the requirements of our regulator, Ofcom³.

1.2 Our Editorial Values

Our audiences **trust** us and they expect us to adhere to the highest editorial standards.

We have a right to **freedom of expression**, included in the Charter and protected under the European Convention on Human Rights and the Human Rights Act 1998. This freedom is at the heart of the BBC's **independence**. Our audiences have a right to receive creative material, information and ideas without interference. But our audiences also expect us to balance our right to freedom of expression with our responsibilities to our audiences and to our contributors, subject to restrictions in law.

We operate in the **public interest** – reporting stories of significance to our audiences and holding power to account. In our journalism in particular, we seek to establish the **truth** and use the highest reporting standards to provide coverage that is **fair** and **accurate**. Our specialist expertise provides professional judgement and clear analysis. We are **impartial**, seeking to reflect the views and experiences of our audiences – so that our output as a whole includes a breadth and diversity of opinion and no significant strand of thought is under-represented or omitted. We are independent of outside interests and arrangements that could compromise our **editorial integrity**. Our editorial standards do not require absolute neutrality on every issue or detachment from fundamental democratic principles.

³ The Ofcom Broadcasting Code.

Free speech enables the exchange of information and ideas without state interference. It helps to inform public debate – encouraging us to be curious, engaged and critical. It allows, for example, dramatists, satirists and comedians to comment on the world around us. However, freedom of expression is not an absolute right – it carries duties and responsibilities and is also subject to legal restrictions and limits.

In exercising freedom of expression, we must offer appropriate **protection to vulnerable groups** and **avoid causing unjustifiable offence**. We must also respect people's **privacy** – only putting private information into the public domain where the public interest outweighs an individual's legitimate expectation of privacy.

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

See Section 9 Children and Young People as Contributors: 9.1

As members of our audiences, they have a right to access information and ideas; however, we must ensure that content that might be unsuitable for them is scheduled appropriately.

1.3 The Public Interest

The BBC's Mission⁴ specifies that we must 'act in the public interest'. It is in the **public interest** to fulfil our mission to produce output to inform, educate and entertain. There is no single definition of public interest, but it includes freedom of expression; providing information that assists people to better comprehend or make decisions on matters of public importance; preventing people being misled by the statements

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

or actions of individuals or organisations. The public interest is also served in exposing or detecting crime or significantly anti-social behaviour and by exposing corruption, injustice, significant incompetence or negligence.

1.4 Ofcom

Under the Charter, Ofcom must regulate the standards of relevant BBC UK Public Service content to ensure it meets the requirements of Ofcom's Standards and Fairness Codes⁵. It therefore considers complaints against some BBC broadcast content.

See Section 1 The BBC's Editorial Standards: 1.6

It must also regulate BBC UK Public On-Demand Programme Services ('BBC ODPS') in line with these requirements, so far as Ofcom determines them relevant. These requirements are set out in Ofcom's Broadcasting Code.

Ofcom also considers complaints against BBC online material if the complainant is dissatisfied with the BBC response. Ofcom will give an opinion as to whether the relevant content meets these Editorial Guidelines, and may require the BBC to reconsider the matter. However, Ofcom has no further enforcement powers and the final decision is the BBC's⁶.

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

Where Ofcom finds a breach of its Broadcasting Code, it may require the BBC to broadcast a statement of its findings. Where Ofcom considers its code has been breached 'seriously, deliberately, repeatedly

5 Article 46 Principal functions of Ofcom, Broadcasting: Royal Charter for the Continuance of the British Broadcasting Corporation December 2016.

6 This does not apply to some categories of BBC content, including material on third-party platforms, social media and BBC corporate information.

or recklessly' it can impose sanctions which range from a requirement to broadcast a correction or statement of finding to a fine of no more than £250,000.

All BBC services are regulated by these Editorial Guidelines.

1.5 Accountability

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

1.6 Complaints

We are open in acknowledging mistakes when they are made and want to learn from them.

We are required to set and publish procedures for the handling and resolution of complaints. The BBC Complaints Procedure⁷ sets out the timeframes that complaints will normally be answered within and must relate both to the obligations of our Public Services and also our commercial operations.

Complaints about most BBC content⁸ are dealt with initially by the BBC, as set out in the Complaints Procedure⁹. Complaints are handled by BBC Audience Services in the first instance, but complainants dissatisfied with the response can ask the BBC'S Executive Complaints Unit to investigate.

7 BBC Complaints Framework and Procedures October 2017.

8 Individuals may make first-party complaints relating to fairness and privacy directly to Ofcom.

9 BBC Complaints Framework and Procedures October 2017.

The Executive Complaints Unit deals with serious complaints about possible breaches of the BBC's editorial standards in connection with specific programmes or items of content. It deals with complaints about any BBC service or product where the BBC has editorial responsibility. This includes international, public and commercial services and BBC-branded magazines.

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

Where the Executive Complaints Unit identifies a serious breach of the editorial standards set out in these Guidelines, its finding will normally be published on the BBC complaints website. It may also direct the BBC to broadcast an apology or correction.

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

If the complaint relates to online material, Ofcom will consider and give an opinion as to whether the material breaches these Editorial Guidelines and may ask the BBC to reconsider the matter; however, Ofcom has no further enforcement powers.

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

1.7

Accessibility

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

The BBC provides subtitling, audio-description and sign language services, but what is considered 'reasonable' will evolve as technology develops¹⁰.

Ofcom also sets mandatory requirements for all broadcasters¹¹.

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

See Guidance online: Visually Impaired Audiences and Hearing Impaired Audiences

10 BBC Policies: Subtitles on TV and Audio description on TV. Available on Gateway for BBC staff or via commissioning editors for independent producers.

11 Ofcom's Code on Television Access Services.

How to Use the Guidelines

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Other Sources of Advice

2.1 Introduction

These Editorial Guidelines apply to all content broadcast or published by the BBC whoever creates or makes it and wherever in the world and however it is made or received. They set out the standards expected of everyone making or presenting our content or output (terms used interchangeably throughout). The Guidelines are rooted in the practical experience of decades of journalism and output production. They are intended to help anyone producing our content deal with difficult editorial issues. They are an important part of what makes the BBC distinctive and trusted, and the standards in them apply to all content that carries the BBC brand.

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

Any proposal to step outside the Editorial Guidelines must be editorially justified. It must be discussed and agreed in advance with the divisional director or, for independent production companies, with the commissioning editor. Director Editorial Policy and Standards must also be consulted.

2.2 Roles and Responsibilities

Content Producers and their Managers

- 2.2.1** Knowledge of the Guidelines is an essential professional skill and everyone who makes BBC content is contractually required to familiarise themselves with them and abide by them.
- 2.2.2** When applying the Guidelines, individual content producers are expected to make most of the necessary judgements, but some issues require careful consideration at a higher level. No one should hesitate to ask for advice, and the Guidelines therefore advise, and sometimes require, reference to more senior editorial figures, Editorial Policy or specialists such as lawyers or safety experts. The BBC's reputation rests on sound decision-making, and the referrals system is a mechanism which ensures that complex editorial decisions are properly considered. Some of these referrals are mandatory.
- 2.2.3** Editors and managers must be prepared to discuss areas of concern and be ready to offer guidance. They must support producers and other staff in the editorial management of their content, including the effective supervision of on-air talent.

Referrals

- 2.2.4** Referrals lie at the heart of the BBC's editorial process and are a source of its strength. No one involved in the making or presenting of our output should hesitate to refer editorial dilemmas.
- The more important or contentious the issue, the higher the referral needs to be. It is your responsibility to be aware who you should refer to.

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

Mandatory Referrals are part of the BBC's editorial management system. They are an essential part of the process to ensure compliance and must be observed.

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

2.2.6 In the nations and regions the relevant director or controller should be informed of any issue that is a Mandatory Referral to Director Editorial Policy and Standards.

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

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

Editorial Policy

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

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

Editorial Compliance

2.2.10 Responsibility for editorial content – and for ensuring that it complies with the Editorial Guidelines – lies with output teams. Our compliance obligations require that all content that is not live is reviewed before broadcast or publication, and the results of that review recorded and kept. Separate Guidance is available for live output. Most news output is normally treated as live. All live programmes that include pre-recorded inserts are treated as live. The Editorial Guidelines, referrals and advice from Editorial Policy can inform the judgements that are essential to the editorial compliance of BBC output. Legal advice may also be necessary.

See Guidance online: Live Output

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

2.3 Editorial Justification

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

It is a judgement in the particular circumstances of each case whether the editorial purposes of our output or actions outweigh any potential negative impact on our audiences and people in our output (or, where relevant, those closest to them). It includes, but is not limited to: balancing the privacy of individuals against the public interest in revealing information about them; the use of potentially offensive output in appropriate contexts against the obligation to avoid unjustified offence;

the BBC's right of freedom of expression;
and the audience's right to receive information.

The Editorial Guidelines

2.3.2 These Editorial Guidelines are supplemented by further Guidance, which is available on the BBC Editorial Guidelines website. The Guidance contains additional information about how the Guidelines can be applied and interpreted. New Guidance is written when necessary.

2.4 Other Sources of Advice

2.4.1 When producing BBC output, issues may arise that overlap with, or are separate from, editorial concerns. The BBC has specialist internal advisers on legal, data protection, safety, pronunciation, international filming, health and child protection matters, who should be consulted as appropriate. BBC News maintains bureaux around the world, a political research team and a head of statistics.

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

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

2.4.2 Any decision to proceed with content contrary to BBC legal advice must be referred to the divisional director and Director Editorial Policy and Standards.

2.4.3 Any content producers intending to produce output about Northern Ireland or significant projects involving the Republic of Ireland, should notify Director Northern Ireland of their proposals at an early stage. Content producers outside Scotland and Wales should inform the director of the relevant nation of their plans to produce programme material which is based in the relevant nation or which deals significantly with national issues or themes.

Accuracy

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- Reporting Statistics and Risk
- User-Generated Content
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- Material from Third Parties
- Note-Taking for Journalism and Factual Programmes
- Avoiding Misleading Audiences
- Programmes Affected by Changing Circumstances
- Correcting Mistakes

3.1 Introduction

The BBC is committed to achieving due accuracy in all its output. This commitment is fundamental to our reputation and the trust of audiences. The term 'due' means that the accuracy must be adequate and appropriate to the output, taking account of the subject and nature of the content, the likely audience expectation and any signposting that may influence that expectation¹.

The due accuracy required of, for example, drama, entertainment and comedy, will not usually be the same as for most factual content. The requirements may even vary within a genre, so the due accuracy required of factual content may differ depending on whether it is, for example, factual entertainment, historical documentary, current affairs or news².

This means all BBC output, as appropriate to its subject and nature, must be well sourced, based on sound evidence, and corroborated. We should be honest and open about what we don't know and avoid unfounded speculation. Claims, allegations, material facts and other content that cannot be corroborated should normally be attributed.

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

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

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

² The Framework Agreement accompanying the BBC Charter requires us to observe the accuracy requirements of the Broadcasting Code; however, by applying 'due accuracy' to all output, we exceed that requirement.

3.2 Mandatory Referrals

(Mandatory Referrals are part of the BBC's editorial management system. They are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy and Standards

- 3.2.1** Any proposal to rely on a single unnamed source making a serious allegation or to grant anonymity to a significant contributor making a serious allegation must be referred to Director Editorial Policy and Standards and Programme Legal Advice.
- See 3.3.18

Other Referrals

- 3.2.2** Where we believe we have broadcast a defamatory inaccuracy, Programme Legal Advice must be consulted.
- See 3.3.28

3.3 Guidelines

Gathering Material

- 3.3.1** Accuracy is not simply a matter of getting facts right. Relevant opinions as well as facts may need to be considered. When necessary, all the relevant facts and information should be weighed to get at the truth.
- Where appropriate to the output and wherever possible, we should:
- gather material using first-hand sources
 - check facts and statistics, identifying important caveats and limitations
 - validate the authenticity of documentary evidence and digital material
 - corroborate claims and allegations made by contributors

- weigh, interpret and contextualise claims, including statistical claims.

See Guidance online: Reporting Statistics; and Investigations

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

3.3.3 We should try to witness events and gather information first-hand. Where this is not possible, we should talk to first-hand sources and, where practicable, corroborate their evidence.

3.3.4 We should be reluctant to rely on a single source. If we do rely on a single source, it should be credible, and a named, on-the-record source is always preferable.

See Section 3 Accuracy: 3.3.18

3.3.5 We should, wherever practicable, record our research interviews with sources making serious allegations. In circumstances where recording might inhibit the source, full notes should be made, preferably at the time or, if not, as soon as possible afterwards.

See Section 3 Accuracy: 3.3.15

3.3.6 We must check and verify information, facts and documents, where required to achieve due accuracy. If we have been unable to verify material we should usually say so and attribute the information.

Accuracy in Live Content

3.3.7 Achieving due accuracy in live content can be challenging, as there may be little opportunity to verify factual claims. Where practicable, and particularly if an issue is controversial, content makers should take steps to ensure due accuracy.

Where possible, risks should be identified in advance and measures taken to mitigate them. This may include

ensuring the appropriate preparation is undertaken so that the content contains sufficient challenge or context; or ensuring other contributors are able to provide additional challenge. Significant inaccuracies that may arise should be corrected quickly.

See Section 4 Impartiality: 4.3.4-4.3.8

See Guidance online: Live Output

Reporting Statistics and Risk

3.3.8 We should reserve the same scepticism for statistics as we do for facts or quotes and not necessarily take numbers at face value. When our output includes statistics, we should explain the numbers clearly, put them into context, weigh, interpret and, where appropriate, challenge them, present them clearly and attribute them. The statistics must be accurate and verified where necessary, with important caveats and limitations explained. We should use a range of evidence to put statistical claims into context and help audiences to judge their magnitude and importance. Where claims are wrong or misleading, they should be challenged.

3.3.9 The reporting of risk can have an impact on the public's perception of that risk, particularly with health or crime stories. We should avoid worrying our audiences unduly and contextualise our reports to be clear about the likelihood of the risk occurring. This is particularly true in reporting health stories that may cause individuals to alter their behaviour in ways that could be harmful. We should consider the emotional impact pictures and personal testimony can have, particularly on perceptions of risk.

Advice is available from Head of Statistics, BBC News.

See Section 10 Politics, Public Policy and Polls: 10.3.21-10.3.40

See Guidance online: Reporting Statistics

User-Generated Content

- 3.3.10** User-generated content raises particular challenges. We should not assume that the material is accurate and, depending on how we plan to use it, should take reasonable steps to seek verification. We must take care over how we use any material that may have been supplied by a member of a lobby group or anyone with a vested interest in the story, rather than a disinterested bystander. We should ensure that user-generated content is clearly identified as such.

See Guidance online: Reporting Statistics

Material from the Internet and Social Media

- 3.3.11** Even apparently reliable sources of information on the web may not always be accurate. It may be necessary to check who is running the website or confirm with an individual or organisation that the material relevant to them is genuine.

See Guidance online: Internet Research

- 3.3.12** Care needs to be taken to distinguish fact from rumour, particularly – but by no means exclusively – on social media where misinformation may be deliberate and where error or rumour can spread around the world in minutes, while corrections find it harder to gain traction.

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

Material from Third Parties

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

We should normally only rely on an agency report if it can be substantiated by a BBC correspondent or if it is attributed to a reputable news agency.

We should only use other material supplied by third parties if it is credible and reliable. This includes weather reports, financial markets information and music charts.

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

See Guidance online: Crediting and Labelling External Relationships

- 3.3.14** We should only broadcast material from third parties who may have a personal or professional interest in its subject matter if there is an editorial justification. The source of this material should be identified. This includes material from the emergency services, charities and environmental groups.

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

See Guidance online: Video and Audio News Releases

Note-Taking for Journalism and Factual Programmes

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

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

See Section 3 Accuracy: 3.3.5, Section 6 Fairness to Contributors and Consent: 6.3.26-6.3.31 and Section 7 Privacy: 7.3.22

See Guidance online: Investigations

Avoiding Misleading Audiences

3.3.16

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

See Guidance online: Recording the Natural World

3.3.17

Sources

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

See Guidance online: Investigations

3.3.18

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

See Section 6 Fairness to Contributors and Consent: 6.3.26-6.3.31

Whenever a promise of anonymity is made, both the journalist and the source must understand how this commitment extends to all those in the BBC who are aware of the identity of the source.

Where it is sought, the relevant editor, including the Director-General, as editor-in-chief, has the right to be told a source's identity and is equally obliged to

keep this information confidential. In cases involving serious allegations we should resist any attempt by an anonymous source to prevent their identity being revealed to a senior BBC editor or, for independent production companies, the relevant commissioning editor. If this happens, it should be made clear that the information obtained confidentially may not be broadcast.

Any proposal to rely on a single unnamed source making a serious allegation or to grant anonymity to a significant contributor making a serious allegation must be referred to Director Editorial Policy and Standards and Programme Legal Advice, who will consider whether or not:

- the story is of significant public interest³
- the source is of proven credibility and reliability and in a position to have sufficient knowledge of the events featured
- a serious allegation was made or substantiated off the record
- a response to serious allegations has been sought.

See Section 6 Fairness to Contributors and Consent: 6.3.38-6.3.41

and will consider any

- legal issues
- safety concerns, for example for whistleblowers

See Guidance online: Investigations

- sensitive and personal issues.

3.3.19

We should script carefully the reporting of allegations made by an anonymous source to explain:

- the nature of the allegation
- that the allegation is being made by an anonymous source and not the BBC.

³ See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

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

3.3.20 We should not normally use live unscripted two-ways to report allegations. It must be the editor's decision as to whether they are an appropriate way to break a story. When BBC colleagues follow up a story they must ensure they understand the terms in which the allegations are to be reported and do so accurately.

3.3.21 Online Links to Third-Party Websites

Links from BBC websites to those operated by others should normally lead to sites which are credible. Where editorially justified, we may link to external sites which give particular views of a person or organisation significant to a current news story and in such cases we may not be able to guarantee their credibility.

See Section 4 Impartiality: 4.3.9 and Section 14 Independence from External Interests: 14.3.20

See Guidance online: Links and Feeds

3.3.22 Production Techniques

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

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

- stage or re-stage action or events which are significant to the development of the action or narrative
- inter-cut shots and sequences if the resulting juxtaposition of material leads to a materially misleading impression of events.

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

3.3.23

We should ensure that any digital creation or manipulation of material does not distort the meaning of events, alter the impact of genuine material or otherwise materially mislead our audiences. We should also be aware that digital manipulation of photographs, video and documents has been used to hoax broadcasters.

3.3.24

Reconstructions

In factual programmes, reconstructions should not over-dramatise in a misleading or sensationalist way. Reconstructions are when events are quite explicitly re-staged. They should normally be based on a substantial and verifiable body of evidence. They should also be identifiable as reconstructions, for example by using verbal or visual labelling or visual or audio cues, such as slow motion or grading. It should be obvious to the audience where a reconstruction begins and ends.

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

See Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.11

3.3.25 Factually Based Drama

When a drama portrays real people or events, it is inevitable that the creative realisation of some dramatic elements such as characterisation, dialogue and atmosphere may be fictional. However, the portrayal should be based on a substantial and well-sourced body of evidence wherever practicable and we should ensure it does not distort the known facts, including chronology, unduly.

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

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

See Section 6 Fairness to Contributors and Consent: 6.3.51-6.3.52 and Section 7 Privacy: 7.3.8

3.3.26 Archive Material

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

See Section 13 Re-use, Reversioning and Permanent Availability: 13.3.1-13.3.5 and 13.3.9

Programmes Affected by Changing Circumstances

3.3.27

We must check programmes recorded some time before transmission to make sure they have not been overtaken by events, such as the known death of a contributor, the charging of an offender, or significant life changes. In some cases an on-air announcement will be required, in others, the alteration or removal of some material.

See Section 13 Re-use, Reversioning and Permanent Availability: 13.3.10

Correcting Mistakes

3.3.28

We should normally acknowledge serious factual errors and correct such mistakes quickly, clearly and appropriately. Inaccuracy may lead to a complaint of unfairness. An effective way of correcting a serious factual error is saying what was wrong as well as putting it right.

Where we believe we have broadcast a defamatory inaccuracy, Programme Legal Advice must be consulted.

Mistakes in on-demand and online content

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

Where mistakes to our on-demand content are likely to be considered a serious breach of editorial standards, the content must be corrected and the mistake acknowledged, or in exceptional cases removed. We need to be transparent about any changes made, unless there are editorial or legal reasons not to do so.

In online text content, any mistake that alters the editorial meaning should normally be corrected and we should be transparent about what was wrong.

See Section 13 Re-use, Reversioning and Permanent Availability: 13.3.22-13.3.28

See Guidance online: Removal of BBC Online Content

Impartiality



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4.1 Introduction

The BBC is committed to achieving due impartiality in all its output. This commitment is fundamental to our reputation, our values and the trust of audiences. The term ‘due’ means that the impartiality must be adequate and appropriate to the output, taking account of the subject and nature of the content, the likely audience expectation and any signposting that may influence that expectation¹.

Due impartiality usually involves more than a simple matter of ‘balance’ between opposing viewpoints. We must be inclusive, considering the broad perspective and ensuring that the existence of a range of views is appropriately reflected. It does not require absolute neutrality on every issue or detachment from fundamental democratic principles, such as the right to vote, freedom of expression and the rule of law. We are committed to reflecting a wide range of subject matter and perspectives across our output as a whole and over an appropriate timeframe so that no significant strand of thought is under-represented or omitted.

In applying due impartiality to news, we give due weight to events, opinion and the main strands of argument. We may produce content about any subject, at any point on the spectrum of debate, as long as there are good editorial reasons for doing so.

We must always scrutinise arguments, question consensus and hold power to account with consistency and due impartiality.

Where our content highlights issues on which others campaign, we must take care not to endorse those

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

² The Framework Agreement accompanying the BBC Charter requires us to observe the impartiality requirements of the Broadcasting Code; however, by applying ‘due impartiality’ to all output, we exceed that requirement.

campaigns, or allow ourselves to be used to campaign to change public policy. But this should not prevent us highlighting issues and offering our audiences choices about how to confront them.

The external activities and public comments, for example on social media, of staff, presenters and others who contribute to our output can also affect perceptions of the BBC’s impartiality. Consequently, this section should be read in conjunction with Section 15: Conflicts of Interest.

We should take account of the different political cultures and structures in different parts of the UK, and different cultural views in other communities. We should seek to ensure that differing main strands of argument in nations, regions and communities receive due weight and prominence in UK-wide output.

Audiences expect artists, writers and entertainers to have freedom to explore subjects from one perspective and to create content that reflects their own distinctive voice. It must be clear to audiences where personal views are being expressed.

4.2 Mandatory Referrals

(Mandatory Referrals are part of the BBC’s editorial management system. They are an essential part of the process to ensure compliance and must be observed.)

Referrals to Editorial Policy

4.2.1

Where content would not normally include political issues, political opinion or politicians (for example, sport, quiz/panel shows, factual entertainment) content producers must consult the Chief Adviser Politics in advance before inviting a politician to take part in their output, or before accepting a request to participate. This reference is irrespective of whether their contribution to the output is itself ‘political’.

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

See Section 4 Impartiality: 4.3.24 and Section 10 Politics, Public Policy and Polls: 10.3.2

4.3 Guidelines

Diversity of Opinion

- 4.3.1** Across our output as a whole, we must be inclusive, reflecting a breadth and diversity of opinion.
- Breadth and diversity of opinion may require not just a political and cultural range, but, on occasions, reflection of the variations between urban and rural, older and younger, poorer and wealthier, the innovative and the status quo, etc. It may involve exploration of perspectives in different communities, interest groups and geographic areas.

Due Weight

- 4.3.2** Impartiality does not necessarily require the range of perspectives or opinions to be covered in equal proportions either across our output as a whole, or within a single programme, webpage or item. Instead, we should seek to achieve 'due weight'. For example, minority views should not necessarily be given similar prominence or weight to those with more support or to the prevailing consensus.
- 4.3.3** There may be occasions when the omission of views or other material could jeopardise impartiality. There is no view on any subject which must be excluded as a matter of principle, but we should make reasoned decisions, applying consistent editorial judgement, about whether to include or omit perspectives.
- See Section 4 Impartiality: 4.3.14

Impartiality in BBC Content

- 4.3.4** **Controversial Subjects**
- We must apply due impartiality to all our subject matter. However, there are particular requirements for 'controversial subjects' whenever they occur in any output, including drama, entertainment and sport.
- A 'controversial subject' may be a matter of public policy or political or industrial controversy. It may also be a controversy within religion, science, finance, culture, ethics or any other matter.
- 4.3.5** In determining whether subjects are controversial, we should take account of:
- the level of public and political contention and debate
 - how topical the subject is
 - sensitivity in terms of relevant audiences' beliefs and culture
 - whether the subject is a matter of intense debate or importance in a particular nation, region, community or discrete area likely to comprise at least a significant part of the audience
 - a reasonable view on whether the subject is serious
 - the distinction between matters grounded in fact and those which are a matter of opinion.
- Advice on whether a subject is 'controversial' is available from Editorial Policy.
- 4.3.6** When dealing with 'controversial subjects', we must ensure a wide range of significant views and perspectives are given due weight and prominence, particularly when the controversy is active. Opinion should be clearly distinguished from fact.

See Section 4 Impartiality: 4.3.2-4.3.3

4.3.7 We must take particular care to achieve due impartiality when a ‘controversial subject’ may be considered to be a major matter². ‘Major matters’ are usually matters of public policy or political or industrial controversy that are of national or international importance, or of a similar significance within a smaller coverage area. When dealing with ‘major matters’, or when the issues involved are highly controversial and/or a decisive moment in the controversy is expected, it will normally be necessary to ensure that an appropriately wide range of significant views are reflected in a clearly linked ‘series of programmes’, a single programme or web item, or sometimes even a single item in a programme.

See Section 4 Impartiality: 4.3.22-4.3.24

4.3.8 Due impartiality normally allows for programmes and other output to explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed. This should be clearly signposted when dealing with ‘controversial subjects’. The existence of a range of views and their respective weights should be acknowledged, and neither those views nor their respective weights should be misrepresented.

See Section 4 Impartiality: 4.3.28-4.3.30

Consideration should be given to the appropriate timeframe for reflecting other perspectives and whether or not they need to be included in connected and signposted output.

See Section 4 Impartiality: 4.3.22-4.3.24

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

See Section 6 Fairness to Contributors and Consent: 6.3.38-6.3.41

4.3.9 Where BBC online sites covering ‘controversial subjects’ offer links to external sites, we should try to ensure that the information on those external sites, taken together, represents a reasonable range of views about the subject.

See Section 14 Independence from External Interests: 14.3.20

See Guidance online: Links and Feeds

4.3.10 News, Current Affairs and Factual Output

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

4.3.11 Presenters, reporters and correspondents are the public face and voice of the BBC – they can have a significant impact on perceptions of whether due impartiality has been achieved. Our audiences should not be able to tell from BBC output the personal opinions of our journalists or news and current affairs presenters on matters of public policy, political or industrial controversy, or on ‘controversial subjects’ in any other area. They may provide professional judgements, rooted in evidence, but may not express personal views on such matters publicly, including in any BBC-branded output or on personal blogs and social media.

See Section 15 Conflicts of Interest: 15.3.13-15.3.17

See Guidance online: Social Media

Contributors’ Affiliations

4.3.12 We should not automatically assume that contributors from other organisations (such as academics, journalists, researchers and representatives of charities and think-tanks) are unbiased. Appropriate information about their affiliations, funding and particular viewpoints should be made available to the audience, when relevant to the context.

Where BBC Content or the BBC is the Story

4.3.13 When dealing with issues concerning the BBC, our reporting must remain duly impartial, as well as accurate and fair. We need to ensure the BBC's impartiality is not brought into question and presenters and reporters are not exposed to potential conflicts of interest. When reporting on the BBC, it will normally be wrong to refer to the BBC as either 'we' or the content as 'ours'. There should also be clear editorial separation between those reporting the story and those responsible for presenting the BBC's case.

Contentious Views and Possible Offence

4.3.14 Contributors expressing contentious views, either through an interview or other means, must be challenged while being given a fair chance to set out their response to questions. Minority views should be given appropriate space in our output.

Consequently, we will sometimes include in our output people whose views may cause serious offence to many in our audiences. On such occasions, referral should be made to a senior editorial figure, who should consult Editorial Policy.

The potential for offence must be weighed against the public interest³ and any risk to the BBC's impartiality. Coverage should acknowledge the possibility of offence, and be appropriately robust, but it should also be fair and dispassionate.

The public expression by staff and presenters of personal offence or indignation, or the tone or attitude of an item or programme as a whole may jeopardise the BBC's impartiality.

See Section 5 Harm and Offence: 5.3.32 and 5.3.38 and Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.3

³ See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

Consensus, Campaigns and Scrutiny

4.3.15 **Consensus**

There are some issues which may seem to be without controversy, appearing to be backed by a broad or even unanimous consensus of opinion. Nevertheless, they may present a significant risk to the BBC's impartiality. In such cases, we should continue to report where the consensus lies and give it due weight. However, even if it may be neither necessary nor appropriate to seek out voices of opposition, our reporting should not use language and tone which appear to accept consensus or received wisdom as fact or self-evident.

See Section 4 Impartiality: 4.3.28-4.3.30

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

4.3.16 On occasion, an individual programme or other content, which is not part of a series or long-running or continuous output, may include the expression of a view on a 'controversial subject' and still meet the requirements of due impartiality for that individual programme or content.

Some issues, when relating to matters of ethics and public policy, may lend themselves to sympathetic case studies or may be more likely to be approached from an individual's perspective.

Consideration will sometimes need to be given where such an approach – which meets due impartiality requirements in itself – may produce a cumulative effect if it occurs repeatedly, especially across the same service. Relevant output controllers may also, occasionally, need to take account of such a cumulative effect across different services.

4.3.17 Campaigns and Initiatives

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

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

See Section 14 Independence from External Interests: 14.3.20

4.3.19 Social Action

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

- we must ensure that our output does not simply embrace the agenda of any particular campaign groups or charities and that we treat groups objectively and do not favour one above another
- if our social action programmes or campaigns coincide with a government campaign or lobbying initiative, it is important we retain an arm's-length position
- the BBC must not lobby on matters of public policy when raising awareness of important social issues

- news reporting of BBC social action campaigns must be duly impartial.

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

See Section 16 External Relationships and Financing: 16.3.7-16.3.11

4.3.20 Scrutiny

We should ensure that appropriate scrutiny is applied to those who are in government, or otherwise hold power and responsibility, but also, as appropriate, to those who oppose or seek to influence them, such as campaigners, lobbyists, opposition parties and others; this may include scrutiny of views and arguments expressed on our output by the audience.

Elections and Referendums

4.3.21 Special considerations apply during the campaign periods for elections and referendums (as well as the run-up to campaign periods in some cases), involving greater sensitivity with regard to due impartiality in all output genres. Chief Adviser Politics will issue specific advice and, for the UK, will publish separate Guidelines for each campaign period.

See Section 10 Politics, Public Policy and Polls: 10.3.13-10.3.19

Impartiality in Series and Over Time

4.3.22 In achieving due impartiality, a 'series of programmes' may be considered as a whole⁴.

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

- multiple pieces of content that deal with the same or related issues and are editorially linked, within an appropriate period.

⁴ The Ofcom Broadcasting Code, Section 5.

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

The intention to achieve due impartiality in this way should be planned in advance and made clear in our output.

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

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

4.3.23

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

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

- it reflects a broad range of individuals and views, including, where editorially appropriate, all main strands of argument

- differing views are given due weight and treated fairly, including in terms of prominence, treatment and time of day
- there is an appropriate timeframe for assessing that due impartiality has been achieved. Particular care is required approaching elections.

4.3.24

Some output which covers normally non-controversial areas (such as favourite music or books, sporting allegiances or personal biography) may seek, on an occasional basis, to include contributors or presenters who are otherwise known for their partiality, for example politicians, campaigners or others who are identified with particular views. Over time, an appropriate range of such contributors should be considered. There will be different considerations during the run-up to election and referendum periods.

See Section 4 Impartiality: 4.3.2-4.3.8 and 4.3.21

Where content would not normally include political issues, political opinion or politicians (for example, sport, quiz/ panel shows, factual entertainment) content producers must consult the Chief Adviser Politics in advance before inviting a politician to take part in their output, or before accepting a request to participate. This reference is irrespective of whether their contribution to the output is itself 'political'. Where there is a proposal to involve in such output others who may have taken a prominent political stance, advice is available from Editorial Policy.

In all instances where the aim is to achieve due impartiality regarding politics or public policy over a series or over time, the run-up to election and referendum periods must be given special

consideration. Advice is available from Chief Adviser Politics.

See Section 10 Politics, Public Policy and Polls: 10.3.2 and 10.3.13-10.3.19

Impartiality and Audiences

4.3.25

Listening to and engaging with audiences is central to the BBC's output. But responses should not be given a wider significance than they merit and we should take care not to misrepresent the relative weight of opinions expressed. We should also be prepared to apply appropriate scrutiny to audience opinions and ensure that the debate does not appear to discount members of the audience who support a minority view.

See Guidance online: User-Generated Contributions

Drama, Entertainment and Culture

4.3.26

The audience expects artists, writers and entertainers to have scope for individual expression in drama, entertainment and cultural output. The BBC is committed to offering it. Where this covers matters of public policy, political or industrial controversy, or other 'controversial subjects', services should consider reflecting a broad range of the available perspectives over time. Consideration should be given to the appropriate timeframe for reflecting those other perspectives and whether or not they need to be included in connected and/or signposted output taking account of the nature of the controversy and the subject matter. We should also consider whether any conflicts of interest may arise.

See Section 15 Conflicts of Interest

4.3.27

A drama where a view of 'controversial subjects' is central to its purpose, must be clearly signalled to our audience. It may be appropriate to offer alternative views in other connected and/or signposted output. Advice is available from Editorial Policy.

See Section 4 Impartiality: 4.3.4-4.3.8, Section 3 Accuracy: 3.3.25 and Section 6 Fairness to Contributors and Consent: 6.3.38-6.3.40

Personal View Content

4.3.28

The BBC has a tradition of enabling a wide range of individuals, groups or organisations to offer a personal view or opinion, express a belief, or advance a contentious argument in its output. This can range from the outright expression of highly partial views by a campaigner, to the opinion of a specialist or professional including an academic or scientist, to views expressed through contributions from our audiences. All of these can add to the public understanding and debate, especially when they allow our audience to hear fresh and original perspectives on familiar issues.

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

4.3.29

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

- retain a respect for factual accuracy
- fairly represent opposing viewpoints when included
- provide an opportunity to respond when appropriate, for example in a pre-arranged discussion programme

See Section 6 Fairness to Contributors and Consent: 6.3.38-6.3.40

- ensure that a sufficiently broad range of views and perspectives is included in output of a similar type and weight and in an appropriate timeframe.

4.3.30

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

See Section 4 Impartiality: 4.3.10-4.3.11

Harm and Offence



05

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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. In doing so, we balance our right to broadcast innovative and challenging content, appropriate to each of our services, with our responsibility to protect the vulnerable, especially young people, and to avoid unjustifiable offence¹.

The BBC's right to freedom of expression is protected under the European Convention on Human Rights and the Human Rights Act 1998. Freedom of expression includes the audience's right to receive 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.

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

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

We must be sensitive to, and keep in touch with, generally accepted standards² as well as our audiences' expectations of our content, particularly in relation to the protection of children.

When our content includes challenging material that risks offending some of our audience we must be able to demonstrate a clear editorial purpose taking account of generally accepted standards, and ensure it is justified by the context. Such challenging material includes strong language, violence, sex, sexual violence,

¹ The sections of the Ofcom Broadcasting Code that relate to this are 1: Protecting the Under Eighteens and 2: Harm and Offence.

² Consideration of generally accepted standards derives from the 2003 Communications Act and applies to television and radio content and on-demand programme services.

humiliation, distress, violation of human dignity, and discriminatory treatment or language.

Generally Accepted Standards

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

The assessment of whether material meets 'generally accepted standards' is a broader consideration than whether it meets the expectations of the intended audience. 'Generally accepted standards' also reflect the opinions of people who are not the intended audience, but who would have an expectation of what is acceptable based on the context, such as the channel, time of broadcast, platform and signposting.

We must ensure that material that might be unsuitable for children is appropriately signposted and scheduled – in television, observing the 9pm watershed and, in radio, having regard to times when children are particularly likely to be listening.

At the same time, we must balance our responsibility to protect children and young people from unsuitable content with their rights to freedom of expression and freedom to receive information. We must not publish material which might seriously impair the physical, mental or moral development of young people³.

The use of strong language must be editorially justified and signposted, if appropriate, to ensure it meets audience expectations, wherever it appears. Context is crucial in deciding whether strong language is editorially justified.

³ Article 27, Audiovisual Media Services Directive, (AVMSD).

Context

In assessing context, we should bear in mind the following:

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

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

For material available on demand, context also includes the nature of access to the content, – ie whether appropriate measures are in place to safeguard children from viewing and/or listening to the content and whether signposting and content information is given.

Those planning online content should also consider whether there is a risk that content may not meet generally accepted standards and determine, early in the process, whether the content is likely to appeal to a significant proportion of children or young people and select material appropriately. Guidelines for handling harm and offence issues in BBC online content are set out in detail below.

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

5.2 Mandatory Referrals

(Mandatory Referrals are part of the BBC's editorial management system. They are an essential part of the process to ensure compliance and must be observed.)

5.2.1

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.

See 5.3.7

5.2.2

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

See 5.3.23

5.2.3

Strong editorial justification will be required on the rare occasions we broadcast graphic scenes of bullfighting, cockfighting and other similar activities, even if they are recorded in countries where they are

⁴ 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'.

legal. Any proposal to do so must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor.

See 5.3.31

- 5.2.4** Any proposal to show a hanging scene, portray suicide, attempted suicide or self-harm requires careful consideration because of the sensitivity of the subject and the possibility of dangerous 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 5.3.46

- 5.2.5** 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.

See 5.3.58

- 5.2.6** Any proposal to include flashing images or strobing sequences in recorded programmes which fail the Transmission Review technical checks must be approved by the relevant output controller.

See 5.3.61

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

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

See 5.3.62

5.3 Guidelines

Audience Expectations

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

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

- what is the likely composition of the audience, including the likely number and age range of children, taking account of school time, weekends and holidays? (We should be aware that school holidays are different in different parts of the UK)
- does the talent (presenter, performer, writer etc), slot, title, genre or service carry pre-existing expectations that may be at odds with the content?
- has any difficult or challenging content been clearly signposted?
- are there any special sensitivities surrounding the slot, for example religious festivals or anniversaries of major events?
- what is the likely 'pull-through audience' (that is, what is the nature of the preceding content and what kind of audience is it likely to attract?)
- is the impact on audiences likely to be greater because of the platform on which it is delivered or the way in which it is delivered, such as virtual reality and/or augmented reality content?

Content Information

- 5.3.2** We must clearly signpost challenging content using, either alone or in combination, appropriate scheduling and content information which is clear, consistent and factual.

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

This is to ensure that our audiences have an appropriate expectation of our content and opportunity to make informed decisions about what they see and hear.

5.3.3

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

See Section 5 Harm and Offence: 5.3.6-5.3.11

On-demand content or content made available on third-party platforms which would be post-watershed on television should be labelled where appropriate.

See Section 5 Harm and Offence: 5.3.15

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

See Section 5 Harm and Offence: 5.3.12-5.3.14

Labelling On-Demand and Digital Content

5.3.4

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

On-demand content which would be post-watershed on television and would require a content warning should be protected by appropriate measures and carry warnings and/or guidance. This content information should be incorporated into the video so that the warning is not lost or deleted if the video is shared.

5.3.5

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

- the BBC's 'G for Guidance' icon indicating that content guidance is available
- 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.

Scheduling for Television and Radio

5.3.6

Television Scheduling and the Watershed

Television scheduling decisions need to balance the protection of young people and particularly children with the rights of all viewers, including those without children, to receive a full range of subject matter throughout the day. They must also be judged against the requirements of the watershed.

The 9pm television watershed is used by broadcasters to distinguish between programmes intended mainly for a general audience and those programmes intended for an adult audience. However, parents and carers share in the responsibility for assessing whether programme content is suitable for their children.

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. The strongest material should normally appear later in the schedule. If sudden changes of tone are unavoidable they should be clearly signposted, for example by giving clear information about scenes of a sexual nature, violence or the use of strong language.

In post-watershed content on television we should alert audiences to the use of strong language or

potentially offensive content so that the output meets audience expectations. In pre-watershed content, it may be appropriate to alert audiences to content they may find upsetting. This might include, for example, news reports or sequences in wildlife programming.

5.3.7 Programmes broadcast on 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.

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

5.3.9 Programmes should normally be commissioned for broadcast on a specific channel and for either pre- or post-watershed, to allow the necessary judgements about the suitability of the content to be made during 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.

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

For a new series on television (or when existing series change channels) and where there is a risk that content may not meet generally accepted standards, there should normally be a discussion early in the production process with the commissioning executive and the production team, including presenters and performers, to establish parameters of tone and content appropriate to the channel, context and slot. A returning series which has established expectations of strong language and content should have a similar discussion before the start of each run.

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

5.3.11 **Television News**
The nature of news means that it is not always possible to avoid showing material before the watershed that might distress some of our audiences. Our international news channels do not normally operate a watershed policy because the news is shown live across different time zones around the world. Wherever appropriate, we should provide clear and timely content information to signpost difficult images, particularly those that may be distressing for children.

Footage may be readily available from social media sites or elsewhere online; however, audiences expect us to apply editorial judgement in using this content.

While footage may be in the public domain, its re-use by the BBC may seem gratuitous to audiences and cause offence if it is used without sufficient editorial justification.

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

It is not appropriate to use the most distressing 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.

See Guidance online: Live Output

5.3.12

Radio Scheduling

Radio does not have a watershed. Our scheduling decisions should be based on the audience expectations of each radio service and informed by our knowledge of when children are particularly likely to be in our audience, 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.

For a new series, where there is a risk that content may not meet generally accepted standards, there should normally be a discussion early in the production process to establish parameters of tone and content appropriate to the platform, context and slot. A returning series which has established expectations of strong language and content should have a similar discussion before the start of each run.

5.3.13

We should normally play edited versions of music which would otherwise feature unsuitable material, including strong language or violent content, for mainstream daytime audiences. At 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, we should take steps to achieve this (for example, signposting and content information).

See Section 5 Harm and Offence: 5.3.20-5.3.26

5.3.14

We should consider using on-air announcements to inform listeners about programmes which contain difficult or controversial material which would otherwise be unexpected on our speech services. These services are predominantly for adult listeners who expect to hear a full range of issues and events explored throughout the schedule.

5.3.15

On-Demand and Digital

There is no direct equivalent of the watershed online.

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

For non-signed in users, the content we recommend should always be based on the audience expectations of the specific online service and informed by our knowledge of whether it is likely to appeal to a significant proportion of children. This applies equally to content we create ourselves, user-generated content and material brought in from third-party websites.

For all audiences, unexpected and challenging content, especially content which might be unsuitable for children, should be labelled to avoid causing unjustifiable offence. Content labelling should be clear and factual, but not inappropriately explicit. We should be mindful of the effect on users if they arrive at challenging content by following links on third-party sites that bypass the BBC Home Page or other contextualising pages.

While footage may be in the public domain, its re-use by the BBC may seem gratuitous to audiences. It may

cause offence or be outside their expectations if it is used without sufficient editorial justification.

5.3.16

Audience expectations are influenced by the platform on which content appears. Online content linked to any radio or television programme should take account of the programme and its likely audience, regardless of whether the content is created by the BBC or users.

5.3.17

When linking from a BBC site to a third-party website, we must check the contents of the third-party site before installing the link. We should not link to an external site if it is inappropriate for us to do so. It may be appropriate to add a disclaimer, and additional information, if the links are to potentially offensive material.

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

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

See Section 14 Independence from External Interests: 14.3.20 and Section 7 Privacy: 7.3.33

5.3.18

Scheduling of Programme Trails

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

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

The BBC has its own classification system for the appropriate scheduling of trails to ensure that trails 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. When publishing trails and promotional materials online and via social media, the key criteria for the scheduling of trails should also be taken into consideration, using Guidance labelling when required.

Live Output

5.3.19

We need to assess the risks when producing and broadcasting live output and take any appropriate steps to mitigate them. 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 problems occur in live output, they should be dealt with promptly and sensitively. If, pre-watershed, the strongest language is broadcast inadvertently (or, for radio, when children are particularly likely to be listening), we should make an on-air apology at the earliest opportunity.

See Section 3 Accuracy: 3.3.7

See Guidance online: Live Output

Language

5.3.20

The effect of strong language depends on the choice of words, the speaker and the context. Different words cause different degrees of offence in different communities as well as in different parts of the world. Over time, public attitudes shift and this is assessed through research.

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

See Section 5 Harm and Offence: 5.1

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

- sexual swearwords
- terms of racist or ethnic abuse
- terms of sexual and sexist abuse or abuse referring to sexuality or gender identity
- pejorative terms relating to illness or disabilities
- casual or derogatory use of holy names or religious words and especially in combination with other strong language.

5.3.21

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

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

- what language was used, who used it, why it was said, to whom it was directed and how they reacted
- how it was said. Whether the tone was angry or aggressive, or charming or funny. The same terms can be considered more or less offensive depending on the tone of the delivery and the character or personality who uses the terms
- where the content is to be found in the television and radio schedules, online or on social media
- the quality of challenging material, which includes strong language, is a significant factor in determining its acceptability or unacceptability to audiences. Strong language can be acceptable when authentic or used for clear purpose or effect within a programme, but audiences may dislike careless use which has little editorial purpose.

5.3.22

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

5.3.23

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

5.3.24

We must not include strong language before the watershed, or on radio when children are particularly likely to be in our audience, 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.

5.3.25

We must not include strong language which causes offence in:

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

5.3.26

Bleeping of Strong Language

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.

Where it is editorially justified but the slot, channel or context are not appropriate for strong language, it may be necessary to edit or bleep language, even post-watershed on television (for example, to avoid an abrupt change of tone between pre- and post-watershed material).

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

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

5.3.27

Our audiences, particularly children, can be frightened or distressed by the portrayal of both real and fictional violence. We should make careful judgements when we plan to include violence in our 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 we need to strike a balance between the demands of accuracy and the dangers of causing unjustified distress. There are very few circumstances which justify broadcasting the moment of death.

See Section 7 Privacy: 7.3.41-7.3.44 and Section 11 War, Terror and Emergencies

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

- violence that is true to life and may also reflect personal experience, for example domestic violence, pub brawls, football hooliganism, road rage, and mugging

- violence in places normally regarded as safe, such as the family home and hospitals
- unusual or sadistic methods of inflicting pain, injury or death
- incidents where women, children and the vulnerable are the victims
- violence without showing the effect on the victim or the consequences for the perpetrator
- sexual violence
- verbal aggression and tone, particularly when it includes the use of the strongest language and discriminatory or sexually offensive terms
- suicide, attempted suicide or self-harm
- 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 more intense or immersive because it is available as Virtual Reality or Augmented Reality content.

5.3.28

We should take care to ensure that individual programmes, or programmes taken together across the schedule, avoid including material that condones or glamorises violence, dangerous or seriously anti-social behaviour, or material that is likely to encourage others to copy such behaviour, unless there is strong editorial justification.

5.3.29

Violence and the Protection of Children

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

to the likely audience and editorially justified.

5.3.30

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

See Section 5 Harm and Offence: 5.3.49-5.3.53

5.3.31

Violence Against Animals and Animal Welfare

Audiences, particularly children, can often be distressed by images or scenes which show human violence against animals. We should be aware that this is likely to give rise to significant levels of offence. If the scenes are graphic but we know that the animal suffered no harm, then we should consider making that clear to audiences.

Audiences can be distressed by violence within wildlife programmes. Wherever it occurs, 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 our content we should give consideration to their overall welfare and the conditions in which they are kept.

See Guidance online: Recording the Natural World

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

See Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.4-8.3.6

Intimidation and Humiliation

5.3.32

BBC content must respect human dignity. Intimidation, humiliation, intrusion, aggression and derogatory remarks are all aspects of human behaviour that may be discussed or included in BBC output. Some content can be cruel, but unduly intimidating, humiliating, intrusive, aggressive or derogatory remarks aimed at real people (as opposed to fictional characters or historic figures) must not be celebrated for the purposes of entertainment. Care should be taken that such comments and the tone in which they are delivered are proportionate to their target.

See Section 6 Fairness to Contributors and Consent: 6.3.23

Nudity

5.3.33

We do not normally show nudity 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

5.3.34

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

In post-watershed content, we must be able to justify the frank and realistic portrayal of sex and the exploration of themes and issues which some people might find offensive.

5.3.35

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

See Section 9 Children and Young People as Contributors: 9.3.21-9.3.22

5.3.36 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 our radio audience, or using our online content. It must also be appropriate to the likely audience and inexplicit. Clear content information may be required.

See Section 5 Harm and Offence: 5.3.2-5.3.3

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

5.3.37 We should consider whether support material is required when we encourage audiences, especially children and young people, to discuss their sexual problems in any of our content.

See Section 14 Independence from External Interests: 14.3.26

Abusive or Derogatory Treatment

5.3.38 We must ensure that material which contains abusive or derogatory treatment of individuals, groups, religions or communities, is not included in our output unless it is justified by the context.

Under Ofcom's Broadcasting Code, 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, gender, 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 we must have editorial justification and must include appropriate challenge and/or other context.

See Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.3

Portrayal

5.3.39 We aim to reflect the diverse communities of the United Kingdom in our services. Content may reflect the prejudices and disadvantages which exist in societies worldwide but we should not perpetuate them. In some instances, references to disability, age, sexual orientation, gender identification, faith, race, etc may be relevant to portrayal. However, we should avoid careless or offensive stereotypical assumptions and people should only be described in such terms when editorially justified.

In reporting or portraying events or situations concerning indigenous or tribal people we should avoid stereotyping them. We should reflect their current cultural norms and experiences with due accuracy.

See Guidance online: Reporting and Portrayal of Indigenous Peoples

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

Alcohol, Smoking, Vaping, Solvent Abuse and Illegal Drugs

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

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

- must not be featured in content made primarily for children unless there is strong editorial justification
- must generally be avoided and must not be condoned, encouraged or glamorised in any programmes broadcast pre-watershed or on radio when children are particularly likely to be in our audience, or in online content likely

to appeal to a significant proportion of children, unless there is editorial justification

- must not be condoned, encouraged or glamorised in content likely to be widely seen, heard or used by children and young people, unless there is editorial justification.

5.3.43

We should also:

- deal with all aspects of illegal drug use, solvent and drug abuse, smoking, vaping and misuse of alcohol with due accuracy. Where necessary to achieve due accuracy, this should include, for example, the health implications and anti-social aspects of illegal drug use and binge drinking
- ensure the legal and social context of our coverage is clear
- avoid revealing explicit detail of how to use illegal drugs or abuse solvents, unless editorially justified.

5.3.44

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

See Section 5 Harm and Offence: 5.3.2 and Section 13 Re-use, Reversioning and Permanent Availability: 13.3.19-13.3.21

Suicide, Attempted Suicide, Self-Harm and Eating Disorders

5.3.45

Suicide, attempted suicide and self-harm should be portrayed with sensitivity, whether in drama or in factual content. Factual reporting and fictional portrayal of suicide, attempted suicide and self-harm have the potential to make such actions appear feasible and even reasonable to the vulnerable.

Methods of suicide and self-harm must not be included

in output except where they are editorially justified and are also justified by the context. We should not include explicit details that would allow a method of suicide to be imitated.

5.3.46

Any proposal to show a hanging scene, portray suicide, attempted suicide or self-harm requires careful consideration because of the sensitivity of the subject and the possibility of dangerous 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.

5.3.47

We should be sensitive about the use of language. Suicide was decriminalised in 1961 and the use of the term ‘commit’ is considered offensive by some people. ‘Take one’s life’ or ‘kill oneself’ are preferable alternatives. We should consider whether to provide a link to a BBC Action Line when our output deals with such issues. The Samaritans are usually willing to be consulted by content producers about the portrayal of suicide and have published their own guidance for broadcasters. Editorial Policy should usually be consulted.

5.3.48

Care is also required when portraying those mental illnesses that are potentially imitable, in factual or fictional content, including conditions such as anorexia or bulimia. We should be aware that the vulnerable, especially the young, may imitate or emulate behaviour and techniques depicted. Care should be taken to ensure that content is responsible and appropriate for the likely audience. We should consider whether to provide a link to a BBC Action Line when our output deals with such issues.

See Section 14 Independence from External Interests: 14.3.26

Imitative Behaviour

- 5.3.49** **Children and Dangerous Imitation**
Children can be influenced by what they see, hear and read. Behaviour likely to be easily imitable by children in a manner that is dangerous, must not be broadcast before the watershed or on radio when children are particularly likely to be in our audience, or online when content is likely to appeal to a significant proportion of children.
- 5.3.50** 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 of techniques, experiments and so forth.
See Section 5 Harm and Offence: 5.3.29-5.3.30
- 5.3.51** When hazardous pastimes are portrayed in factual content either before the watershed or on radio when children are particularly likely to be in our audience, or in online content likely to appeal to a significant proportion of children, we should give warnings about the dangers of imitation without appropriate supervision, and the necessary safety equipment should be visible. 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 a significant proportion of children, should normally show the correct safety procedures when depicting these kinds of activities.
- 5.3.52** **Safety**
We should normally observe the law, 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.

- 5.3.53** We should also show the common-sense use of safety equipment 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.

Tragic Events

- 5.3.54** The aftermath of a tragic event may require scheduling changes and/or re-editing of output for television and radio or the alteration, or occasionally, the removal, of webpages. We should review output to identify anything that, in the light of significant events, might cause unjustifiable offence as judged against generally accepted standards. Each later re-use of material of tragic events, for example on their anniversary, must be separately editorially justified.

Religion

- 5.3.55** Any content dealing with matters of religion and likely to cause offence to those with religious views and beliefs must be editorially justified as judged against audience expectations and generally accepted standards.
- There is no longer an offence of blasphemy in England and Wales and it is no longer prosecuted in Scotland or Northern Ireland. However, religious beliefs are central to many people's lives and arouse strong views and emotions. We should take care to avoid unjustified offence. Blasphemy laws around the world can be very different and content producers may seek advice from

Programme Legal Advice.

In law, the Racial and Religious Hatred Act 2006, which applies to England and Wales, forbids a person from using threatening words or behaviour or displaying written material that is threatening 'if he intends thereby to stir up religious hatred'.

See Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.3

5.3.56

We must be aware of the religious sensitivity of references to, or uses of, names, images, deities, rituals, scriptures and language at the heart of the different faiths and ensure that any uses of, or verbal or visual references to, them are editorially justified within generally accepted standards. Examples include the Crucifixion, Holy Communion, the Qur'an, the Jewish Sabbath and similar.

Many Muslims regard any depiction of the Prophet Muhammad as highly offensive. We must have strong editorial justification for publishing any depiction of the Prophet Muhammad. Any proposal to include a depiction of the Prophet Muhammad in our content must be referred to a senior editorial figure, who should normally consult Editorial Policy.

5.3.57

We must consider the religious sensitivity surrounding the observance of holy days and the principal festivals of the great world faiths to avoid unnecessary offence from material that might be more acceptable at other times.

Drama, comedy and other genres have the freedom to cover matters relating to religion, but we should always be aware of the potential for offence.

Hypnotism, Exorcism, the Occult and the Paranormal

5.3.58

Hypnotism

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.

We should take steps 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 his/her full verbal routine or be shown performing straight to camera. Hypnotism acts, particularly those designed to ridicule someone, should be treated with care in entertainment programmes. They might be both harmful and offensive to our audience.

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

5.3.59

Exorcism, the Occult and the Paranormal

We must act responsibly when including material looking at any aspect of exorcism, the occult, the paranormal, divination or any related practices and treat any claims that are made 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 our audience, or in online content likely to appeal to a significant proportion of children.

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

5.3.60

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 our 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

5.3.61 Flashing Images, Strobing and Photo-Sensitive Epilepsy

To minimise the risk to viewers who have photo-sensitive epilepsy we should follow the Ofcom guidance referred to in Rule 2.12 of the Ofcom Broadcasting Code⁵. On rare occasions it may not be reasonably practicable to follow this guidance, for example when flashing content is unavoidable, such as in a press event or a live news report when it cannot be remedied technically. In such cases, when inclusion of the content is editorially justified, we should give a verbal and, if appropriate, a text warning at the start of the programme or item.

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

5.3.62 Images of Very Brief Duration

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

⁵ Ofcom Guidance Note on Flashing Images and Regular Patterns in Television.

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 may wish to consult Editorial Policy.

Acquired Programmes

5.3.63 Acquired programmes must comply with our Editorial Guidelines on Harm and Offence. We should comply them 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 play before 9pm on any service.

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

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

Fairness to Contributors and Consent

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6.1 Introduction

The BBC strives to be fair to all – fair to our audiences, fair to our contributors and potential contributors, fair to sources and fair to those our output is about. Our content should be based on respect, openness and straight dealing¹. We also have an obligation under the Ofcom Broadcasting Code to ‘avoid unjust or unfair treatment of individuals or organisations in programmes’².

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

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

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

We should normally seek the informed consent of our contributors. 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.

When our 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

¹ The sections of the Ofcom Broadcasting Code that relate to this are 7: Fairness and 8: Privacy.

² Rule 7.1, the Ofcom Broadcasting Code.

have a right of reply, unless there is an editorial justification to proceed without it.

We owe due care to our contributors or potential contributors, as well as to our sources, who may be caused 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. We must judge this 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 or whether the individual is vulnerable.

6.2 Mandatory Referrals

(Mandatory Referrals are part of the BBC’s editorial management system. They are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy and Standards

- 6.2.1** Where we propose to broadcast a serious allegation without offering an opportunity to reply, the proposal 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 6.3.41
- 6.2.2** Any proposal to create a website or social media account which appears to have no connection with the BBC must be referred to a senior editorial figure and Director Editorial Policy and Standards.
See 6.3.48
- 6.2.3** The portrayal of a real person in a significant way in a drama against the wishes of the individual portrayed

or their living close relatives must be referred to Director Editorial Policy and Standards for approval before a commitment is made to the production.

See 6.3.51

Other Referrals

- 6.2.4** The proposed wording of all written appeals for contributors, including those for entertainment programmes, must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor.
See 6.3.16
- 6.2.5** Any access, filming or recording agreement must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who must also consult Editorial Policy where the proposed wording compromises the BBC's editorial integrity or independence. If so, the production must not go ahead.
See 6.3.34
- 6.2.6** Any request from output areas outside BBC News for interviews with, or exclusive appearances by, members of the Royal Family must be discussed with the BBC's Royal Liaison Officer.
See 6.3.35
- 6.2.7** 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 6.3.44
- 6.2.8** Any proposal to deceive a contributor for comedy and entertainment purposes, whether or not they are in the public eye, must be referred to a senior editorial

figure or, for independent production companies, to the commissioning editor. Editorial Policy must also be consulted.

See 6.3.47

- 6.2.9** 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. In the most serious cases, referral must also be made to Director Editorial Policy and Standards.
See 6.3.49
- 6.2.10** Any proposal to enter a country in a way that avoids visa restrictions for those producing BBC content must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who may consult Director Editorial Policy and Standards.
See 6.3.50

6.3 Guidelines

Contributors and Informed Consent³

- 6.3.1** We should treat our contributors honestly and with respect. Our commitment to fairness is normally achieved by ensuring that people provide 'informed consent' before they participate. 'Informed consent' means that contributors should be in possession of the knowledge that is necessary for a reasoned decision to take part. Sometimes, in the public interest, it may be appropriate to withhold certain information.
See Section 6 Fairness to Contributors and Consent: 6.3.12

³ 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 or where the subject matter is trivial), we should normally at an appropriate stage tell contributors:

- the nature of the content, ie what it is about and its purpose
- 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, we should make it 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 social media
- that it may also be available indefinitely and globally.

See Section 13 Re-use, Reversioning and Permanent Availability: 13.3.11-13.3.18

Where appropriate, we should also explain the contractual rights and obligations of the contributor and those of the BBC in relation to their contribution. For example, we expect contributors to be honest, straightforward and truthful.

6.3.2 We should not make any commitment to a contributor that we cannot keep.

6.3.3 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 interest⁴ in exposing such behaviour), so will not normally be asked for consent. Nor should we conceal their identity, 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: 9.3.24

4 See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

6.3.4 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. We should be fair and accurate in our portrayal of these people and respect their legitimate expectations of privacy.

See Section 7 Privacy: 7.1

6.3.5 We should normally make contributors aware of significant changes to a programme or other content as it develops if such changes might reasonably be considered to have changed 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 Section 6 Fairness to Contributors and Consent: 6.3.11

6.3.6 Obtaining Consent

We obtain informed consent from our contributors in a variety of ways depending on the circumstances of their contribution. Wherever practicable we should obtain consent in a form capable of proof which may include a consent form, an email exchange, 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 for any of our services, including people in the news and people who take part in vox pops.

When working on long-term productions or with vulnerable contributors, consent is an ongoing process and should be sought each time a contribution is expected.

Occasionally there may also be circumstances in which contributors give their verbal consent at the start of a project and their continued consent is implicit through their ongoing involvement in the making of the programme.

See Guidance online: Informed Consent

6.3.7

We 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: 7.3.43

6.3.8

For more significant contributions, we may sometimes ask participants to sign a standard consent form or a detailed contract which formalises the terms of their dealings with us. It may include declarations of personal interests or details of information that might bring the BBC into disrepute.

6.3.9

Young people and vulnerable adults may not always be in a position to give informed assent or consent. Vulnerable people 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, we should not ask someone who is unable to give their own consent for views on matters likely to be beyond their capacity to answer properly.

See Section 9 Children and Young People as Contributors: 9.3.14-9.3.20

See Guidance online: Working with Vulnerable Contributors or Contributors at Risk of Vulnerability; and Medical Emergencies

6.3.10

When we collect personal information about contributors, we must ensure it is processed in accordance with the BBC's Data Protection Handbook. Personal data should not normally be shared within or outside the BBC without consent. Independent production companies are responsible for complying with their own data protection policies and meeting their obligations under data protection legislation.

See Section 7 Privacy: 7.3.47-7.3.52 and Section 6 Fairness to Contributors and Consent: 6.3.6

6.3.11

Withdrawal of Consent

Where a contributor has given informed consent to be involved in programming, we will not normally withdraw their contribution prior to broadcast, but we should listen carefully to any reasonable objections. There may be exceptions, for example, where we have 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 Section 6 Fairness to Contributors and Consent: 6.3.5
See Guidance online: Informed Consent

Finding Contributors

6.3.12

We should make checks to establish the credentials of our contributors and to avoid being hoaxed, or taken in by serial guests. The nature of these checks should be appropriate to the nature and significance of their contribution, the content and the genre.

We should consider whether it is appropriate to make more in-depth checks about people who are the main subject of, or who are to make a significant contribution to, the output. This may include seeking 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 the BBC into disrepute.

We may ask some contributors to complete a criminal record check.

See Section 6 Fairness to Contributors and Consent: 6.3.1-6.3.2

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

6.3.14 **Appealing for Contributors**

When we use advertisements for contributors or make appeals within programmes, we must word them carefully to avoid bringing the BBC into disrepute. To obtain appropriate contributors, it may be necessary to target advertisements carefully.

6.3.15 There are risks in advertising or appealing for contributors through social media or other internet resources. Appropriate checks should be made to screen out unsuitable or untruthful applicants.

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

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

See Section 6 Fairness to Contributors and Consent: 6.3.44

Safety and Welfare of Contributors

6.3.18 We should not put the health and safety of contributors or any other participants at any significant risk.

6.3.19 We owe due care to our contributors and potential contributors, as well as to our sources who may be caused harm or distress as a result of their contribution to our output. However, the duty of care may vary for publicly accountable figures who contribute to our output, or when we are reporting events in the public domain, such as proceedings in court or parliament.

6.3.20 Before asking contributors to take part in activities which may expose them to significant risk, we must follow the appropriate risk assessment procedure. Within the BBC, advice is available from BBC Safety. Independent production companies are responsible for their own risk assessment. Where appropriate, we may ask contributors to take fitness tests and undergo psychological checks. Contributors must consent to those steps we consider appropriate and any risks must be set out in writing.

6.3.21 We must ensure we do not encourage contributors to put themselves at risk or endanger themselves when gathering material which may be for our use.

6.3.22 We may need to take practical steps to protect international contributors or sources from repercussions within their own countries, arising from their participation in our output. Third-party

websites may reproduce our content globally without our knowledge or consent.

Intimidation and Humiliation

6.3.23 We must treat our contributors and potential contributors with respect. We must not unduly intimidate, humiliate or behave aggressively towards contributors, either to obtain their consent or during their participation in our output.

See Section 5 Harm and Offence: 5.3.32

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

6.3.24 For fairness to contributors and participants in these genres, see Section 17 Competitions, Votes and Interactivity.

See Section 17 Competitions, Votes and Interactivity 17.3.30-17.3.42

Fair Editing

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

Anonymity

6.3.26 Sometimes information in the public interest is available only through sources or contributors on an 'off-the-record' or 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 an agreement is made to protect a source's anonymity. 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 justification for doing so. When we grant a contributor or source anonymity as a condition of their participation, we must agree the extent of anonymity we will provide. In order to achieve that, we will need to understand who the contributor wishes to be anonymous from and why. It may be sufficient to ensure that the contributor or source is not readily recognisable to the general public, or they may wish to be rendered unidentifiable even to close friends and family. We should keep a record of conversations with sources and contributors about anonymity.

See Section 3 Accuracy: 3.3.15 and 3.3.18

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

6.3.28 Effective obscuring of identity may require more than just anonymity of face. Other distinctive features, including hair, clothing, gait and voice may need to be taken into account. Where anonymity is essential, we should normally blur pictures, rather than pixelate them, and revoice contributions, rather than technically distort them, as both pixelation and technical distortion can be reversed. Audiences should be informed that the contribution has been revoiced.

6.3.29 To avoid any risk of 'jigsaw identification' (that is, revealing several pieces of information in words or images that can be pieced together to identify the individual), our promises of anonymity may also need to include, for example, considering the way a contributor or source is described, blurring 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.

6.3.30

We may need to disguise the identity of international contributors to meet our obligations of anonymity or if their safety may be compromised. Third-party websites sometimes reproduce our content globally without our knowledge or consent so no guarantee can be given that a contribution will not be seen in particular countries.

See Guidance online: Anonymity

6.3.31

People with Legal Rights to Anonymity

The victims and alleged victims of some offences, including rape and most 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 human trafficking are also afforded automatic 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 lifelong 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

6.3.32

Contributors sometimes ask for previews of their contributions. We do not normally allow a preview of our content. Where there are editorial or legal reasons for agreeing to a preview, we must be clear about the terms under which it is offered. It is normally appropriate to do this in writing in advance. We should make it clear that we 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 the welfare of children, young people and vulnerable adults, personal safety, national security or confidentiality.

Contributors sometimes try to impose conditions on us before agreeing to take part. We must not surrender editorial control. Any contractual agreement with a contributor, their agent, or a production company must allow us to ask questions our audience would reasonably expect and tell a fair and accurate story.

If a contributor refuses to give an interview unless questions are rigidly agreed in advance or certain subjects avoided, we must consider carefully whether it is appropriate to proceed at all. If we decide to do so we should normally make clear on air the conditions under which the interview was obtained.

6.3.33

Access Agreements

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 we must withdraw from the project.

See Guidance online: Access Agreements and Indemnity Forms

6.3.34 Any access, filming or recording agreement must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who must also consult Editorial Policy where the proposed wording compromises the BBC's editorial integrity or independence. If so, the production must not go ahead.

6.3.35 **Royal Contributions**

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

See Section 13 Re-use, Reversioning and Permanent Availability: 13.3.18

6.3.36 **Indemnity Forms**

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.

6.3.37 The BBC agreed a 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 in electronic form on the BBC 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 online: Access Agreements and Indemnity Forms

Right of Reply

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

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

Where an individual or institution is not identified we may still need to test the veracity of our evidence with those criticised.

We must ensure we have a record of any request for a response including dates, times, the name of the person approached and the key elements of the exchange.

6.3.39 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
- details of the nature, format and content of the programme, including the title if significant
- when and where the content will be first published (if known) and
- an appropriate and timely opportunity to respond.

6.3.40 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: 7.3.35-7.3.38

6.3.41 **Where we propose to broadcast a serious allegation without offering an opportunity to reply, the proposal 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 interest⁵
- there are strong reasons for believing it to be true.

Our reasons for deciding to make the information public without requesting a response from the individuals or organisations concerned may include possible interference with witnesses or those to whom we have a duty of care, or other legal reasons.

See Section 3 Accuracy: 3.3.18

Refusals to Take Part

6.3.42 Anyone has the right to refuse to contribute to our output and it is not always necessary to mention their refusal. However, the refusal of an individual or an organisation to make a contribution should not be

⁵ See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

allowed to act as a veto on the appearance of other contributors holding different views, or on the output itself.

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

See Section 7 Privacy: 7.3.35-7.3.38 and Section 4 Impartiality: 4.3.4-4.3.9

Deception

6.3.44 Where there is a public interest⁶, it may be acceptable for us not to reveal the full purpose of the output to a contributor or source or organisation, or to create a false persona, or account on social media. Such deception is only likely to be acceptable when the material could not be obtained by any other means. It should be the minimum necessary and 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 Reporting Crime and Anti-Social Behaviour: 8.3.14-8.3.18

6.3.45 **Comedy and Entertainment Output**
If deception is to be used for comedy or entertainment purposes, such as a humorous 'wind-up', the material should normally be pre-recorded and consent must

⁶ See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

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

See Section 5 Harm and Offence: 5.3.32 and Section 7 Privacy: 7.3.17-7.3.20

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

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

6.3.48 **Online**
Any proposal to create a website or social media account which appears to have no connection with the BBC must be referred to a senior editorial figure 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.

6.3.49 **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 interest⁷ 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.**

6.3.50 **Working Abroad**
Any proposal to enter a country in a way that avoids visa restrictions for those producing BBC content must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who may consult Director Editorial Policy and Standards. Newsgathering and the local bureau should also be informed. It may also be advisable to contact Programme Legal Advice and BBC Safety's High Risk Team⁸ before travelling.

Portrayal of Real People in Drama

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

⁷ See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

⁸ See High Risk site: available on Gateway for BBC staff or via commissioning editors for independent producers.

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

Unless dealing with people in the public eye and the public aspects of their lives, approval will only be given when it can be shown that the following 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 interest⁹.

6.3.52

When drama realistically portrays living people, or people with living close relatives, in contemporary situations, we 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: 3.3.25 and Section 7 Privacy: 7.3.8

⁹ See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

Privacy



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- Personal Information
- Missing People

7.1 Introduction

The BBC respects privacy and does not infringe it without good reason, wherever in the world we operate. The Human Rights Act 1998 gives protection to the privacy of individuals, and private information about them, but balances that with a broadcaster's right to freedom of expression. In regulation, the Ofcom Broadcasting Code¹ states 'Any infringement of privacy in programmes, or in connection with obtaining material included in programmes, must be warranted.'²

Meeting these ethical, regulatory and legal obligations in our output requires consideration of the balance between privacy and our right to broadcast information in the public interest. We must be able to demonstrate why an infringement of privacy is justified, and, when using the public interest to justify an infringement, consideration should be given to proportionality; the greater the intrusion, the greater the public interest required to justify it.

See Section 1 The BBC's Editorial Standards: 1.3

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

Legitimate Expectations of Privacy

Legitimate expectations of privacy will vary according to the place and nature of the information, activity or condition in question, the extent to which it is in the public domain (if at all) and whether the individual concerned is already in the public eye. There may be circumstances where people can reasonably expect privacy even in a public place. Some activities and conditions may be of such a private nature that

¹ The section of the Ofcom Broadcasting Code that relates to this is 8: Privacy.

² Rule 8.1, The Ofcom Broadcasting Code.

filming or recording, even in a public place, could involve an infringement of privacy. People under investigation or in the public eye, and their immediate family and friends, retain the right to a private life, although private behaviour can raise issues of legitimate public interest.

We must balance the public interest in freedom of expression with the legitimate expectation of privacy by individuals. Any infringement of privacy in the gathering of material should be justifiable as proportionate in the circumstances of each case.

We must be able to justify an infringement of an individual's privacy without their consent by demonstrating that the intrusion is outweighed by the public interest.

We normally only report the private behaviour of public figures where their conduct is unlawful or where broader public issues are raised either by the behaviour itself or by the consequences of its becoming widely known. The fact of publication by other media may not justify our reporting of it.

We must balance the public interest in the full and accurate reporting of stories involving human suffering and distress with an individual's privacy and respect for their human dignity.

When gathering personal information from contributors, audiences and other members of the public, we must be clear about how we intend to use it. It must be handled in accordance with these Guidelines and the BBC's Data Protection Handbook. Take advice from the BBC Data Protection Officer.

7.2

Mandatory Referrals

(Mandatory Referrals are part of the BBC's editorial management system. They are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy and Standards

- 7.2.1** Any proposal to gather material illegally outside the UK by disregarding privacy or other similar laws in the relevant country must be referred to Director Editorial Policy and Standards. Programme Legal Advice must also be consulted.
See 7.3.12
- 7.2.2** Any proposal to use secret recordings made by others must be referred to Editorial Policy prior to approval by a senior editorial figure or, for independent production companies, by the commissioning editor. If the BBC would not have considered it justifiable to gather the material under similar circumstances, the proposal must be referred to Director Editorial Policy and Standards.
See 7.3.21
- 7.2.3** Any proposal to broadcast, without consent, recordings originally made for note-taking purposes must be agreed by Director Editorial Policy and Standards. Permission to broadcast material gathered in this way will only be granted in exceptional circumstances.
See 7.3.23
- 7.2.4** Any proposal to equip third parties with body-worn cameras and microphones where to do so might infringe the privacy of an individual or where the third party is entering private premises without permission, must be referred in advance to Director Editorial Policy and Standards.
See 7.3.24
- 7.2.5** Any proposal for unmonitored recording equipment on private property without consent of the occupier must be referred to Programme Legal Advice and Director Editorial Policy and Standards.
See 7.3.26

- 7.2.6** Any proposal to use a tracking device where it would infringe the privacy of an individual must be referred to Director Editorial Policy and Standards.
See 7.3.27
- 7.2.7** Any proposal for a private investigator acting for the BBC to breach the Editorial Guidelines or, exceptionally, to break the law in pursuit of an investigation must be approved in advance by a senior editorial figure, who must consult Director Editorial Policy and Standards prior to approval and Programme Legal Advice must also be consulted where it is believed laws may be broken.
See 7.3.34
- 7.2.8** Any proposal to secretly record a doorstep must be agreed with Director Editorial Policy and Standards. Permission to gather material in this way will only be granted in very exceptional circumstances and must be in the public interest.
See 7.3.38
- Other Referrals**
-
- 7.2.9** Any proposal to carry out secret recording, other than for note-taking purposes, must be referred to Editorial Policy prior to approval by the relevant senior editorial figure in the division or, for independent production companies, by the commissioning editor.
See 7.3.12
- 7.2.10** Any deception required to obtain secretly recorded material (beyond the concealing of recording equipment) should be the minimum necessary and proportionate to the subject matter and must be referred to the relevant senior editorial figure or, for independent production companies, to the commissioning editor.
See 7.3.12

- 7.2.11** Any proposal to identify individuals or organisations secretly recorded for consumer, scientific or social research without their consent must be referred to Editorial Policy who will consider the public interest in identification and the BBC's fairness obligations.
See 7.3.16
- 7.2.12** Any proposal to feature identifiable people in a live broadcast for comedy or entertainment without their knowledge, whether in person or on the phone, must be referred to Editorial Policy at the outset.
See 7.3.20
- 7.2.13** Any proposal to gather material using a drone must be referred to a senior editorial figure or, for independent production companies, the commissioning editor.
See 7.3.25
- 7.2.14** Any proposal to transmit a live stream without alerting those who may be shown in the broadcast must be referred to Editorial Policy.
See 7.3.32
- 7.2.15** Any proposal to use a private investigator must be approved by a senior editorial figure who may consult Director Editorial Policy and Standards before going ahead.
See 7.3.34
- 7.2.16** Any proposal to doorstep, whether in person or on the phone, where we have tried to make an appointment for an interview with the individual or organisation concerned must be approved by a senior editorial figure or, for independent production companies, by the commissioning editor.
See 7.3.36

- 7.2.17** Any proposal to doorstep an individual or organisation, whether in person or on the phone, where we have not previously tried to make an appointment for an interview, must be referred to Editorial Policy prior to approval by a senior editorial figure or, for independent production companies, the commissioning editor and a written record of the decision kept. This does not apply to the legitimate gathering of material for the daily news agenda.
See 7.3.37
- 7.2.18** Any proposal to doorstep, whether in person or on the phone, for comedy and entertainment purposes should normally be approved in advance by a senior editorial figure or, for independent production companies, by the commissioning editor. Editorial Policy should also be consulted.
See 7.3.39
- 7.2.19** Any request by a public authority for a contributor's personal information must be referred to Editorial Policy and Programme Legal Advice before responding.
See 7.3.50
- 7.2.20** Any proposal to collect personal information on a BBC Public Service website which might be disclosed to third parties, including BBC Commercial Services, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who may wish to consult Information Rights and BBC Fair Trading.
See 7.3.51
- 7.2.21** Any proposal to reveal an under-18's personal information to a third party without their consent must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Editorial

Policy, Child Protection and Safeguarding, and Information Rights.

See 7.3.52

7.3 Guidelines

Privacy and Consent

- 7.3.1** When contributors give informed consent to take part in our output, they can be assumed to have waived their expectations of privacy in relation to their contribution, subject to any agreed conditions placed on their participation.
- See Section 6 Fairness to Contributors and Consent: 6.3.1-6.3.5
See Guidance online: Privacy and Entertainment/
Factual Entertainment
- 7.3.2** We should operate openly where there is a risk of infringing people's privacy, unless we have approval for secret recording. This is important when using inconspicuous recording devices or live streaming. Where practicable we should use notices to make people aware that we are recording or live streaming and to allow them to avoid us.
- See Section 7 Privacy: 7.3.24-7.3.25 and 7.3.31
- 7.3.3** When filming openly in places accessible to the public, we do not normally obtain consent from individuals who are incidentally caught on camera as part of the general scene, unless they are engaged in an activity where they have a legitimate expectation of privacy that is not outweighed by a public interest in showing them.
- However, if an individual or organisation asks us to stop filming or recording (whether live or recorded) because of a concern about privacy, we should normally do so, unless it is justified in the public interest to continue.

If we are contacted by someone immediately after filming has taken place with a reasonable request not to show them in the recording we should normally agree unless it is justified in the public interest not to do so.

- 7.3.4** In potentially sensitive places, for example, ambulances, hospitals, schools, prisons or police stations, we should normally obtain two separate consents: one for gathering the material and the other for broadcasting it, unless it is justified not to obtain such consents.
- See Guidance online: Medical Emergencies
- 7.3.5** We normally obtain consent before recording on private property. However, recording without prior permission may be justified on private property where the public has general access, for example, a shopping mall, railway station or airport. It may also be justified where we have reason to believe our recording will aid the exposure of illegal or anti-social behaviour or is otherwise justified in the public interest. When recording without prior consent on private property, if the owner, legal occupier or person acting with their authority asks us to stop, we should normally do so unless it is justified in the public interest to continue.
- We normally leave private property when asked to do so by the legal occupier. We should be aware of the law of trespass. Accessing private property without consent can constitute a civil wrong, but is not usually a police matter.
- Information which discloses the location of a person's home or family should not normally be revealed without their consent. Consideration should be given as to whether there is a justification for publishing information that may reveal the precise location of a person's home or family.
- See Section 7 Privacy: 7.3.40

7.3.6 Whenever filming we should be aware of the risk of inadvertently capturing private information without consent, such as on written records, on computer screens or inside offices.

7.3.7 **Children, Young People and Vulnerable Contributors**

When children feature in our output in a way that potentially infringes their legitimate expectation of privacy, we should normally gain the child's assent wherever possible as well as the informed consent of a parent, legal guardian or other person of 18 or over acting in loco parentis. Vulnerable people may also require the informed consent of a responsible person of 18 or over. There may be additional legal considerations about children or vulnerable people and advice can be sought from Programme Legal Advice.

Children do not lose their right to privacy because, for example, of the fame or notoriety of their parents or because of events in their schools.

See Section 9 Children and Young People as Contributors: 9.3.14-9.3.20

See Guidance online: Working with Vulnerable Contributors or Contributors at Risk of Vulnerability

7.3.8 **Third Parties**

The privacy of an individual may be infringed by content that reveals private personal information about them, even if they are not contributing to the programme or directly included in it. This may include information that someone is under police or regulatory investigation as well as personal testimony about a third party. When such information is not already in the public domain it should not normally be published unless there is a public interest that outweighs a legitimate expectation of privacy. Individuals are entitled to recount their own experiences; however, we will need to assess the privacy implications for any third parties they may refer to.

See Section 7 Privacy: 7.3.47 and Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.12

7.3.9 **Material from Social Media**

When we take video and images from social media and other websites accessible to the public, they may reach a wider audience. We should consider the privacy of those featured, particularly where they did not make or publish the recording, and whether any further consent is required. We should also consider the potential impact of our re-use, particularly when in connection with tragic, humiliating or distressing events.

Where the content features individuals who have posted material about themselves on social media, their legitimate expectation of privacy may be reduced. This is particularly the case where an individual has shown an understanding of the impact that posting on social media may have on their own privacy, or where privacy controls have not been used. This may not apply to other individuals who appear in the material particularly if they are children.

We must also consider copyright. Within the BBC, advice is available from Intellectual Property. Independent production companies are responsible for any copyright issues in the content they make for the BBC.

See Guidance online: User-Generated Contributions

Secret Recording

7.3.10

There must be a public interest justification for secret recording. Normally, we will use secret recording only for the following purposes:

- as an investigative tool where:
 - there is prima facie evidence of behaviour, or intention to carry out behaviour, that it is in the public interest to reveal, and
 - there are reasonable grounds to believe that further material evidence could be obtained to prove the behaviour, and

- the recording is necessary to the credibility and authenticity of the content
- to obtain material outside the UK where a country's laws make the normal gathering of material difficult or impossible
- as a method of consumer, scientific or social research in the public interest, where no other methods could naturally capture the attitudes or behaviour in question
- for electronic note-taking
- for satire which enhances understanding or appreciation of matters in the public interest
- secret recording may also be used for comedy and entertainment output where the secret recording and any deception involved are intrinsic to the editorial purpose of the content.

See Section 8 Reporting Crime and Anti-Social Behaviour 8.3.4-8.3.6 and 8.3.39-8.3.46

See Guidance online: Secret Recording and Secret Recording Forms online

7.3.11

The following techniques may be methods of secret recording that risk infringing privacy:

- the use of hidden cameras or microphones, or any other technique aimed at concealing the fact of recording from its subject
- the use of audio-video equipment including long lenses, small video cameras, mobile phone cameras, live streaming, radio microphones, body-worn cameras and microphones and cameras fitted to drones
- the use of a body-worn camera or microphone on a third party when a BBC content producer is not in attendance with visible cameras
- recording telephone or video calls for possible broadcast without consent
- deliberately continuing a recording when the other party thinks that it has come to an end, or starting it before the other party thinks it has begun

7.3.12

Approval of Secret Recording

Any proposal to carry out secret recording, other than for note-taking purposes, must be referred to Editorial Policy prior to approval by the relevant senior editorial figure in the division or, for independent production companies, by the commissioning editor.

The gathering and broadcasting of secretly recorded material are two separate potential infringements, each requiring justification. So the gathering and the transmitting of material are two separate decisions.

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

See Secret Recording Forms online

Any deception required to obtain secretly recorded material (beyond the concealing of recording equipment) should be the minimum necessary and proportionate to the subject matter and must be referred to the relevant senior editorial figure or, for independent production companies, to the commissioning editor.

See Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.39-8.3.46

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

who will consider the editorial justification. Programme Legal Advice must also be consulted. A list of divisional authorisers can be found in the forms section on the Editorial Policy website and on the online version of the secret recording forms.

7.3.13 The re-use of secretly recorded material must be justified in the public interest.

See Section 13 Re-use, Reversioning and Permanent Availability: 13.3.16
See Guidance online: Secret Recording

7.3.14 **Secret Recording for Investigations in the Public Interest**

Any intrusion caused by the gathering and transmission of secret recording must be proportionate to the public interest it serves, taking into account the legitimate expectations of privacy of the individuals recorded. Some situations attract a higher legitimate expectation of privacy. These include, but are not limited to:

- secret recording in a private place where the public do not have access
- secret recording of health care or medical treatments
- secret recording of identifiable people in grief or under extremes of stress or where they are otherwise vulnerable.

7.3.15 We must not go on ‘fishing expeditions’, ie secret recording in search of crime or anti-social behaviour by identifiable individuals, or a group, when there is no prima facie evidence against them of such behaviour.

7.3.16 Secret recording may be used as a method of consumer, scientific or social research in the public interest, where no other methods could naturally capture the attitudes or behaviour in question. In such cases, although there may be no evidence

against known individuals, there should normally be a prima facie indication that the behaviour to be researched exists in general. The results of the research should be presented so as to provide a fair and accurate representation of the research. Consent should normally be obtained retrospectively from individuals or organisations to be included in our content, or their identities should be appropriately obscured. **Any proposal to identify individuals or organisations secretly recorded for consumer, scientific or social research without their consent must be referred to Editorial Policy who will consider the public interest in identification and the BBC’s fairness obligations.**

See Guidance online: Secret Recording

7.3.17 **Secret Recording for Comedy and Entertainment**

Secretly recording material solely for comedy or entertainment purposes may be justified if it is intrinsic to the entertainment and does not amount to a significant infringement of privacy such as to cause significant annoyance, distress or embarrassment. If people realise they are being recorded secretly and ask us to stop, we must do so.

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

See Section 5 Harm & Offence: 5.3.32

7.3.19 Anyone identifiable who has been secretly recorded in a telephone or video call for comedy or entertainment purposes must give their consent before the call is broadcast.

7.3.20 Any proposal to feature identifiable people in a live broadcast for comedy or entertainment without their knowledge, whether in person or on the phone, must be referred to Editorial Policy at the outset.

7.3.21 **Secret Recordings from Third Parties**
When we are offered secret recordings made by others, we should consider whether, under similar circumstances, the BBC would have considered it justifiable to carry out the recording. If it would not have been considered justifiable to gather the material, it should not normally be broadcast. **Any proposal to use secret recordings made by others must be referred to Editorial Policy prior to approval by a senior editorial figure or, for independent production companies, by the commissioning editor. If the BBC would not have considered it justifiable to gather the material under similar circumstances, the proposal must be referred to Director Editorial Policy and Standards, who will consider whether the public interest in broadcasting it outweighs any concerns about how it was obtained.**

Electronic Note-Taking

7.3.22 When we record conversations for note-taking purposes we should normally do so openly and with the consent of the other party, or we risk infringing privacy.

However, where it would not be possible to do so openly and it is editorially justified, we may record our conversations in both audio and video without obtaining consent or approval for secret recording. The intention of such recordings must be for note-taking and research, not for broadcast. Editorial

justifications include, for example, ensuring accuracy in our reporting, integrity in our programme making, and enabling us to gather evidence to defend the BBC against possible legal action or complaints. Where it is practicable to do so, a contemporaneous note about the justification for the recording should be kept.

See Section 3 Accuracy: 3.3.15

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

Such circumstances may include the following:

- the recordings are the only way to prove the wrongdoing and
- where the recordings cannot be replicated.

Inconspicuous Recording Devices

7.3.24 **Body-Worn Cameras and Microphones Used by Third Parties, Including Animals**
Any proposal to equip third parties with body-worn cameras and microphones where to do so might infringe the privacy of an individual or where the third party is entering private premises without permission must be referred in advance to Director Editorial Policy and Standards, who will consider:

- the public interest in the material gathered in this way
- what measures have been taken to ensure that there is no unjustified infringement of privacy

- whether there is adequate technical provision for ensuring that the recording equipment is under the BBC's control.

See Section 7 Privacy: 7.3.40

See Guidance online: Body-Worn Cameras and Microphones

7.3.25

Drones

Any proposal to gather material using a drone must be referred to a senior editorial figure or, for independent production companies, the commissioning editor, who will consider:

- the public interest in the material gathered in this way
- the safety issues around use of drones
- whether there are sufficient safeguards to prevent an unjustified infringement of privacy.

Where identifiable individuals will be filmed without consent and it would infringe the privacy of an individual, Programme Legal Advice should normally be consulted.

Drones should not normally be used to identify individuals without their consent, or capture close-up images of areas such as private homes, private gardens or private areas of offices without the consent of the owner, unless they can be seen from a public vantage point or there is a public interest that outweighs any legitimate expectations of privacy. Drone images that disclose the precise location of a person's home or family should not be revealed without permission, unless there is a public interest that outweighs any legitimate expectations of privacy.

Drones are subject to Civil Aviation Authority regulation and safety considerations.

See Guidance online: Use of Drones

7.3.26

Unmonitored Recording Equipment

Any proposal for unmonitored recording equipment on private property without consent of the occupier must be referred to Programme Legal Advice and Director Editorial Policy and Standards, who will consider:

- whether the public interest in the recorded material is sufficient to outweigh the legitimate expectations of privacy of all those captured by the recording
- whether there are sufficient safeguards to prevent an unjustified infringement of privacy.

7.3.27

Tracking Devices

Any proposal to use a tracking device where it would infringe the privacy of an individual must be referred to Director Editorial Policy and Standards, who will consider:

- whether the public interest in the data recorded is sufficient to outweigh the legitimate expectations of privacy of all those who are tracked
- whether there are sufficient safeguards to prevent an unjustified infringement of privacy.

7.3.28

Material from Inconspicuous Recording Devices Supplied by Third Parties

Such material may include footage recorded by the public, emergency services or other groups with body-worn cameras, drones, CCTV or fixed webcams, mobile phones or other inconspicuous personal devices. When such material is used, it must be editorially justified and appropriately labelled. We should take reasonable steps to verify such footage and consider harm and offence issues and any infringement of privacy, including secret recording. The footage may also raise legal issues such as trespass, defamation, contempt of court or data protection.

Where the material from inconspicuous recording devices may amount to secret recording, see Secret Recordings from Third Parties.

See Section 7 Privacy: 7.3.21

See Guidance online: Use of Drones; and Body-Worn Cameras and Microphones

Live Streaming

7.3.29

Live streaming – the broadcasting of video or audio on the internet or on social media, as events unfold – is the same as live broadcasting. It enables our audiences to access content in real time. Material may be live streamed from remote locations via devices such as webcams or mobile phone cameras. While audiences may expect to be filmed on a mobile device, they may not envisage that what is being filmed is also being broadcast live.

The BBC should only operate a live stream where it is editorially justified. Live streaming should cease when that purpose has been achieved.

The BBC should retain editorial responsibility for monitoring the output of a live stream, regardless of who provides or owns it. The level of monitoring should be appropriate for the likely content. A producer should normally be in a position to cut the feed from a live stream if it becomes necessary.

If we are showing recorded footage of a live stream, we should make clear it is not live.

See Section 7 Privacy: 7.3.11 and Section 14 Independence from External Interests: 14.3.8

See Guidance online: Links and Feeds

7.3.30

Live Streaming from Studios

Where we live stream from studios on behalf of the BBC, guests should be warned in advance. This is particularly important for radio guests who may not expect to be in vision. If radio guests refuse to be in a live stream then we should normally respect their wishes.

7.3.31

Live Streaming in Public

When the BBC live streams from places where the public has general access and individuals are likely to be identifiable, for example, because the live stream transmits a sufficiently high level of detail, we should take reasonable steps to warn people that the BBC is operating a live stream. At a live event, outside broadcast or similar, this may be done by notices outside the venue and a line of information on any posters or tickets, that a live stream is operating. If the live stream is in a public space, like a street or a park, a clear warning notice should be placed nearby and, where practicable, announcements should be given. For news events, the visible presence of news vehicles and/or broadcast equipment may provide sufficient indication.

7.3.32

Inconspicuous Live Streaming in Public

Any proposal to transmit a live stream without alerting those who may be shown in the broadcast must be referred to Editorial Policy, who will consider:

- the strength of the editorial justification in reporting the particular event
- whether the public interest justifies filming without alerting those whose privacy may be infringed
- the legitimate expectation of privacy of those who would be shown
- whether the public interest in the event is so great that the benefit of transmitting it live outweighs potential risks of live output, such as infringement of privacy or harm and offence considerations.

7.3.33

Third-Party Live Streams, CCTV and Recordings

Recordings and live streams provided by others may pose additional issues, such as accuracy, anonymity, offence, defamation, contempt of court, trespass or

data protection. Such content includes closed circuit television (CCTV), material from live streams, webcams and recordings provided by the emergency services (including 999 calls), Customs and Excise, or other public authorities, organisations or individuals.

In all cases we should research its origins and consider whether it amounts to secret recording before we decide to broadcast it.

See Section 7 Privacy: 7.3.21, Section 14 Independence from External Interests: 14.3.8, Section 16 External Relationships and Financing: 16.3.17-16.3.18 and Section 17 Competitions, Votes and Interactivity: 17.3.53

Private Investigators

7.3.34

We should normally undertake all the tasks associated with investigative journalism ourselves. Private investigators may be used where they can offer specialist skills or contacts or where it is more cost-effective to employ a specialist sub-contractor, for example, for surveillance purposes, to confirm an individual's whereabouts. There must be a public interest justification for their use. **Any proposal to use a private investigator must be approved by a senior editorial figure who may consult Director Editorial Policy and Standards before going ahead.** The senior editorial figure must record the decision and its purpose. These records should be retained by the department commissioning the activity.

All private investigators used to aid investigations must work to the standards in the Editorial Guidelines at all times. It is the senior editorial figure's responsibility to ensure that they do so. **Any proposal for a private investigator acting for the BBC to breach the Editorial Guidelines or, exceptionally, to break the law in pursuit of an investigation must be approved in advance by a senior editorial figure, who**

must consult Director Editorial Policy and Standards prior to approval and Programme Legal Advice must also be consulted where it is believed laws may be broken. Any proposal will require a public interest justification.

See Guidance online: Use of Private Investigators

Doorstepping

7.3.35

Doorstepping is when we confront and record, or attempt to record, an interview, or announce that a phone call, video call, intercom conversation or similar is being recorded, without prior warning and for use in our content. It may involve an infringement of privacy, which must be justified in the public interest.

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

7.3.36

Doorstepping With Prior Approach for Investigations in the Public Interest

Any proposal to doorstep, whether in person or on the phone, where we have tried to make an appointment for an interview with the individual or organisation concerned must be approved by a senior editorial figure or, for independent production companies, by the commissioning editor.

Approval will normally only be given when there is a public interest or where an individual's role requires them to be publicly accountable and for one, or more, of the following reasons:

- the subject of a doorstep has failed to respond to requests for interview in connection with the

wrongdoing alleged

- a request for an interview has been repeatedly refused without good reason and either substantial allegations of wrongdoing have been avoided or questions to an individual in a publicly accountable role have been repeatedly avoided
- there is a history of failure to respond to interview requests or refusal to be interviewed.

See Section 6 Fairness to Contributors and Consent: 6.3.38-6.3.41

Proposals for doorstepping should be proportionate and in the public interest. Consideration should be given to the safety of production staff and the risk of infringing the privacy of third parties. We should not normally doorstep partners, children and other family members or other employees, or in their presence.

7.3.37

Doorstepping Without Prior Approach for Investigations in the Public Interest

Any proposal to doorstep an individual or organisation, whether in person or on the phone, where we have not previously tried to make an appointment for an interview, must be referred to Editorial Policy prior to approval by a senior editorial figure or, for independent production companies, the commissioning editor, and a written record of the decision kept. This does not apply to the legitimate gathering of material for the daily news agenda.

The considerations are as follows:

- there is clear evidence of crime or significant wrongdoing, and
- it has not been possible to request an interview, or
- there is reason to believe that an investigation will be frustrated or allegations avoided (for example,

because those under investigation are likely to become out of contact) if a prior approach is made, or

- there is no reasonable expectation of receiving a response
- for satire in the public interest.

See Section 6 Fairness to Contributors and Consent: 6.3.38-6.3.41

7.3.38

Secretly Recorded Doorstepping

Doorsteps should not normally be secretly recorded. **Any proposal to secretly record a doorstep must be agreed with Director Editorial Policy and Standards. Permission to gather material in this way will only be granted in very exceptional circumstances and must be in the public interest.**

A record must be kept of the approval process in the usual way for secret recording.

See Section 6 Fairness to Contributors and Consent: 6.3.38-6.3.41, Section 7 Privacy: 7.3.10-7.3.12

7.3.39

Doorstepping for Comedy and Entertainment

Any proposal to doorstep, whether in person or on the phone, for comedy and entertainment purposes should normally be approved in advance by a senior editorial figure or, for independent production companies, by the commissioning editor. Editorial Policy should also be consulted. People who are doorstepped should normally give their consent before the material is broadcast unless their identity is disguised.

See Section 6 Fairness to Contributors and Consent: 6.3.26-6.3.30 and 6.3.45-6.3.47

Tag-Along Raids

7.3.40

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

When we go on a tag-along raid on private property we should normally:

- ensure anyone present understands we are recording for the BBC as soon as practicable
- stop recording if asked to do so by the legal occupier
- leave immediately if asked to do so by the owner, legal occupier or person acting with their authority.

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

Editorial Policy and Programme Legal Advice should normally be consulted about proposals involving tag-along raids.

See Section 7 Privacy: 7.3.5, Section 6 Fairness to Contributors and Consent: 6.3.32-6.3.37 and Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.12

Reporting Death, Suffering and Distress

7.3.41

We must always balance the public interest in full and accurate reporting with the need to be compassionate and to avoid unjustified infringement of privacy when we report accidents, disasters, disturbances, violence against individuals or war.

We must consider the editorial justification for portraying graphic or intrusive material of human suffering and distress. When crews arriving at the scene of a disaster or emergency are under pressures that make it difficult to judge whether recording is

an unjustified infringement of privacy, they will often record as much material as possible. However, in such a situation, care must be taken to assess any privacy implications prior to broadcast. The demands of live output and speed in the use of pictures, including those from social media, should not override consideration of the privacy of those suffering or in distress.

See Section 5 Harm and Offence: 5.3.1-5.3.5 and 5.3.27-5.3.31 and Section 11 War, Terror and Emergencies: 11.3.7

See Guidance online: Medical Emergencies

7.3.42

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

See Section 5 Harm and Offence: 5.3.27-5.3.31 and 5.3.11 and Section 7 Privacy: 7.3.46

7.3.43

We should normally request interviews with people who are injured or grieving following an accident or disaster by approaching them through friends, relatives or advisers. We should not:

- put them under pressure to provide interviews
- harass them with repeated phone calls, emails, text or social media messages or knocks at the door
- stay on their property if asked to leave
- normally follow them if they move on.

See Section 6 Fairness to Contributors and Consent: 6.3.6-6.3.10

7.3.44

However, it is important that we do not inadvertently censor our reporting. For example, the extent to which the broadcast of public expressions of grief are regarded as an unacceptable intrusion varies around the world. We must consider the expectations both of the people we record, and our audience. Graphic scenes of grief are unlikely to offend or distress those

victims and relatives who consented to our recording them, but they may upset or anger some of our audience. When introducing scenes of extreme distress or suffering, words explaining the circumstances in which they were gathered may help to prevent misunderstandings and offence.

See Section 5 Harm and Offence: Audience Expectations 5.3.1-5.3.5

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

7.3.46 Revisiting Past Events

We must consider whether surviving victims and relatives have any legitimate expectation of privacy when we intend to examine past events which involved suffering and trauma. This applies even if the events or material to be used were once in the public domain. We should consider the scale and location of the original incident and the time that has elapsed since it occurred. So far as is reasonably practicable, surviving victims or the immediate families of dead people who are to feature in the programme should normally be notified of our plans. We should only proceed against any reasonable objections of those concerned if they are outweighed by the public interest.

See Section 13 Re-use, Reversioning and Permanent Availability: 13.3.11-13.3.16 and Section 7 Privacy: 7.3.42

Personal Information

7.3.47 The collection of personal information must be handled in accordance with data protection legislation and the BBC's data protection policies³. We should take care when collecting personal information from children under 13. This may require verifiable 'parental consent'.

See Section 9 Children and Young People as Contributors: 9.3.11 and 9.3.14

See Guidance online: Interacting with Children and Young People Online

³ See Data Protection Handbook: available on Gateway for BBC staff or via commissioning editors for independent producers; and the BBC Privacy and Cookies Policy.

7.3.48 Personal information about contributors and potential contributors should not normally be accessible to other departments outside the production area which has collected it. Any proposal to make an exception should be referred to Information Rights. Contributor details must be securely stored and only held for as long as there is a legitimate purpose.

7.3.49 Adult contributors' personal details, comments or other personal information should not normally be given to third parties without the knowledge of the contributor, unless there is a legal requirement to do so. Where it is essential, it should be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who may wish to consult Information Rights before going ahead. A contract should require the third party to use the information only for the use agreed between the BBC and the third party.

7.3.50 **Any request by a public authority for a contributor's personal information must be referred to Editorial Policy and Programme Legal Advice before responding.**

See Section 13 Re-use, Reversioning and Permanent Availability: 13.3.31-13.3.35

7.3.51 **Any proposal to collect personal information on a BBC Public Service website which might be disclosed to third parties, including BBC Commercial Services, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who may wish to consult Information Rights and BBC Fair Trading.**

7.3.52

Any proposal to reveal an under-18's personal information to a third party without their consent must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Editorial Policy, Child Protection and Safeguarding, and Information Rights. Approval will normally only be given:

- for safeguarding and child protection reasons or
- where there is a public interest that outweighs the expectations of privacy or
- where there is a legal requirement to provide the information.

See Section 9 Children and Young People as Contributors: 9.3.11

Missing People

7.3.53

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

See Section 13 Re-use, Reversioning and Permanent Availability: 13.3.22-13.3.28

See Guidance online: Missing People

Reporting Crime and Anti-Social Behaviour

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8.1 Introduction

The BBC reports crime and anti-social behaviour as a matter of public interest. Our coverage is aimed at giving audiences the facts in their context and reflects our right to freedom of expression and the audience's right to receive information and ideas¹.

The BBC will also reflect the work of the agencies which fight crime, examine the nature of criminality, and report on its causes and consequences.

Some of this output is likely to require production methods that carry risks and we must weigh them up, and ensure we act proportionately, so that we observe appropriate standards of behaviour, consider the consequences of our actions and avoid obstructing the work of the authorities.

This output is also likely to involve contributions from, or contact with, people who have engaged in criminal or anti-social acts. We must ensure that we do not glamorise, condone or encourage criminal behaviour. We must seek to balance the public interest² in reporting crime with respect for the privacy and dignity of victims and their families. We should ensure our reporting does not add to people's fear of becoming victims of crime if statistics suggest it is very unlikely.

Material likely to encourage or incite the commission of crime, or lead to disorder, must not be included in our services. There will be times when it is in the public interest to include extreme or challenging views. On those occasions, we must provide sufficient context and/or challenge to those views. Context includes the editorial purpose of the output. Detailed descriptions or demonstrations of criminal techniques which could enable the commission of illegality should not be included unless editorially justified.

¹ The sections of the Ofcom Broadcasting Code that relate to this are 3: Crime, Disorder, Hatred and Abuse and 8: Privacy.

² See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

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

We must ensure that material which contains hate speech is not included in our output without editorial justification.

See Section 5 Harm and Offence: 5.3.38

8.2 Mandatory Referrals

(Mandatory Referrals are part of the BBC's editorial management system. They are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy and Standards

8.2.1 Material likely to encourage or incite the commission of crime, or lead to disorder, must not be included in our services. Any proposal to broadcast content which risks inciting crime or disorder must be referred to Director Editorial Policy and Standards.

See 8.3.1

8.2.2 When investigating criminal activity we may want to record a specific crime or the planning of a specific crime. Where that might raise questions about our relationship with the criminal or involves witnessing serious criminal activity, it must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor, and to both Director Editorial Policy and Standards and Programme Legal Advice.

See 8.3.4

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

See 8.3.14

- 8.2.4** Any proposal to contact or interview escaped prisoners or others wanted by the police must be referred to Director Editorial Policy and Standards and must be referred to Programme Legal Advice.
See 8.3.17
- 8.2.5** Any proposal to pay a fee or to make a payment in kind to criminals, former criminals, their families or their associates (directly or indirectly) for interviews or other contributions relating to their crimes, must be referred to Director Editorial Policy and Standards.
See 8.3.19
- 8.2.6** Any proposal to make payments to anyone who may not have committed a crime but whose behaviour is clearly anti-social, for interviews or other contributions about their behaviour, including payments in kind, must be referred to Director Editorial Policy and Standards.
See 8.3.20
- 8.2.7** Any proposal to enter a UK prison without permission to conduct an interview with a prisoner must be referred to Director Editorial Policy and Standards.
See 8.3.21
- 8.2.8** Any proposal to put the name of a convicted paedophile or other sex offender into the public domain, when their name has not been made publicly available by the police, or to broadcast pictures of them, must be referred to Director Editorial Policy and Standards.
See 8.3.26
- 8.2.9** Any proposal to grant anonymity to someone seeking to evade UK law, where there is an ongoing investigation, must be referred to Director Editorial Policy and Standards.
See 8.3.30

- 8.2.10** Any proposal to pay a witness or potential witness in a trial must be referred to Director Editorial Policy and Standards and Programme Legal Advice.
See 8.3.36
- 8.2.11** Director Editorial Policy and Standards must approve any proposal to employ someone known to have a criminal record or background of illegal activity to work on a BBC investigation.
See 8.3.42
- 8.2.12** Any intention to supply material of any sort from a discontinued investigation to the police or any other third party must be referred to Director Editorial Policy and Standards and to Programme Legal Advice.
See 8.3.47

Other Referrals

- 8.2.13** Any proposal, in the public interest, to record the illegal harming of animals by third parties, for the purpose of gathering evidence or to illustrate malpractice or cruel, anti-social or controversial behaviour, must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor.
See 8.3.6
- 8.2.14** When considering whether to identify a child or young person with a Criminal Behaviour Order or involved in court proceedings, Programme Legal Advice must be consulted.
See 8.3.13 and 8.3.32
- 8.2.15** Any proposal to interview an active criminal or person wanted anywhere outside the UK must be referred to Editorial Policy.
See 8.3.18

- 8.2.16** Any proposal to enter an overseas prison without permission to conduct an interview with a prisoner must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who may consult Director Editorial Policy and Standards. If approved, the relevant international bureau should normally be informed and Programme Legal Advice consulted.
See 8.3.22
- 8.2.17** Any proposal to invite a prisoner to initiate a call for broadcast purposes from a public or mobile telephone in prison or to broadcast an unsolicited, pre-recorded call from a prisoner which was not referred before it was recorded, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who may consult Director Editorial Policy and Standards.
See 8.3.23
- 8.2.18** Any proposal to interview a witness about their evidence once court proceedings are under way, must be referred to Programme Legal Advice and Editorial Policy.
See 8.3.33
- 8.2.19** Any proposal to undertake an investigation into crime or serious anti-social behaviour must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. Editorial Policy and Programme Legal Advice should normally be consulted.
See 8.3.39
- 8.2.20** Any proposal to send someone to work as an undercover operative on an investigation into crime or serious anti-social behaviour must be referred to Editorial Policy.
See 8.3.40

- 8.2.21** Editorial Policy must be consulted about job applications by undercover operatives working on BBC investigations.
See 8.3.43
- 8.2.22** Before commencing investigations into serious criminality involving covert surveillance or recording of, and/or contacting people suspected of, acts of terror, serious criminal or extremist acts or violent groups, BBC Safety's High Risk Team must be consulted. Editorial Policy and Programme Legal Advice must also be consulted.
See 8.3.44

8.3 Guidelines

Reporting Crime

- 8.3.1** **Material Likely to Encourage or Incite Crime**
- Material likely to encourage or incite the commission of crime, or lead to disorder, must not be included in our services. Any proposal to broadcast content which risks inciting crime or disorder must be referred to Director Editorial Policy and Standards.**
- Material may include:
- content which directly or indirectly amounts to a call to criminal action or disorder
 - content promoting or encouraging engagement in terrorism or other forms of criminal activity or disorder
 - hate speech which is likely to encourage criminal activity or lead to disorder.
- There will be times when it is in the public interest³ to include extreme or challenging views, particularly in news and current affairs output. In considering

³ See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

whether such output is ‘likely’ to encourage or incite crime or disorder, the relevant factors include:

- whether the output includes direct or indirect calls to action
- whether there is sufficient context and/or challenge to those views
- the editorial purpose of the output

See Section 5 Harm and Offence: 5.1

- the nature and seriousness of the behaviour being incited
- the status or position of anyone featured in the output
- whether the output is scheduled to be broadcast before the watershed or when children and young people are likely to be in the audience
- whether there are significant freedom of speech considerations that justify the broadcast.

8.3.2

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

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

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

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

See Section 5 Harm and Offence: 5.3.41-5.3.44

8.3.3

Hate speech

We must ensure that material which contains hate speech is not included in our output unless it is justified by the context. Broadcasting hate speech can constitute a criminal offence if it is intended or likely to stir up hatred relating to race, religious belief or lack of religious belief or sexual orientation.

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 5 Harm and Offence: 5.3.38 and Section 4 Impartiality: 4.3.14

8.3.4

Witnessing and Depicting Illegal Activity

When investigating criminal activity we may want to record a specific crime or the planning of a specific crime. Where that might raise questions about our relationship with the criminal or involves witnessing serious criminal activity, it must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor, and to both Director Editorial Policy and Standards and Programme Legal Advice. Approval to be present at, or record, serious illegal activity will be given only if it is clearly in the public interest⁴. Even then we must avoid:

- condoning or glamorising criminal behaviour
- encouraging or provoking behaviour which would not otherwise have occurred
- directing the activity in any way.

Anyone admitting to or carrying out an illegal act could be prosecuted. Our research notes, diaries, emails, electronic communications and other paperwork as well as untransmitted rushes, may be obtained by the police using a court order. This material may also

⁴ See Section 1 The BBC’s Editorial Standards: 1.3 The Public Interest.

have to be disclosed as evidence to a court, tribunal or inquest. Care should be taken to ensure that the identities of any confidential sources are protected and do not appear in any notes that might become the subject of a court order.

See Section 6 Fairness to Contributors and Consent: 6.3.26-6.3.30, Section 13 Re-use, Reversioning and Permanent Availability: 13.3.29-13.3.35, Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.39-8.3.46, and Section 11 War, Terror and Emergencies: 11.3.9-11.3.11

8.3.5

We should not normally demonstrate or depict criminal techniques, because of the risk of imitation. Where we have editorial justification to show this material, we should still avoid revealing detail that could enable the commission of illegal activity or the ways in which it can be made more effective.

8.3.6

There may be times when in the public interest⁵ we may be justified in recording the illegal harming of animals by third parties, for the purpose of gathering evidence or to illustrate malpractice or cruel, anti-social or controversial behaviour. Any proposal to do so must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor.

See Section 5 Harm and Offence: 5.3.31

Impact on Victims

8.3.7

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

or social services, it is still our responsibility to check that the victims and/or immediate relatives have been informed and have the necessary details to contact us.

See Section 7 Privacy: 7.3.46

8.3.8

Reporting the facts about criminals may include detailing their family circumstances, but we should avoid causing unwarranted distress to these families. Nor should we imply guilt by association without evidence.

8.3.9

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

8.3.10

We should consider the impact our reporting of crime may have on our audiences. We must take care not to add to people's fears of becoming victims of crime if, statistically, this is very unlikely.

See Guidance online: Reporting Statistics

Reconstructions

8.3.11

News programmes may report crime reconstructions staged by the police to gather evidence. They should not normally commission crime reconstructions themselves except for use at the conclusion of a trial or for reporting historic cases. Revisiting the scene of a crime and/or interviewing a victim or witness does not constitute a reconstruction.

See Section 3 Accuracy: 3.3.24

⁵ See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

Reporting Police and Regulatory Investigations

8.3.12 Careful thought must be given in the early stages of a criminal or regulatory investigation as to whether there is justification for naming a suspect under investigation before charges – or their equivalent – are brought. Programme Legal Advice and Editorial Policy should normally be consulted.

See Section 7 Privacy: 7.1

Court Reporting and Covering Trials

8.3.13 Reporting restrictions cover preliminary proceedings in magistrates' courts and Crown Courts in England and Wales so that normally only basic details can be reported. Reporting restrictions cover all proceedings in Youth Courts to protect the identity of any under-18s involved. We must not identify any child as being the subject of ongoing proceedings in family law cases (which includes, for example, care proceedings). Courts may also pass orders limiting what can be reported in a particular case. Particular care is needed to avoid the identification of victims in prosecutions for sexual abuse within the family.

See Section 6 Fairness to Contributors and Consent: 6.3.31

Reports of court proceedings must be fair and accurate. Unfairness may occur if we fail to report both the prosecution and defence cases. Having started covering court proceedings, we must report the verdict. If we are able and wish to cover a trial live on social media we must consistently cover the prosecution and defence case or only cover the verdict. Advice is available from Programme Legal Advice.

When considering whether to identify a child or young person with a Criminal Behaviour Order or involved in court proceedings, Programme Legal Advice must be consulted.

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

See Section 9 Children and Young People as Contributors: 9.3.24 and Section 18 The Law: 18.4.3

Dealing with Criminals and Perpetrators of Anti-Social Behaviour

8.3.14 Interviews

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

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

See Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.7-8.3.9 and Section 7 Privacy: 7.3.41-7.3.42

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

See Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.4-8.3.6

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

8.3.18 Internationally, there are different definitions of crime and a criminal. In some countries, for example, political dissidents and activists are defined as

criminals, but interviews with them can be important in providing a full understanding of events. For others, we should apply the same principles as in the UK.

Any proposal to interview an active criminal or person wanted anywhere outside the UK must be referred to Editorial Policy.

Payments

8.3.19

The BBC does not normally make payments, promise to make payments or make payments in kind, whether directly or indirectly (such as through fixers or intermediaries), to criminals, or to former criminals, who are simply talking about their crimes. In general the same should apply to families or relatives of criminals or former criminals. This is to protect our reputation, and the credibility of our interviewees and sources, as well as respecting the sensitivities of the victims of crime.

Any proposal to pay a fee or to make a payment in kind to criminals, former criminals, their families or their associates (directly or indirectly) for interviews or other contributions relating to their crimes, must be referred to Director Editorial Policy and Standards. A fee should only be paid for a contribution that is of clear public interest⁶ and which could not have been obtained otherwise.

It may be appropriate to reimburse expenditure or loss of earnings incurred during the making of a contribution. Note that this is not intended to inhibit the rehabilitation of criminals or prevent payment to people with a criminal conviction who are making a contribution not about their crime.

8.3.20

People who may not have committed a crime but whose behaviour is clearly anti-social must not normally be paid a fee or a payment in kind for interviews or other

⁶ See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

contributions about their behaviour. **Any proposal to make such payments, including payments in kind, must be referred to Director Editorial Policy and Standards.**

Interviews with Prisoners

8.3.21

Prior to visiting a UK prison and conducting an interview with a prisoner for broadcast, content producers should normally seek permission from the UK prison authorities.

Any proposal to enter a UK prison without permission to conduct an interview with a prisoner must be referred to Director Editorial Policy and Standards.

8.3.22

Prior to visiting an overseas prison and conducting an interview with a prisoner for broadcast we should normally ask permission from the prison authorities. **Any proposal to enter an overseas prison without permission to conduct an interview with a prisoner must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who may consult Director Editorial Policy and Standards. If approved, the relevant international bureau should normally be informed and Programme Legal Advice consulted.**

8.3.23

Prisoners may have access to public telephones and mobile phones, though their use may be restricted by prison rules. We would not normally broadcast live phone calls from prisoners without prior referral unless there is a strong editorial justification. **The following proposals for phone interviews must be referred to a senior editorial figure,**

or for independent production companies to the commissioning editor, who may consult Director Editorial Policy and Standards:

- inviting a prisoner to initiate a call for broadcast purposes from a public or mobile telephone in prison
- broadcasting an unsolicited, pre-recorded call from a prisoner which was not referred before it was recorded.

See Section 6 Fairness to Contributors and Consent: 6.3.1-6.3.2

8.3.24

In the case of prisoners convicted of serious crimes, particularly violent crimes, producers must consider how they can minimise distress to the victim or victim's family.

See Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.7-8.3.9 and Section 7 Privacy: 7.3.41-7.3.43

Paedophiles and Other Sex Offenders

8.3.25

When paedophiles and other sex offenders have been released back into the community, there may be local sensitivities. We should report such matters where there is a public interest⁷ while trying to avoid the following possible consequences:

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

8.3.26

The BBC will normally only consider broadcasting the names or pictures of paedophiles or sex offenders

who have served their sentences and been released from prison where the police have made these details public. Publication by other media is not a sufficient justification in itself.

Any proposal to put the name of a convicted paedophile or other sex offender into the public domain, when their name has not been made publicly available by the police, or to broadcast pictures of them, must be referred to Director Editorial Policy and Standards.

8.3.27

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

8.3.28

Interviews with paedophiles or other sex offenders must have strong editorial justification. Care should be taken to minimise potential distress an interview may cause to their victims or victims' families. Any proposal to interview a paedophile or other sex offender who has been convicted of serious offences, in prison or on release from prison, should be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should normally consult Director Editorial Policy and Standards.

See Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.7 and Section 7 Privacy: 7.3.41-7.3.42

⁷ See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

Disguising Identities

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

- legal reasons, such as possible contempt of court or defamation
- protecting a source or sources
- safety reasons, either in the UK or abroad
- a situation where the consequences of public identification would risk being disproportionate to the wrongdoing
- where we are exposing anti-social or criminal practice but the individuals involved are simply illustrative of the behaviour, for example when secretly filming for consumer or social research
- where we are exposing anti-social or criminal practice but the individuals involved are not sufficiently culpable or responsible for their actions
- where the contribution is of clear public interest in terms of the insight given and could not be obtained without disguising the contributor's identity
- where content is being re-used and the passage of time makes re-identification disproportionate.

See Section 6 Fairness to Contributors and Consent: 6.3.26-6.3.30
See Guidance online: Re-use of Factual Content Featuring Illegal or Anti-Social Behaviour

8.3.30 **Any proposal to grant anonymity to someone seeking to evade UK law, where there is an ongoing investigation, must be referred to Director Editorial Policy and Standards.** Programme Legal Advice should normally be consulted.

Children and Young People

8.3.31 A strong editorial justification is required for the broadcast of material related to the identity of anyone under 18 who is involved as a potential defendant in a court case before proceedings are commenced. There may also be legal restrictions once proceedings are active. Where there are active proceedings Programme Legal Advice must be consulted.

8.3.32 When considering whether or not to identify under-18s involved in anti-social or criminal behaviour, we should balance the consequences of identification, their age, and the seriousness of their behaviour against the public interest⁸ in identification and our freedom of speech. However, we should not normally identify under-18s when featuring such behaviour simply to illustrate a practice.

See Section 9 Children and Young People as Contributors: 9.3.24

When considering whether to identify a child or young person with a Criminal Behaviour Order or involved in court proceedings, Programme Legal Advice must be consulted.

Dealing with Witnesses and Victims of Crime

8.3.33 **Interviews**

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

We must be scrupulous about our interviews with witnesses, both in the UK and overseas, to ensure that we do not interfere in the legal process. When conducting news interviews with people who have recently witnessed a crime we should be aware of

⁸ See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

the possibility of contempt of court if proceedings are imminent or are active. By interviewing a witness, we may be considered to be coaching them prior to their appearance in court. There is a risk we will give them information they do not have and a risk that any material we gather could be required by the court. Note that witnesses could include defendants and victims. Witnesses should not normally be interviewed about their evidence once proceedings are under way and until the verdict has been reached. Witnesses sometimes claim to have been coached by a journalist. To protect ourselves against any unfair accusation and, with the knowledge of the interviewee, we should record and keep the entirety of the material.

8.3.34

Payments

Witnesses, or anyone who may reasonably be expected to be called as a witness during active criminal proceedings, must not be paid, or promised a payment, directly or indirectly (such as through fixers or intermediaries), for their story. No payment should be suggested or made dependent on the outcome of the trial. Only actual expenditure or loss of earnings necessarily incurred during the making of a contribution may be reimbursed.

8.3.35

People who might reasonably be expected to be witnesses where criminal proceedings are likely and foreseeable should not be paid for their story unless there is a clear public interest⁹, such as the investigation of a crime or serious wrongdoing, and the payment is necessary to elicit the information. Where such a payment is made it will be appropriate to disclose the payment to both defence and prosecution if the person becomes a witness in any subsequent trial.

⁹ See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

8.3.36

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

8.3.37

Disguising Identities of Witnesses and Victims of Crime

There may be legal reasons why the identities of people involved in a trial may not be reported. If it is necessary to protect the identity of crime victims and witnesses, anonymity normally means no name, no address, no photograph, or any other clue as to identity.

We should also take care not to identify people indirectly by what is known as a 'jigsaw effect'. This occurs when separate reports, which could be in different media, give different details of a case which, when pieced together, reveal the identity of the person involved. The risk is at its highest when reporting sexual crime within the family. For example, we should take care not to refer to incest where someone might be identified as the victim. In such cases, incest should be described as a 'serious sexual offence'.

See Section 6 Fairness to Contributors and Consent: 6.3.26-6.3.30 and Section 18 The Law: 18.4.2

8.3.38

Children and Young People Who Are Witnesses or Victims of Crime

We must take care when dealing with anyone under 18 involved as a witness or victim, when reporting an investigation into an alleged criminal offence in the UK. We must make judgements about their vulnerability before revealing their name, address, school or other educational establishment, how they are identified on social media, place of work, or any still or moving picture of them.

See Section 9 Children and Young People as Contributors

If criminal proceedings follow, there are likely to be legal restrictions surrounding the publication of

information leading to the identity of anyone under 18 who is a witness or a victim. For further information contact Programme Legal Advice. There are separate legal considerations in Scotland. Advice is available from the Legal Director, Scotland.

Investigations into Crime and Anti-Social Behaviour

- 8.3.39** Investigations are an important way of uncovering matters of significant public interest¹⁰, but must be editorially justified.
- Any proposal to undertake an investigation into crime or serious anti-social behaviour must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. Editorial Policy and Programme Legal Advice should normally be consulted.**
- 8.3.40** **Any proposal to send someone to work as an undercover operative on an investigation into crime or serious anti-social behaviour must be referred to Editorial Policy.**
- 8.3.41** It is good practice before an investigation is commissioned and before seeking editorial approval and legal advice, to consider the following questions:
- what is the justification for using any deception, undercover work or secret recording to gather further evidence?
 - is this the only way to proceed?
 - what prima facie evidence already exists?
 - what is the background and motivation of any sources?

¹⁰ See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

- are any of the sources confidential and can their confidentiality be maintained?
- what are the possible consequences of our actions?

See Section 7 Privacy: 7.1 and 7.3.10-7.3.16 and Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.4-8.3.6

- 8.3.42** **Director Editorial Policy and Standards must approve any proposal to employ someone known to have a criminal record or background of illegal activity to work on a BBC investigation.** This includes editorial members of the production team and undercover operatives.
- 8.3.43** **Editorial Policy must be consulted about job applications by undercover operatives working on BBC investigations.** The use of false information on a job application should normally be kept to the minimum necessary.
- See Guidance online: Investigations
- 8.3.44** **Before commencing investigations into serious criminality involving covert surveillance or recording of, and/or contacting people suspected of, acts of terror, serious criminal or extremist acts or violent groups, BBC Safety's High Risk Team must be consulted. Editorial Policy and Programme Legal Advice must also be consulted.**
- See Section 11 War, Terror and Emergencies: 11.3.22
- 8.3.45** During the investigation, the methods used (including any secret recording, undercover work or other deception) must be kept under constant review to ensure they continue to be justified and relevant.
- See Section 7 Privacy: 7.3.10-7.3.16

8.3.46

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

See Section 13 Re-use, Reversioning and Permanent Availability: 13.3.29-13.3.35

See Guidance online: Investigations

Untransmitted and Unused Material from Discontinued Investigations

8.3.47

Occasionally circumstances will arise in which allegations or evidence of illegal behaviour are discovered in the course of an investigation which is not broadcast. Editorial managers should normally consider whether material suggesting serious breaches of the law should be made available to the police or to any other appropriate authority. Director Editorial Policy and Standards must be consulted. We must never agree to provide access to unused material if it contains information that identifies a confidential source. **Any intention to supply material of any sort to the police or any other third party in these circumstances must be referred to Director Editorial Policy and Standards and to Programme Legal Advice.**

See Section 13 Re-use, Reversioning and Permanent Availability: 13.3.31-13.3.35

Children and Young People as Contributors

09

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Introduction

9.2 *(p.177)*

Mandatory Referrals

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Guidelines

- Safeguarding the Welfare of Children and Young People
- Informed Consent for Children and Young People
- The Impact of a Contribution
- Licensing of Child Performers

9.1 Introduction

Children and young people are important to the BBC. They contribute and interact with us in many different ways – as contributors, performers, presenters, through our interactive and user-generated content, via all our services.

We should serve them with high-quality, distinctive and duly impartial output and services which inform, educate and entertain. Ensuring the content they consume is appropriate is considered throughout the Editorial Guidelines and, specifically, in Section 5 Harm and Offence. This section is concerned with how we deal with under-18s who contribute to and interact with our content, whether or not it is aimed at them, or routinely includes them as contributors¹.

Children and young people have a right to speak out and to participate, as enshrined in the United Nations Convention on the Rights of the Child, but we must safeguard the welfare of those who contribute to our content, wherever in the world we operate and irrespective of any consent that might have been given by a parent or other adult acting in loco parentis.

We are also subject to the law regarding children and the BBC's Child Protection Policy. For the purposes of this section of the Editorial Guidelines and unless stated otherwise, a child is someone under the age of 16 years. Young people are those aged 16 and 17. It should be noted that these are not legal definitions.

We must take due care over the physical and emotional welfare and the dignity of under-18s who take part or are otherwise involved in our editorial content, irrespective of any consent given by them or by a parent, guardian or other person acting in loco parentis. Their welfare must take priority over any editorial requirement.

¹ The sections of the Ofcom Broadcasting Code that relate to this are 1: Protecting the Under-Eighteens, 'The involvement of people under eighteen in programmes'; 7: Fairness and 8: Privacy.

Due care towards children and young people who take part or are otherwise involved in our editorial content is the level of care that is appropriate in the particular circumstances. We must judge this taking into account the nature of the editorial content and the nature and degree of the children's and young people's involvement, along with other relevant factors including age, sex, gender, maturity, cultural, ethnic and religious background, personal circumstances, previous life experiences and capacity to make judgements about their participation and its likely consequences. We should not assume that every under-18 will respond in the same way when participating in our content.

We must ensure that under-18s are not caused unnecessary distress or anxiety by their involvement in our output. Their involvement must be editorially justified, consents should be obtained as appropriate to the circumstances of the person and the nature of the contribution and content, and support should be given to them where necessary.

9.2 Mandatory Referrals

(Mandatory Referrals are part of the BBC's editorial management system. They are an essential part of the process to ensure compliance and must be observed.)

9.2.1

In the course of our work if we suspect a person under 18 may be at risk, or we are alerted to a child welfare issue, the situation must be referred promptly to the divisional Working with Children Adviser² or, for independent production companies, to the commissioning editor. If we are concerned about an adult, including a member of staff, working with a child the situation must be referred promptly to the

² See Working with Children advisers site: available on Gateway for BBC staff or via commissioning editors for independent producers.

BBC Safeguarding Lead³ or Head of Investigations⁴ or, for independent production companies, to the commissioning editor.

See 9.3.2

- 9.2.2** If a child is in immediate danger or requires medical attention dial emergency services, (999 in the UK), and ask for the appropriate emergency service. The BBC Safeguarding Lead or, for independent production companies, the commissioning editor, should be informed urgently.

See 9.3.3

- 9.2.3** Any online safeguarding concerns, whether related to online grooming or child abuse images, must be referred to the Head of Safeguarding, Policy and Compliance⁵ immediately.

See 9.3.4

- 9.2.4** Any proposal not to pre-moderate online spaces directed to under-18s must be referred to Editorial Policy.

See 9.3.10

- 9.2.5** Any proposal to reveal an under-18's personal information to a third party without their consent must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Editorial Policy, Child Protection and Safeguarding, and Information Rights.

See 9.3.11

3 See Working with Children advisers site: available on Gateway for BBC staff or via commissioning editors for independent producers.

4 See Investigations site: available on Gateway for BBC staff or via commissioning editors for independent producers.

5 See Working with Children advisers site: available on Gateway for BBC staff or via commissioning editors for independent producers.

- 9.2.6** Any proposal to continue with the contribution of a child or young person after a refusal of parental consent, or in the absence of it, must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. Editorial Policy should also be consulted.

See 9.3.16

9.3 Guidelines

Safeguarding the Welfare of Children and Young People

- 9.3.1** We should apply the principles of the BBC Child Protection Policy in our dealings with children and young people.

- 9.3.2** All children and young people have a right to protection from harm and abuse. **In the course of our work if we suspect a person under 18 may be at risk, or we are alerted to a child welfare issue, the situation must be referred promptly to the divisional Working with Children Adviser⁶ or, for independent production companies, to the commissioning editor. If we are concerned about an adult, including a member of staff, working with a child the situation must be referred promptly to the BBC Safeguarding Lead⁷ or Head of Investigations⁸ or, for independent production companies, to the commissioning editor.**

6 See Working with Children advisers site: available on Gateway for BBC staff or via commissioning editors for independent producers.

7 See Working with Children advisers site: available on Gateway for BBC staff or via commissioning editors for independent producers.

8 See Investigations site: available on Gateway for BBC staff or via commissioning editors for independent producers.

9.3.3 If a child is in immediate danger or requires medical attention dial emergency services, (999 in the UK), and ask for the appropriate emergency service. The BBC Safeguarding Lead or, for independent production companies, the commissioning editor, should be informed urgently.

9.3.4 Any online safeguarding concerns, whether related to online grooming or child abuse images, must be referred to the Head of Safeguarding, Policy and Compliance⁹ immediately.

See Guidance online: Interacting with Children and Young People Online

9.3.5 The information we disclose about children and young people must not put them at risk of harm.

If it has been established that we should not disclose an under-18's location, we must not do so inadvertently by a jigsaw effect, ie revealing several pieces of information in words or images or voice that can be pieced together to make it easy to identify where the person may be found. Avoiding the jigsaw effect should take account of information already in the public domain.

See Section 6 Fairness to Contributors and Consent: 6.3.26-6.3.30

9.3.6 Protecting children and young people online is a shared responsibility for the BBC, parents/guardians and the under-18 concerned.

See Guidance online: Interacting with Children and Young People Online

⁹ See Working with Children advisers site: available on Gateway for BBC staff or via commissioning editors for independent producers.

9.3.7 Children and young people have a right to a voice but we must not encourage them to participate in online spaces when they are younger than the minimum age requirement of the site.

9.3.8 When children access BBC online services we may first need to obtain parental consent for some activities, such as commenting or voting. There may be additional data protection considerations where we are collecting the personal data of children. For further advice, consult the Data Protection Handbook¹⁰ and take advice from Information Rights.

9.3.9 When online content is likely to appeal to a high proportion of children and young people we should offer links to relevant advice to help them understand and minimise the possible risks they face online. Safety information should be prominent, accessible and clear.

See Section 17 Competitions, Votes and Interactivity: 17.3.45-17.3.56

See Guidance online: Interacting with Children and Young People Online

9.3.10 Online spaces directed to under-18s should normally be pre-moderated. **Any proposal to use any other form of moderation for under-18s must be referred to Editorial Policy** who will consider whether the proposed form of moderation would offer an appropriate level of child protection. We should not link to unmoderated spaces for an audience of under-18s.

¹⁰ See Data Protection Handbook: available on Gateway for BBC staff or via commissioning editors for independent producers.

9.3.11

Personal Information

We should not request more personal information from children and young people than is necessary. We must store and dispose of any personal information according to the BBC data protection policy¹¹.

Any proposal to reveal an under-18's personal information to a third party without their consent must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should consult Editorial Policy, Child Protection and Safeguarding, and Information Rights. Approval will normally only be given:

- for safeguarding and child protection reasons or
- where a public interest¹² outweighs the expectations of privacy or
- where there is a legal requirement to provide the information.

See Section 7 Privacy: 7.3.47-7.3.52

For any requests from third parties for release of untransmitted content, see Re-use, Reversioning and Permanent Availability.

See Section 13 Re-use, Reversioning and Permanent Availability

Informed Consent for Children and Young People

9.3.12

When featuring under-18s in our output we should normally ensure they are willing to participate and we should respect any refusal to take part.

Information should be delivered in a way they can understand and should include any likely positive and

negative consequences of participation, in addition to other details necessary for obtaining informed consent.

See Section 6 Fairness to Contributors and Consent: 6.3.1-6.3.10 and Section 7 Privacy: 7.1

9.3.13

Children may find it difficult to contradict an adult's suggestion to participate so it is important to make clear to the child that it is acceptable to agree or disagree when asked to participate.

9.3.14

Parental Consent

Parental consent means the informed consent of a parent, legal guardian, or other person aged 18 or over acting in loco parentis, including a head teacher.

In addition to establishing the willingness to participate of the child or young person, we should normally seek parental consent before interviewing anyone under the age of 16, or otherwise involving them in our output, wherever in the world we are working. An exception may be when giving a chance for under-16s to speak on non-sensitive subjects where it is not controversial for them to hold and express their views and it is not practicable to get parental consent.

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

See Section 6 Fairness to Contributors and Consent: 6.3.1-6.3.10 and Section 9 Children and Young People as Contributors: 9.1

9.3.15

We should exercise due care in deciding whether an under-18 is able to indicate their willingness to participate in our content. If a young person is 16 or 17 it may still be appropriate to seek parental consent in some cases, depending on the circumstances of the young person and the nature of the programme and

¹¹ See Data Protection Handbook: available on Gateway for BBC staff or via commissioning editors for independent producers; and BBC Privacy and Cookies Policy.

¹² See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

contribution, including when the content is sensitive or where the contributor could be considered vulnerable. It may also be appropriate to seek parental consent for performers aged 16 and 17 if they are being asked to perform or to be present in scenes featuring potentially harmful or offensive content.

Where parental consent is required and parents are estranged or another person or the local authority has parental responsibility for the child or young person we should normally obtain the consent of the parent, person or local authority who the child or young person resides with and who has parental responsibility, depending on the circumstances of the case and the subject matter. We should consider the extent of the other parent's involvement with the under-18 and, where we are not seeking their consent, listen to any reasonable objections they may have.

9.3.16

Any proposal to continue with the contribution of a child or young person after a refusal of parental consent, or in the absence of it, must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor.

Approval will normally only be given:

- if this is justified in the public interest¹³ or
- when giving the under-18 freedom of expression and
- if it is in their interest to participate.

Editorial Policy should also be consulted.

9.3.17

Children and young people are often eager to contribute to our output, but many lack the judgement necessary to assess the longer-term impact it could have on their lives. Parents may also not understand the full implications of their child taking part.

We must assess whether it is appropriate for an under-18 to contribute to our output, irrespective of parental consent or the individual's assent. We must not proceed if to do so would be harmful to their welfare or would otherwise not meet the standards of the Editorial Guidelines.

See Section 9 Children and Young People as Contributors: 9.3.21-9.3.22

9.3.18

As part of our due care requirements, in some circumstances it may be appropriate to check the individual's social, family, health and educational circumstances and/or to seek advice from an expert on the likely impact of participation on the individual.

9.3.19

When under-18s submit user-generated content or when we ask them for personal information online, we must select the standard of proof of parental consent that is appropriate, taking into account the sensitivity of the subject matter and the age of the individual.

See Guidance online: Interacting with Children and Young People Online

9.3.20

When we invite children to interact with us using phone, text or other technology that costs money, we must prompt them to seek permission from the bill payer.

The Impact of a Contribution

9.3.21

Even when we have secured parental consent we must consider the impact and possible consequences of any content which involves a child or young person, at all stages of the production process, including the period after transmission and any availability online, and must put appropriate measures in place where necessary. This applies both when we have approached the under-18 to contribute and when they have approached us, including with user-generated content. We should consider

¹³ See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

the potential negative impact of social media on the under-18s and advise them and their parents/ guardians accordingly.

Procedures, risk assessments and contingencies for the impact of participating on an individual's emotional and mental well-being and welfare may be appropriate in some circumstances. It may also be appropriate for records of these and other documents, including details of checks, correspondence and concerns to be kept as long as they are relevant.

In some circumstances it may be appropriate throughout the production to retain an expert whose advice has been sought prior to participation, as part of our due care requirements.

In scripted output, depending on the nature of the editorial content, it may be appropriate to create a redacted script for a child or young person, and for them not to be present at read-throughs and on set during the recording of material that would be inappropriate for them to see or hear.

See Guidance online: Working with Children and Young People as Contributors

9.3.22

We normally aim to work with children in the presence of those responsible for their supervision, although circumstances may vary. When sensitive issues are being discussed with an under-18, it is often advisable to have someone there who is familiar to them and who can help safeguard their interests. It may be appropriate for other expert support to be available for them during the production process.

9.3.23

Children and young people should be given a voice but we must also be alert to occasions when they exaggerate, try to please or report gossip or hearsay as fact. Criminal or anti-social behaviour should not go unchallenged.

See Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.14-8.3.20

9.3.24

When considering whether or not to identify under-18s involved in anti-social or criminal behaviour, we should weigh up the consequences of identification, their age, and the seriousness of their behaviour against the public interest¹⁴ in identification and our freedom of speech. Programme Legal Advice should normally be consulted. However, we should not normally identify under-18s when featuring such behaviour to illustrate a practice.

See Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.31-8.3.32 and Section 6 Fairness to Contributors and Consent: 6.3.3

There may also be legal reasons for not identifying an under-18, including someone involved in court proceedings.

See Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.13 and Section 18 The Law: 18.4.3

Under-18s whose parents are engaged in anti-social or criminal activity should only be identified if the welfare of the child will not be harmed and if it is editorially justified.

See Section 7 Privacy: 7.3.35-7.3.38

Licensing of Child Performers

9.3.25

In law, performances by under-16s (and some 16-year-olds still in full-time education) should normally be licensed by the relevant local authority in England, Scotland or Wales or by the relevant education authority in Northern Ireland. Internationally, local laws should normally be complied with. Children taking part in a performance must also, at all times during the engagement, be in the care of a chaperone. BBC Child Protection Policy is that professional licensed chaperones must be used whenever possible. Advice is available from Child Protection and Safeguarding.

¹⁴ See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

Politics, Public Policy and Polls

10

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Introduction

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Mandatory Referrals

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Guidelines

- Reporting UK Political Parties
- Political Interviews and Contributions
- Parliamentary Broadcasting
- Political Broadcasts
- Elections
- Opinion Polls, Surveys and Votes

10.1 Introduction

The principles relating to the BBC's political impartiality and independence from political influence are central to our coverage of politics and public policy. Over an appropriate timeframe we must aim to give due weight and prominence to all the main strands of argument and to all relevant political parties. Although those in government will often be the primary source of news and will, in particular, need to be held to account, the voices and opinions of other parties should also be routinely aired and challenged. One of the BBC's public purposes is 'To provide impartial news and information to help people understand and engage with the world around them ... so that all audiences can engage fully with major local, regional, national, United Kingdom and global issues and participate in the democratic process, at all levels, as active and informed citizens.'¹ It follows that there is a special responsibility to audiences who are about to vote in elections or referendums.

Political opinion and campaigning are not limited to political parties and due impartiality must apply across the range of political activity and to all contributors to political debate.

The Guidelines in this section should be read in conjunction with Section 4 Impartiality. Following both will ensure the BBC's output meets the standards in Sections 5 (Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions) and 6 (Elections and Referendums) of the Ofcom Broadcasting Code.

The BBC must treat matters of politics and public policy with due accuracy and impartiality and must not express an opinion on matters of public policy other than policy concerning broadcasting or the provision of online services.

¹ Article 6(1) Broadcasting: Royal Charter for the Continuance of the British Broadcasting Corporation December 2016.

10.2 Mandatory Referrals

(Mandatory Referrals are part of the BBC's editorial management system. They are an essential part of the process to ensure compliance and must be observed.)

Referrals to Editorial Policy

10.2.1 Where content would not normally include political issues, political opinion or politicians (for example, sport, quiz/panel shows, factual entertainment) content producers must consult the Chief Adviser Politics in advance before inviting a politician (or anyone who has taken a prominent political stance) to take part in their output, or before accepting a request to participate. This reference is irrespective of whether their contribution to the output is itself 'political'. Where there is a proposal to involve in such output others who may have taken a prominent political stance, advice is available from Editorial Policy.

See 10.3.2

10.2.2 Chief Adviser Politics must be consulted in advance about proposed bids or offers of interviews (or other active participation) for the Prime Minister and Leader of the Opposition at Westminster, the First Ministers of Scotland and Wales and the First Minister and Deputy First Minister in Northern Ireland. In the nations of the UK, the respective Heads of News must also be consulted.

See 10.3.3

10.2.3 Any proposal to amend material from the chambers of Parliaments or Assemblies (including Westminster) or any proposal to use material from the Parliaments or Assemblies at all outside news, factual programmes or content for educational purposes must be referred to the Chief Adviser Politics.

See 10.3.7

- 10.2.4** Any request for a ministerial broadcast or a reply to a ministerial broadcast must be referred promptly to Chief Adviser Politics.
See 10.3.11
- 10.2.5** Any approach by a government department to relay official messages or information films which involve a degree of public policy or political controversy must be referred to Chief Adviser Politics.
See 10.3.12
- 10.2.6** Any proposal to commission an opinion poll (or use other methods, such as data analysis) with the intention of sampling party political support or voting intentions must be referred in advance to Chief Adviser Politics for approval.
See 10.3.27
- 10.2.7** Any proposal to commission an opinion poll on matters of public policy, political or industrial controversy, or on ‘controversial subjects’ in any other area, must be referred to Chief Adviser Politics.
See 10.3.28
- 10.2.8** Any proposal to report voting intention derived through methods other than polling – such as data analysis – must be referred to the Chief Adviser Politics.
See 10.3.30
- 10.2.9** Any proposal to commission a BBC survey on matters of public policy, political or industrial controversy, or on ‘controversial subjects’ in any other area, must be referred to Chief Adviser Politics.
See 10.3.36

- 10.2.10** Any proposal to conduct a vote on matters of public policy, political or industrial controversy, or on ‘controversial subjects’ in any other area, must be referred to Chief Adviser Politics.
See 10.3.46
- 10.2.11** Any proposal to carry out a phone, text or online vote must also be referred to the Interactivity Technical Advice and Contracts Unit (ITACU) and the appropriate approval process must be completed.
See 10.3.47

10.3 Guidelines

Reporting UK Political Parties

- 10.3.1** The UK has diverse political cultures in the different nations; so achieving appropriate coverage for political parties, especially for UK-wide output, means assessing relative political strength in this devolved structure. Achieving due impartiality involves taking account of the different parties in each nation, as well as those with electoral support across the UK.
- Particular care should be taken with the use of language in this context, for example avoiding phrases such as ‘the main parties’, unless appropriately qualified, or descriptions of smaller parties as ‘minor’.
- When referring to a policy, it should be clear to the audience which part of the UK it applies to.
See Guidance online: Reporting the UK

Political Interviews and Contributions

- 10.3.2** Requests for political interviews should be clear about the nature of the output and the context for which they are intended. All arrangements must stand up to public scrutiny and must not prevent interviewees being asked appropriate questions.

When inviting politicians, or those who may be seeking office, to contribute to non-political output, whether on the basis of their expertise outside politics or of their celebrity, we must not give them such prominence as to afford undue political advantage, especially in the run-up to and during election periods. Where relevant, their political allegiance should be made clear to the audience.

Where content would not normally include political issues, political opinion or politicians (for example, sport, quiz/panel shows, factual entertainment) content producers must consult the Chief Adviser Politics in advance before inviting a politician (or anyone who has taken a prominent political stance) to take part in their output, or before accepting a request to participate. This reference is irrespective of whether their contribution to the output is itself 'political'. Where there is a proposal to involve in such output others who may have taken a prominent political stance, advice is available from Editorial Policy.

10.3.3

Interviews with or Profiles of Party Leaders

Due weight should be given over time to participation by party leaders in any output; the BBC should be consistent and robust in its approach to interviews, ensuring there is appropriate scrutiny and editorial independence, which may, on occasion, require bids to be co-ordinated and rationalised. Except for brief news interviews gathered on the day without pre-arrangement, **Chief Adviser Politics must be consulted in advance about proposed bids or offers of interviews (or other active participation) for the Prime Minister and Leader of the Opposition at Westminster,**

the First Ministers of Scotland and Wales and the First Minister and Deputy First Minister in Northern Ireland. In the nations of the UK, the respective Heads of News must also be consulted.

10.3.4

Chief Adviser Politics (and, where appropriate, the relevant Head of News and Current Affairs) should also be told whether the invitations are refused or accepted to ensure:

- the BBC as a whole is robust and consistent in its dealings with the parties
- at all times of high demand bids are rationalised within the BBC
- due weight is given to appearances over time
- there is a consistent editorial approach, for instance, in terms of tone, in any series of interviews.

10.3.5

Payment to Politicians

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

They may be paid for contributions to non-political output, where they are appearing on the basis of their expertise outside politics, or of their celebrity, or, exceptionally, where they are taking part as a politician but fulfilling a role beyond that of a normal political contribution.

See Section 10 Politics, Public Policy and Polls: 10.3.2-10.3.4

Parliamentary Broadcasting

- 10.3.6** The House of Commons, the House of Lords, committees of both houses, as well as the Scottish Parliament and the Assemblies in Wales and Northern Ireland have rules of coverage which should normally be observed.
- 10.3.7** **Any proposal to amend material from the chambers of Parliaments or Assemblies (including Westminster) or any proposal to use material from the Parliaments or Assemblies at all outside news, factual programmes or content for educational purposes, must be referred to the Chief Adviser Politics.**

Political Broadcasts

- 10.3.8** **Party Political, Election and Referendum Broadcasts**
We are obliged to make airtime available for party and referendum campaign broadcasts². These are separate from the BBC's own content, and their transmission does not imply BBC support for the views contained in them.
Appropriate allocation of a series of broadcasts fulfils the requirement for due impartiality.
- 10.3.9** The copyright of broadcasts belongs to the parties or referendum campaign groups, but extracts may be used without their consent.
- 10.3.10** Parties make the broadcasts at their own expense and are responsible for their content. However, we have to ensure they are compliant for broadcast, conforming

² Schedule 3 (5), Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation December 2016.

to the law, and the relevant parts of both the Ofcom Broadcasting Code and the BBC Editorial Guidelines as outlined on the Broadcasters' Liaison Group website.

- 10.3.11** **Ministerial Broadcasts and Government Information**
In exceptional circumstances, such as a decision to go to war, the BBC may be required³ to provide time for a broadcast by a UK government minister. In such circumstances, it may also be necessary for the BBC to consider whether responses from other political parties are appropriate. The BBC, as broadcaster, has the final say on the broadcast's acceptability in terms of its compliance with appropriate legal and other standards.
Any request for a ministerial broadcast or a reply to a ministerial broadcast must be referred promptly to Chief Adviser Politics.
- 10.3.12** **Any approach by a government department to relay official messages or information films which involve a degree of public policy or political controversy must be referred to Chief Adviser Politics.**

Elections

- 10.3.13** **UK Elections and Referendums**
Our commitment to impartiality and fairness is under intense scrutiny when people are preparing to vote. The BBC publishes specific guidelines for each national election and referendum which supplement the Editorial Guidelines. For elections, they include a code of practice regarding the participation of candidates in each constituency or electoral area, as required by electoral law.

³ Clause 67 Defence and Emergency Arrangements, Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation December 2016.

During election periods and in the run-up to election campaigns, some output (for instance, one-off dramas even if of a historical nature, appearances by politicians in non-political output or programmes achieving impartiality by relying on a longer timescale) may need extra care and consideration with regard to scheduling. The Chief Adviser Politics should be consulted at an early stage.

10.3.14 Content producers should take all complaints seriously and be aware that anything they say may be construed as ‘BBC policy’. It should be explained to complainants that general complaints or allegations of bias are normally dealt with at a higher level, and the complaint should then be referred accordingly. Political parties, activists and referendum campaigners may seek to influence editorial decisions.

10.3.15 The BBC should make, and be able to defend, editorial decisions on campaign coverage on the basis that they are reasonable and carefully reached, with due impartiality. News judgements must continue to drive editorial decision-making in news-based programmes and those judgements at election time must be made within a framework of democratic debate. That framework should ensure that due weight is given to conveying, examining and challenging the views and policies of all relevant parties. UK-wide coverage must take account of and reflect the different political structures in the four nations of the United Kingdom.

10.3.16 The way in which due impartiality is achieved among parties will vary, depending on the format, output and platform. Deciding respective levels of coverage for different political parties, who have varying levels of political support, requires, primarily, good and impartial editorial judgement, rather than mathematical formulae. But content producers must take responsibility for achieving due impartiality in

their own output without necessarily relying on other BBC content or services.

10.3.17 On polling day the BBC, in common with other broadcasters, will cease to report campaigns from 06.00 until the polls close. Coverage will be restricted to uncontroversial factual accounts, such as the appearance of politicians at polling stations or the weather. Subjects which have been at issue or part of the campaign, or other controversial matters relating to the election, must not receive coverage before the polls close, to ensure that nothing in the BBC’s output can be construed as influencing the ballot.

10.3.18 **Reporting Overseas Elections and Referendums**
The principles of fairness and due impartiality that underlie the BBC’s coverage of UK votes should also inform reporting in other countries. However, reporting of elections overseas may take into account the circumstances under which the particular election is being held, especially where there are questions about the openness or fairness of the democratic process.

10.3.19 Additional issues may arise when BBC content is aimed at an audience within the country where an election or referendum is taking place. Content originally made for the UK audience and distributed on international services may influence a vote. Where appropriate, distribution may need to be delayed until polling is over.

10.3.20 **Legal Issues and Overseas Elections and Referendums**
UK electoral law does not apply to elections outside the UK, but other countries may have specific laws applying to reporting during their votes. Where BBC content is distributed specifically to that country there may be legal issues to consider.

In some countries, legal requirements around votes may come into conflict with the BBC’s fundamental editorial principles, especially those of fairness and

impartiality. In such cases, the BBC will maintain the editorial principles in its output even if that means the local broadcaster is unable to re-distribute BBC content or services. This is particularly important for BBC World Service, BBC World News and BBC Online, which all reach overseas audiences.

Opinion Polls, Surveys and Votes

- 10.3.21** Accuracy, credibility and impartiality are as important when the BBC reports on ‘polls’ and ‘surveys’ as elsewhere.
- 10.3.22** ‘Polls’ or ‘surveys’ commissioned by the BBC carry reputational risk, so care must be taken to ensure that the audience can trust their findings, and that we do not give them undue weight when reported.
- 10.3.23** For any BBC-commissioned opinion poll, the methodology, data and accuracy of the language used to report it, must stand up to scrutiny.
- The BBC’s reporting of a poll it has commissioned must not suggest a BBC view on a particular policy or issue, or that it has been commissioned with the intention of influencing opinion on a current controversy.
- 10.3.24** **Commissioning Opinion Polls**
We must ensure that any poll conducted jointly with another organisation meets the requirements of due impartiality.
- 10.3.25** We should take particular care in commissioning opinion polls seeking the views of children and young people; the Chief Adviser Politics should normally be consulted.
- 10.3.26** When the BBC commissions opinion polls, the full results and accompanying data should normally be

published. Any proposal not to do so should be referred to the Chief Adviser Politics.

- 10.3.27** The BBC rarely commissions polls on voting intention or other indications of party political support. **Any proposal to commission an opinion poll (or use other methods, such as data analysis) with the intention of sampling party political support or voting intentions must be referred in advance to Chief Adviser Politics for approval.**
- 10.3.28** **Any proposal to commission an opinion poll on matters of public policy, political or industrial controversy, or on ‘controversial subjects’ in any other area, must be referred to Chief Adviser Politics.** Technical advice, for example, on question design, is available from the Political Research Unit.
- See Section 4 Impartiality: 4.3.4-4.3.9
See Guidance online: Opinion Polls, Surveys, Questionnaires, Votes and Straw Polls
- 10.3.29** Polling can be conducted face to face, over the telephone or online. In the UK, on matters of public policy, political or industrial controversy, or on ‘controversial subjects’ in any other area, polls should normally be commissioned using members of the British Polling Council.
- 10.3.30** **Reporting Opinion Polls**
When reporting the findings of opinion polls (especially voting intention polls in the United Kingdom), whether commissioned by the BBC or others:
- the result of an opinion poll should not be the lead or be headlined in broadcast or other output, unless it has prompted a story which itself merits being the

lead or headlined and reference to the poll's findings is necessary to make sense of the story

- language should not give greater credibility to polls than they deserve. For example, polls 'suggest' and 'indicate', but never 'prove' or 'show'
- we should not normally rely on the interpretation given to a poll's results by the organisation or publication which commissioned it
- the BBC should report the methodology used, the organisation which carried out the poll and the organisation or publication which commissioned it. Such polls should not be described as 'a BBC poll'. All relevant details, including the questions, results and sample size, should be made available so the audience can understand the methodology and results
- where editorially relevant, dates of the fieldwork and subsequent events which may have shifted opinion should be reported.

Additional consideration when reporting voting intentions:

- the findings of voting intention polls must be reported in the context of trend, which may consist of the results of all major polls over a period or may be limited to the change in a single pollster's findings. Poll results which are out of step without convincing explanation should be treated with particular care
- the audience should be told when the reported difference between two significant parties is less than the margin of error of the polling methodology.

Any proposal to report voting intention derived through methods other than polling – such as data analysis – must be referred to the Chief Adviser Politics.

10.3.31

The BBC must consider whether the findings from polls are sufficiently credible to report. Where there

are doubts about the methodology of a poll or the bona fides of those carrying it out, appropriate qualifying language is essential. Advice is available from the Political Research Unit.

10.3.32

Opinion Polls During Elections and Referendums

Guidelines for each formal election and referendum period will include specific advice on the treatment of opinion polls.

10.3.33

No opinion poll on any subject relating to politics or the relevant election, including voting intention polls, may be published on polling day until after the polls have closed; it is a criminal offence in the UK to publish information about how people have voted while the polls are open.

10.3.34

Surveys

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

10.3.35

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

10.3.36

Any proposal to commission a BBC survey on matters of public policy, political or industrial controversy, or on 'controversial subjects' in any other area, must be referred to Chief Adviser Politics.

See Section 4 Impartiality: 4.3.4-4.3.9

The survey must:

- have a defined and finite group whose opinions, policies or behaviours are being analysed
- have numerical parameters agreed in advance, such as an acceptable minimum response rate
- have an agreed methodology, including questions that are worded appropriately and posed consistently
- be reported in language that ensures nothing is claimed by the BBC which cannot be supported by the data.

10.3.37 The result should normally be reported using actual numbers of respondents; percentages should be used only with care and appropriate context.

10.3.38 Guidance must be prepared for other BBC outlets (including the press office) who may wish to report the findings, ensuring that adapting the language for other audiences does not alter the meaning or inflate the claims of the original research.

10.3.39 There may be a particular risk to the perception of the BBC's impartiality if a survey is commissioned but not published, especially on politics or other 'controversial subjects'. Before such a decision, Chief Adviser Politics should be consulted.

10.3.40 Surveys commissioned or carried out by other organisations should be treated with appropriate scepticism, and, where necessary, their methodology should be described. Care is required, particularly in news output, not to report such surveys in a way which leads the audience to believe they are more robust than is actually the case.

See Guidance online: Opinion Polls, Surveys, Questionnaires, Votes and Straw Polls; and Reporting Statistics

10.3.41

Focus Groups

The BBC must not imply that the views of focus groups, however carefully selected, represent the views of the population as a whole, and they must not be used as a means of trying to estimate party support in the electorate at large.

Focus groups, when properly selected, may be used to examine why certain views are held but not the extent to which they are held.

10.3.42

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

10.3.43

Vox Pops

It should always be clear that vox pops – either on the street or online – only illustrate some aspects of an argument and do not give any indication of the weight or breadth of opinion.

10.3.44

Phone, Text, Social Media, Online Votes and Other Straw Polls

'Straw polls' – including phone, text, social media and online votes – have no statistical or numerical value.

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

See Section 17 Competitions, Votes and Interactivity: 17.3.1-17.3.5

10.3.45

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

- results should not feature in news bulletins
- the summary of an online or text vote can be reported on the radio or television programme, website or blog with which it is associated, but it should not normally be reported elsewhere in news, on other television or radio programmes, on other BBC websites or in press releases
- when straw polls are carried out on the same subject at different times, the results must not be presented in a way which may suggest a trend
- straw polls should never be used to gather serious information on party political support.

10.3.46

Straw polls on controversial issues are vulnerable to highly organised pressure groups. The outcome, even when it is made clear that the poll is not representative, can damage the reputation of the BBC.

Any proposal to conduct a vote on matters of public policy, political or industrial controversy, or on ‘controversial subjects’ in any other area, must be referred to Chief Adviser Politics.

10.3.47

Any proposal to carry out a phone, text or online vote must also be referred to the Interactivity Technical Advice and Contracts Unit (ITACU) and the appropriate approval process must be completed.

See Section 17 Competitions, Votes and Interactivity: 17.3.1-17.3.5

See Guidance online: Audience Interactivity; and Opinion Polls, Surveys, Questionnaires, Votes and Straw Polls

War, Terror and Emergencies

11

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Guidelines

- Accuracy and Impartiality
- Audience Comment and Moderation
- Use of Language
- Identifying Victims
- Disturbances and Riots
- Staged Events
- Threats and Hoaxes
- Hijacking, Kidnapping, Hostage-Taking and Sieges
- National Security and Counter-Terrorism
- Terrorism Acts
- Hostile Environments and Travel Advisories

11.1 Introduction

The BBC has a special responsibility to its UK and international audiences when reporting conflict including wars, acts of terror, sieges and other emergencies. People across the world access our services for trustworthy news and information. They expect us to provide context and analysis and to offer a wide range of views and opinions. We need to be scrupulous in applying due accuracy and impartiality¹.

We must take care that our journalism does not put individuals at risk of additional harm or cause unnecessary distress.

We must consider our tone and language when reporting matters involving loss of life and human suffering. Some of our audience will have relatives or friends directly involved. We should avoid causing unnecessary offence whilst also ensuring that we continue to convey the reality of events and do not unduly sanitise our reporting. We will ensure, as far as is reasonably practicable, that next of kin do not learn of a relative's death or injury from any of our content. There must be strong editorial justification for the use of very graphic pictures.

In addition to editorial and ethical considerations, the Terrorism Acts place legal obligations on individuals – including journalists – to disclose certain information to the police as soon as reasonably practicable.

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

At times of war, terror, emergency or disaster, we should keep all of our output under review,

particularly scheduled programmes (including films, drama, comedy and music) and trails, to identify anything which might be thought inappropriate in the light of events.

See Section 3 Accuracy: 3.1, Section 4 Impartiality: 4.1, Section 7 Privacy: 7.3.41-7.3.45 and Section 5 Harm and Offence: 5.3.11 and 5.3.54

11.2 Mandatory Referrals

(Mandatory Referrals are part of the BBC's editorial management system. They are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy and Standards

11.2.1 Any proposal to attend an event staged by proscribed organisations or groups known for mounting acts of terror, in order to be recorded, must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. Referral must also be made to Director Editorial Policy and Standards.

See 11.3.9

11.2.2 Any proposal to broadcast material recorded at a staged event in the UK or overseas, where threats are made against UK citizens, must be referred to Director Editorial Policy and Standards.

See 11.3.10

11.2.3 Any request from the police or others for a complete news black-out must be referred to a senior editorial figure, who must consult Director Editorial Policy and Standards.

See 11.3.18

¹ The sections of the Ofcom Broadcasting Code that relate to this are 3: Crime, Disorder, Hatred and Abuse and 8: Privacy.

11.2.4 Any approach to or from the Secretary to the Defence and Security Media Advisory Committee² must be referred to Director Editorial Policy and Standards.

See 11.3.20

11.2.5 Any situation where BBC staff or anyone else engaged in content production for the BBC may have obligations under the Terrorism Acts must be referred promptly to Director Editorial Policy and Standards and Programme Legal Advice.

See 11.3.21

11.2.6 Any proposal to approach an organisation (or an individual member of an organisation) designated a ‘terrorist group’ by the Home Secretary under the Terrorism Acts, and any proposal to approach individuals or organisations responsible for acts of terror, to participate in our output must be referred in advance to Director Editorial Policy and Standards.

See 11.3.21

Other Referrals

11.2.7 Any proposal to broadcast material recorded at legitimate events when paramilitary or other groups with a known record of violence or intimidation stage an appearance must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who may consult Director Editorial Policy and Standards.

See 11.3.11

11.2.8 Any proposal to broadcast content made by perpetrators of a hijacking, kidnapping, hostage-taking or siege must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor and should also be referred to Editorial Policy.

See 11.3.17

² Sometimes also referred to as the D-Notice Committee.

11.2.9 Any proposal to handle material relating to security and intelligence issues that falls, or might fall, within the terms of the Official Secrets Act must be referred to Programme Legal Advice.

See 11.3.19

11.2.10 Any proposal to travel to a country or area classified as a Hostile Environment or where a Travel Advisory applies must be referred to BBC Safety’s High Risk Team before departure.

See 11.3.22

11.3 Guidelines

Accuracy and Impartiality

11.3.1 When reporting war, and in the early stages of covering national and international emergencies (including acts of terror, disasters and major accidents), it is particularly important to give the source of information and material from third parties, particularly when there are conflicting claims. First estimates of casualty figures often turn out to be inaccurate. If different sources give different estimates we should either report the range or go for the source which carries the greatest authority and attribute the estimate accordingly.

We should make it clear if our reports are censored or monitored or if we withhold information under duress, and explain, wherever possible, the conditions under which we are operating.

Reporters and correspondents must be aware that comments they make on social media accounts that relate to their BBC work may be perceived as having the same weight as a BBC report, so should bear in mind the requirement for due accuracy and impartiality at all times.

11.3.2 When reporting demonstrations, disturbances and similar events, we should treat estimates of involvement with due scepticism, report wide disparities and name the sources of the figures. We aim to offer a comprehensive and impartial view of events. When it is difficult for reporters located on one side of a confrontation to form a clear overall view, their material should be put into a wider context for broadcast.

See Section 3 Accuracy: 3.1 and 3.3.16

11.3.3 In a UK civil emergency, we aim to deliver essential information in the interests of public safety across our services. We work with the relevant authorities to identify the kind of major incidents requiring a special response. However, we must make the appropriate editorial judgements to ensure accuracy and independence.

See Section 11 War, Terror and Emergencies: 11.3.18

Audience Comment and Moderation

11.3.4 In times of conflict, there are special sensitivities; for example, about the security of operational military plans, avoiding naming casualties until next of kin have been informed, and handling rumours – we need to consider these while continuing to maintain open debate. We may need to consider limiting the online stories that are open to comments and make appropriate hosting moderation arrangements – pre-moderating may be necessary. We should consider whether it is appropriate to publish BBC stories on social media where we have less ability to moderate comments and where moderation may involve a high level of resource.

See Section 11 War, Terror and Emergencies: 11.3.7, Section 7 Privacy: 7.3.41-7.3.45

See Guidance online: User-Generated Contributions

Use of Language

11.3.5 Our reporting of possible acts of terror should be timely and responsible, bearing in mind our requirement for due accuracy and impartiality. Terrorism is a difficult and emotive subject with significant political overtones and care is required in the use of language that carries value judgements. We should not use the term ‘terrorist’ without attribution.

11.3.6 The word ‘terrorist’ itself can be a barrier rather than an aid to understanding. We should convey to our audience the full consequences of the act by describing what happened. We should use words which specifically describe the perpetrator such as ‘bomber’, ‘attacker’, ‘gunman’, ‘kidnapper’, ‘insurgent’ and ‘militant’. We should not adopt other people’s language as our own; our responsibility is to remain objective and report in ways that enable our audiences to make their own assessments about who is doing what to whom.

See Guidance online: Language when Reporting Terrorism

Identifying Victims

11.3.7 When people have been killed, injured or are missing, next of kin should not, as far as is reasonably practicable, find out from BBC output, but be told by the relevant authorities.

To minimise anxieties we should narrow the area of concern as quickly as possible without identifying individual victims, for example in the case of an air crash, by including details such as airline, flight number, place of departure and destination.

See Section 11 War, Terror and Emergencies: 11.3.4 and Section 7 Privacy: 7.3.41-7.3.45

Disturbances and Riots

- 11.3.8** Comprehensive coverage of disturbances and riots is an important part of our news reporting. However, in addition to the specific guidelines concerning accuracy and impartiality, it is important that:
- we assess the risk that, by previewing likely prospects of disturbances, we might encourage them
 - we withdraw immediately if we suspect our presence is inflaming the situation
 - we must be prepared to collect material for later use or editing, if the level of violence or disorder becomes too intrusive or graphic to be broadcast live.

See Section 5 Harm and Offence: 5.3.11 and Section 11 War, Terror and Emergencies: 11.3.1-11.3.3

Staged Events

- 11.3.9** **Any proposal to attend an event staged by proscribed organisations or groups known for mounting acts of terror, in order to be recorded, must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. Referral must also be made to Director Editorial Policy and Standards.**
- 11.3.10** **Any proposal to broadcast material recorded at a staged event in the UK or overseas, where threats are made against UK citizens, must be referred to Director Editorial Policy and Standards.**

- 11.3.11** **Any proposal to broadcast material recorded at legitimate events when paramilitary or other groups with a known record of violence or intimidation stage an appearance must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who may consult Director Editorial Policy and Standards.**

Threats and Hoaxes

- 11.3.12** If we receive a bomb warning or other credible and specific threat, the first priority is to pass it on to the appropriate authorities.
- 11.3.13** We must not reveal security details or other sensitive information not widely in the public domain which might assist an attack.
- 11.3.14** We do not normally report threats against named individuals unless they have produced a visible effect, such as the cancellation of a public appearance.
- 11.3.15** We must take care not to identify individuals or organisations, who would not otherwise be in danger, as possible targets unless there is an overriding editorial justification. For example, this may include companies or employees engaged in testing on animals or undertaking work for military establishments.
- 11.3.16** We do not normally report incidents which turn out to be hoaxes unless they have had a serious and evident effect, such as major and highly visible transport disruption.

Hijacking, Kidnapping, Hostage-Taking and Sieges

11.3.17

In cases of hijacking, kidnapping, hostage-taking, sieges, bombings or other similar events, we must be aware that anything we broadcast may be seen or heard, either directly or indirectly, by the perpetrators both in the UK and overseas.

It is important that we report demands in context. We should also consider carefully the ethical issues raised by providing a platform to hijackers, kidnappers or hostage-takers, especially if they make direct contact. We must remain in editorial control of the reporting of events and ensure that:

- we do not interview a perpetrator live on-air

See Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.14-8.3.18

- we do not broadcast live any content provided by a perpetrator
- **we broadcast content made by perpetrators only after referral to a senior editorial figure or, for independent production companies, to the commissioning editor and referral should also be made to Editorial Policy**
- when covering sensitive stories, for example, a school siege or plane hijack, we should bear in mind that the outcome is unpredictable and be cautious about broadcasting live images as we risk showing distressing material that is unsuitable for broadcast
- the existence of social media means that we may have information from alleged victims, eyewitness accounts and images during or very soon after an incident. We need to subject this information to proper journalistic scrutiny to ensure its accuracy before using it.

Where an alleged victim in an ongoing situation puts information into the public domain on social media, we need to weigh up very carefully whether our reporting of their situation creates further danger for them.

11.3.18

When reporting stories relating to hijacking, kidnapping, hostage-taking or sieges we must take due account of advice from the police and other authorities about anything that, if reported, could exacerbate the situation. Occasionally they will ask us to withhold or even to include information. We will normally comply with a reasonable request, but we will not knowingly broadcast anything that is untrue.

Any request from the police or others for a complete news black-out must be referred to a senior editorial figure, who must consult Director Editorial Policy and Standards.

National Security and Counter-Terrorism

11.3.19

Official Secrets Act

The Official Secrets Act affects our ability to report on some matters relating to security and intelligence issues. Content producers must consult Programme Legal Advice when handling such material that falls, or might fall, within its terms.

11.3.20

Defence and Security Media Advisory Notices

Defence and Security Media Advisory Notices provide guidance about information which, if broadcast, might damage national security. They cover the publication of material including highly classified codes and ciphers, information not widely in the public domain about key military facilities and installations and information relating to UK Security and Intelligence Services and Special Forces.

The standing Notices can be read on the DSMA Notice System website.

The system is voluntary; it has no legal authority and the final responsibility for deciding whether or not to broadcast rests solely with us. Content producers

should seek senior editorial and legal advice at an early stage when handling material that falls, or might fall, under the Notices.

Any approach to or from the Secretary to the Defence and Security Media Advisory Committee³ must be referred to Director Editorial Policy and Standards.

Terrorism Acts

11.3.21

There is a legal obligation under the Terrorism Acts to disclose to the police, as soon as reasonably practicable, any information which we know or believe might be of material assistance in:

- preventing the commission of an act of terrorism anywhere in the world
- securing the apprehension, prosecution or conviction of a person in the UK, for an offence involving the commission, preparation or instigation of an act of terrorism.

It is a criminal offence not to disclose such information. **Any situation where BBC staff or anyone else engaged in content production for the BBC may have obligations under the Terrorism Acts must be referred promptly to Director Editorial Policy and Standards and to Programme Legal Advice.**

The Acts give the Home Secretary powers to designate UK and international organisations as ‘terrorist groups’, making it illegal for them to operate in the UK. The Home Office website carries a list of proscribed organisations. **Any proposal to approach an organisation (or an individual member of an organisation) designated a**

³ Sometimes also referred to as the D-Notice Committee.

‘terrorist group’ by the Home Secretary under the Terrorism Acts, and any proposal to approach individuals or organisations responsible for acts of terror, to participate in our output must be referred in advance to Director Editorial Policy and Standards.

See Section 18 The Law: 18.4.4

Hostile Environments and Travel Advisories

11.3.22

Any proposal to travel to a country or area classified as a Hostile Environment or where a Travel Advisory applies must be referred to BBC Safety’s High Risk Team before departure.

A ‘hostile environment’ is a country, region or specified area subject to war, insurrection, civil unrest, terrorism or extreme levels of crime, banditry or lawlessness, or public disorder or epidemic disease. It also includes areas with extreme climate or terrain.

A ‘Travel Advisory’ applies to countries or areas where special care is needed.

BBC Safety maintains a list of hostile environments and travel advisories on its own website⁴.

⁴ See BBC Safety Site: Available on Gateway for BBC or via commissioning editors for independent producers.

Religious Content

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Introduction

12.2 *(p.225)*

Guidelines

12.1 Introduction

The right to exercise freedom of thought, conscience and religion is set out in national and international acts and agreements, including the European Convention on Human Rights and the Human Rights Act 1998. This includes the freedom to worship, teach, practise and observe.

This section relates only to the BBC's religious programmes and related output. For the purposes of these Guidelines, this is defined as content dealing with the religious views and/or beliefs of a religion or religious denomination as its central subject or, at least, as a very significant part. The Agreement that accompanies the BBC's Royal Charter reflects that the BBC's religious output contributes to how it meets its Mission and Public Purposes. This content includes programmes and other output – such as online reports – that are derived from or related to those programmes.¹

Religious beliefs are central to many people's lives and this chapter is to ensure we use the proper degree of responsibility in respect to the content of religious programmes and related output.

Producers of religious programmes and related content have editorial freedom for the output to express faith and to explore matters of faith; however, they must ensure that religious views and beliefs of those belonging to a particular religion or religious denomination are not subject to abusive treatment.

Where a religion or religious denomination is the subject of a religious programme or related content, the identity of the religion must be clear to the audience.

Vulnerable audiences must be protected from exploitation, and religious programmes must not seek to promote religious views or beliefs by stealth.

¹ The section of the Ofcom Broadcasting Code that relates to this is 4: Religion.

12.2 Guidelines

12.2.1 Producers have editorial freedom for output to express faith and to explore matters of faith. The requirement that religious views and beliefs should not be subject to abusive treatment is not intended to preclude reasonable debate or challenge. While religion and religious views and beliefs may be criticised, we should ensure there is appropriate context and that critical views are open to challenge. Contributors should not be allowed to denigrate the beliefs of others.

12.2.2 We should treat any claims made in our religious output for the special powers or abilities of a living person or group with due objectivity. Such claims should not be made when significant numbers of children may be expected to be watching television or when children are particularly likely to be listening to the radio, or in online content likely to be accessed by children.

12.2.3 Religious output should not be used to recruit, for example by making direct appeals to audiences to join a particular religion. References to the positive effects of belonging to a particular religion will normally be acceptable.

12.2.4 With interactivity related to religious programming, we must exercise a proper degree of responsibility to allow the expression of faith and an exploration of issues around faith, while ensuring that religious views and beliefs are not subject to abuse and that vulnerable audiences are also protected from exploitation. We are more likely to achieve this balance if:

- the space is actively hosted
- we select a suitable form of moderation
- on occasion, we make a rapid intervention – unless, for example, the online community has already responded robustly and in an authoritative way to an offensive comment.

See Section 17 Competitions, Votes and Interactivity: 17.3.45-17.3.56

Re-use, Reversioning and Permanent Availability

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13.2 *(p.229)*

Mandatory Referrals

13.3 *(p.231)*

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- Accuracy Issues
- Fairness, Consent and Privacy Issues
- Harm and Offence Issues
- Managing Online Content
- External Requests for BBC Content

13.1 Introduction

The BBC's archives are a great national record. The archives include content that was broadcast or published in the past, which we may wish to re-use (either in full or in part) and also content that, from the outset, has been continuously accessible. They are an important, useful and valuable resource and we should make them available where possible.

This section outlines the additional steps that should be taken when content is re-used or reversioned whether by the BBC or a third party. The section also addresses how to manage the archive of BBC's online content which in most cases is published with the expectation that it will be made permanently¹ available.

Content within the archives is made to BBC editorial standards in effect at the time of its original production and, with the passage of time, those standards may change. When re-using content we must take account of the Editorial Guidelines in effect now.

We have a continuing responsibility to respect privacy and to be fair to contributors.

The integrity of the archive means we should only remove or amend online, including on-demand, content in exceptional circumstances. Where we let others use our archive content, we must ensure that they do so in ways that do not compromise the BBC's impartiality, editorial integrity and independence.

¹ The sections of the Ofcom Broadcasting Code that relate to this are 2: Harm and Offence, 5: Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions, 7: Fairness and 8: Privacy.

13.2 Mandatory Referrals

(Mandatory Referrals are part of the BBC's editorial management system. They are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy and Standards

13.2.1 Requests from third parties for access to unused material, including notes, rushes or audio recordings, should normally be referred to Director Editorial Policy and Standards or a delegated representative.
See 13.3.31

13.2.2 All requests for untransmitted or otherwise unused material – including notes – from the police or in connection with court proceedings, possible court proceedings or other procedures in which the material may be regarded as evidence (such as disciplinary hearings by regulatory bodies), must be referred to Programme Legal Advice and Director Editorial Policy and Standards.
See 13.3.35

Other Referrals

13.2.3 Any proposal to use archive content that has previously been found in breach of editorial standards or content regulation codes must be referred to Editorial Policy.
See 13.3.1

13.2.4 Any proposal to use a light touch method of compliance for large scale release of archive content must be referred to Editorial Policy.
See 13.3.7

13.2.5 Any proposal to use potentially distressing archive content against the wishes of the relevant

contributors, victims or the immediate family of dead people must be approved by a senior editorial figure, or for independent production companies by the commissioning editor, who should normally consult Editorial Policy.

See 13.3.13

13.2.6 Programme Legal Advice must be consulted about any proposed use of archive material of a crime if potentially related court proceedings are pending or in progress.

See 13.3.17

13.2.7 Any plans to re-use, reversion or make available content featuring members of the Royal Family or the Royal Palaces must be referred to the BBC's Royal Liaison Officer. This does not apply to news content showing members of the Royal Family carrying out public duties.

See 13.3.18

13.2.8 Any proposal to remove online content from the archive, whether it is published on a BBC site or syndicated elsewhere, must be referred to the relevant senior editorial figure, or for independent production companies to the commissioning editor, who may consult Editorial Policy.

See 13.3.25

13.2.9 Heads of Editorial Standards must be consulted over the wording of programme-specific explanations for a Revocation, Revision or Correction Label.

See 13.3.27

13.2.10 Requests to remove mothballed pages with a banner headline stating the page has not recently been updated, must be referred to the Managing Editor, BBC Online.

See 13.3.28

13.2.11 All requests for transmitted content in connection with court proceedings, or other procedures in which the material may be regarded as evidence, must be referred to Programme Legal Advice and Editorial Policy.

See 13.3.29

13.3 Guidelines

General

13.3.1 The re-use, reversioning and making available of archive content must take account of findings of breaches of editorial standards by the BBC's Executive Complaints Unit, the BBC Trust or other predecessors, and of code breaches recorded by Ofcom or previous regulators. **Any proposal to use archive content that has been found in breach must be referred to Editorial Policy** who will consider whether:

- there has been a change in standards since the original finding
- the content could be released if it was edited and/or additional information was given.

13.3.2 Editorial content originally broadcast/published in the UK that is re-used internationally may not be appropriate for re-use in all territories around the world out of duty of care to international contributors or BBC staff.

13.3.3 Where appropriate it should be made clear to audiences when content is not contemporaneous. Labels, first transmission dates, contextual information or other signalling may be required to make clear when content is archive in order to avoid misleading audiences.

13.3.4 When we re-use/reversion content we should take account of its original context and should not normally misrepresent it. There may be editorially justified exceptions, such as where archive is used for a comedic/satirical purpose. However, fairness and harm and offence considerations apply.

We should be alert to legal copyright, data protection issues and the legal right to privacy.

13.3.5 While respecting that archive content is a record of history, we must consider whether it is appropriate to release it unedited or whether this would breach the Editorial Guidelines or the law.

It may be appropriate to indicate when archive content has been edited or removed, in order to make audiences aware that a record has been changed.

13.3.6 Access or location agreements should be reviewed before archive content is made available as there may be special conditions for re-use.

13.3.7 With large scale release of collections of archive content it may be acceptable to adopt a light touch method of compliance, where overall risks of breach of standards are mitigated by identifying parts of the collection which must be excluded or complied in full. When it is broadcast or published there should be a route for the public to get in touch and for a rapid response to take place if necessary.

Any proposal to use a light touch method of compliance for large scale release of archive content must be referred to Editorial Policy who will take into account:

- the nature of the content and whether it could be considered controversial
- whether the proposed compliance arrangements are appropriate for that content.

13.3.8 Unless content is specifically made available only for a limited time period, there is a presumption that material published online will become part of a permanently accessible archive and should be preserved in as complete a state as possible.

See Section 13 Re-use, Reversioning and Permanent Availability: 13.3.22-13.3.28

Accuracy Issues

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

See Section 3 Accuracy: 3.3.16

Editorial content that we plan to re-use or reversion may have become inaccurate and some information which new research has revealed to be out of date may put people at risk if followed. If release of such information is editorially justified, it must be made clear to audiences that it is archive.

13.3.10 We must check whether archive content that is planned for repeat has been overtaken by events, including the known death of a contributor, the charging of an offender, or significant life changes. Where appropriate, information should be given, or content should be edited or removed.

See Section 3 Accuracy: 3.3.27

Fairness, Consent and Privacy Issues

13.3.11 Before content is re-used or reversioned, we must check any relevant available contributor consents and observe any restrictions on the re-use of the content, unless we are able to establish that circumstances have changed since the restrictions were imposed, so that they no longer apply.

See Section 6 Fairness to Contributors and Consent: 6.3.1

13.3.12 Archive content involving contributors in the following ways may become more sensitive over time:

- suffering illness, death or emotional trauma
- disclosing sensitive personal information
- featured as children when they were unable to give informed consent.

We must consider how to minimise possible distress to surviving contributors when we re-use, reversion or make available such content.

13.3.13 When use of the archive may cause distress to the contributors, victims or the immediate family of dead people featured they should normally be notified of our plans for re-use so far as is reasonably practicable. **If they object to re-use, any proposal to do so must be approved by a senior editorial figure, or for independent production companies by the commissioning editor, who should normally consult Editorial Policy.** Approval will only be given if the objections are outweighed by the public interest².

13.3.14 We should only re-use archive content of identifiably grieving or distressed people when there is editorial justification. The circumstance, location, length and intimacy of the sound/image should be weighed against the public interest in re-using the content.

See Section 7 Privacy: 7.3.41-7.3.45

13.3.15 Re-use of factual content in dramas and drama-documentaries must be editorially justified and must not create unfairness.

It should not cause unjustified embarrassment, surprise or offence to identifiable people featured in the archive or their living close relatives.

See Section 6 Fairness to Contributors and Consent: 6.3.23 and Section 5 Harm and Offence: 5.3.32

² See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

For portrayal of real people in drama see Fairness to Contributors and Consent.

See Section 6 Fairness to Contributors and Consent: 6.3.51-6.3.52

13.3.16 **Secretly Recorded Content**

Secretly recorded content may infringe privacy and/or reveal wrongdoing. The editorial justification for re-use must assess the public interest³ in re-release.

See Section 7 Privacy: 7.3.10-7.3.21

13.3.17 **Content Depicting Illegal or Anti-Social Activity**

The use of archive material relating to crimes and to victims of crime must be editorially justified.

When releasing archive content relating to crimes, victims of crime and anti-social activity we should:

- avoid repeated use of the same incident to illustrate a general theme
- not use archive content of one identifiable crime to illustrate another
- take care when using archive shots of prisoners to illustrate a specific crime or type of crime. Individuals should not be identifiable if they were not involved in the crime in question
- be aware that while content depicting illegal or anti-social behaviour may have a clear public interest purpose on first transmission, this public interest may diminish with the passage of time, and any re-broadcast/publication after first transmission must be considered case by case.

Programme Legal Advice must be consulted about any proposed use of archive material of a crime if potentially related court proceedings are pending or in progress.

See Guidance online: Re-use of Factual Content Featuring Illegal or Anti-Social Behaviour

³ See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

13.3.18

Royal Archive Content

Content featuring members of the Royal Family or the Royal Palaces is often subject to specific contractual arrangements, especially when the BBC has been given privileged access.

Any plans to re-use, reversion or make available such archive content must be referred to the BBC's Royal Liaison Officer. This does not apply to news content showing members of the Royal Family carrying out public duties.

Harm and Offence Issues

13.3.19

Archive content that is made available, re-used or reversioned must take account of the standards of the Editorial Guidelines on Harm and Offence. In assessing appropriateness for re-use we should consider:

- changes in public attitudes to potentially offensive content, including nudity, language, portrayal, alcohol, illegal drug use and smoking
- any change in service or timeslot which would have an effect on audience expectations
- the way that BBC output may be discovered online, via links or embedding on other sites, means that users may not always be prepared for the content they find. They may not immediately realise that it is archive, possibly increasing the risk of offence
- current events and circumstances which may make release inappropriate.

13.3.20

When archive content would not normally be broadcast by the BBC today because standards or attitudes have changed, there may be reasons to make it available now including if it is of historical or cultural interest or if it is otherwise editorially justified in the public interest. However, the content should be appropriately scheduled and/or signposted.

See Section 5 Harm and Offence: 5.1

Some content relating to past events remains controversial or sensitive.

13.3.21

We must ensure that the use of traumatic archive content, particularly when it features identifiable people, is editorially justified. It should never be used as 'wallpaper'. Any restrictions placed on re-use must be observed.

See Guidance online: Removal of BBC Online Content

Managing Online Content

13.3.22

At the time that editorial content is posted online, the editorial managers responsible for its creation should decide on a strategy for its management over time. They should consider how frequently pages need to be updated or how they are to be treated if they are not to be updated.

13.3.23

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

Pages may be given a date stamp from the moment of publication and/or they may be labelled as archived with a banner stating that the page is no longer being updated.

13.3.24

When a material change is made to content, the change should normally be indicated to users unless there are, exceptionally, reasons, including legal or editorial, not to do so.

13.3.25

The archive of the BBC's online content is a permanent public record and its existence is in the public interest. The online archive, particularly news reports, should not normally be removed or amended.

Where there is an expectation that content, from a name to a whole programme, is made available permanently, it should only be removed in exceptional circumstances.

These may include legal reasons, safety risks to individuals or a serious breach of editorial standards that cannot be rectified except by removal of material; or where tragic events during the catch-up period make a programme containing similar content unsuitable for continued publication.

Any proposal to remove online content from the archive, whether it is published on a BBC site or syndicated elsewhere, must be referred to the relevant senior editorial figure, or for independent production companies to the commissioning editor, who may wish to consult Editorial Policy. They should consider:

- the potential harm of removal to the public interest⁴ and the integrity of the archive or catch-up service
- any significant harm or distress continued publication may cause an individual to whom we have a duty of care
- whether any content we are considering removing is already circulating widely on the internet. If it is, removal may be ineffective
- whether information has been put in the public domain other than by the BBC or is available in public records. If so, we should normally refuse requests to remove it.

Where there may be legal repercussions, any proposals to remove online content should normally be referred to Programme Legal Advice (who may consult Information Rights where content contains personal information that might identify a living person).

13.3.26

Requests to remove content where contributors to the BBC complain that they did not give consent to their contribution appearing online or being made available in perpetuity should normally be refused, providing they gave informed consent to one part of the BBC and their safety is not endangered by the content's presence.

13.3.27

Requests to remove comments and other social media content should also normally be refused as long as the BBC's terms and conditions or privacy policy published at the time provide adequate protection.

As removal is a last resort, we should not normally hide or remove content while we consider requests, unless there are legal or editorial reasons to do so.

No one below Executive Producer, or relevant senior editorial figure should initiate removal, revocations or revisions to our online content.

Heads of Editorial Standards must be consulted over the wording of programme-specific explanations for a Revocation, Revision or Correction Label.

The Press Office should be informed if a Revocation, Revision or Correction label and explanation is to be applied.

13.3.28

Requests to remove mothballed pages with a banner headline stating the page has not recently been updated, must be referred to the Managing Editor, BBC Online who will consider whether, exceptionally, to remove the page that is a public record.

⁴ See Section 1 The BBC's Editorial Standards: 1.3 The Public Interest.

External Requests for BBC Content⁵

13.3.29

Transmitted Content

All requests for transmitted content in connection with court proceedings, or other procedures in which the material may be regarded as evidence, must be referred to Programme Legal Advice and Editorial Policy. Editorial Policy will consider whether accepting the request would compromise the BBC's impartiality, editorial integrity or independence.

13.3.30

For other external requests for editorial content, when deciding whether it is appropriate to release content to a third party we should take into account:

- any copyright, legal, contractual and editorial implications
- whether the content is controversial, sensitive, does not meet today's generally accepted standards or could affect the privacy of a contributor if released
- the nature of the third party
- whether this is a contributor request for material relating to the original contribution
- whether there is an existing external relationship, including whether the organisation is a partner
- whether the use would be commercial and/or should be handled by a BBC commercial subsidiary
- whether the use would be non-commercial, including educational or for training purposes, for data journalism or otherwise in the public interest.

For non-commercial use we should normally charge a fee which reflects the cost of providing the content and normally require a licence or other written agreement setting out how it can be used.

⁵ This section of the Editorial Guidelines, covering both transmitted and untransmitted content, does not apply where there is a statutory requirement to produce content, for example to Ofcom.

Use of BBC content by third parties must not compromise the BBC's impartiality, editorial integrity and independence.

A BBC website sets out how the public can request content⁶.

See Section 16 External Relationships and Financing: 16.3.21-16.3.22

13.3.31

Untransmitted Material

Requests from third parties for access to unused material, including notes, rushes or audio recordings, should normally be referred to Director Editorial Policy and Standards or a delegated representative who will consider:

- the public interest
- whether release would compromise the BBC's impartiality, editorial integrity or independence and
- the proposed use of the material.

See Section 13 Re-use, Reversioning and Permanent Availability: 13.3.29-13.3.30

13.3.32

Any proposal to give a contributor's personal details, comments or other personal information to a third party without the contributor's consent should be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should normally consult Programme Legal Advice.

13.3.33

We must never agree to provide access to unused material:

- when to do so would endanger people who work for the BBC
- when it would make it more difficult to gather such material in the future
- if the requests appear to be fishing for evidence

⁶ Can I Use BBC Content? website

- if the material contains information that identifies a confidential source or contributor
- when it conflicts with our contractual obligations
- when the rights of third parties may be impaired by handing it over.

13.3.34

The BBC will only release untransmitted material to individuals or organisations for public relations, marketing or commercial purposes in exceptional circumstances, and when its editorial integrity and independence can be maintained.

13.3.35

All requests for untransmitted or otherwise unused material – including notes – from the police or in connection with court proceedings, possible court proceedings or other procedures in which the material may be regarded as evidence (such as disciplinary hearings by regulatory bodies), must be referred to Programme Legal Advice and Director Editorial Policy and Standards.

The BBC will not normally hand over unused material in such circumstances, including to the police, without a court order. Sometimes it is appropriate to accede to such an order; at other times it will be necessary to contest it and appeal it to higher courts.

There is no legal obligation for us to keep documents, records or unused material unless and until they are the subject of a request from the police or the courts or there is a realistic threat of litigation.

Independence from External Interests

14

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14.1 Introduction

The BBC's reputation and the strength of its brand in the UK and around the world are based upon its fundamental values of editorial integrity, independence and impartiality. These values are central both to the BBC's Public Services and our Commercial Services. Audiences everywhere must be able to trust the BBC. In order to achieve that, our impartiality, editorial integrity and independence must not be compromised by outside interests and arrangements¹. We must maintain independent editorial control over our content.

This section of the Editorial Guidelines concerns the editorial decisions and production of BBC editorial content and related BBC activities. It should be read in conjunction with Section 15 (Conflicts of Interest), which considers how to ensure that the external activities and interests of those involved in producing content and related activities do not bring the BBC's editorial integrity into question.

Specifically, we must not give undue prominence to products, services or trade marks, though we can refer to them and credit them where it is editorially justified. And people working for the BBC must not accept gifts or hospitality from anyone who might believe it will give them a business advantage.

The BBC will not accept product placement on its UK Public Services, and Public Services must not endorse or promote any other organisation, or its products, services, trade marks, activities or opinions.

While our Commercial Services must not promote products, services and trade marks in their content, they can make reference to another organisation, its products, services, trade marks or activities as part of a commercial arrangement. If they do, they must follow the guidelines on product placement, and

¹ The sections of the Ofcom Broadcasting Code that relate to this are 9: Commercial References in Television Programming and 10: Commercial Communications in Radio Programming.

on advertising and sponsorship which explain that it is not appropriate to make deals with some types of organisation.

Commercial
Services

See Section 14 Independence from External Interests: 14.3.31-14.3.36 and Advertising and Sponsorship Guidelines for BBC Commercial Services online

Meanings

Editorial content is programming and other material which is broadcast, published or presented in any format, including but not limited to video, audio, stills, online text, metadata, social media and print, of any length, long form and short form. The BBC must be in control of the material. Editorial content is distinct from commercial content.

Commercial content is material which is created solely as a result of a commercial arrangement. A third party is in control of the content. Commercial content includes advertising and advertisement features, which are advertisements that are presented in an editorial style paid for by an advertiser and under their control. It is distinct from editorial content. Sponsored content, which is under the control of the BBC, is not commercial content.

Public Services are the BBC UK Public Services as set out in the BBC Charter and Framework Agreement, which are funded by licence fee revenue, and the BBC World Service which is funded principally by licence fee revenue together with agreed supplementary funding.

Commercial Services The BBC is permitted to carry out commercial activities through separate commercial subsidiaries, which operate in order to make a profit to supplement the licence fee in the running of the Public Services. They are not funded by licence fee revenue whether directly or indirectly and are undertaken with a view to generating a commercial rate of return.

Product placement is the inclusion in a programme of, or a reference to, a product, service or trade mark where the inclusion is for a commercial purpose, and

is in return for the making of any payment or the giving of other valuable consideration, to any relevant provider or any person connected with a relevant provider and is not prop placement.

Prop placement is the inclusion in a programme of, or a reference to, a product, service or trade mark where the provision of the product, service or trade mark has no significant value, and no relevant provider, or person connected with a relevant provider, has received any payment or other valuable consideration in relation to its inclusion in, or the reference to it in, the programme, disregarding the costs saved by including the product, service or trade mark, or a reference to it, in the programming.

Trade mark In relation to a business, includes any image (such as a logo) or sound commonly associated with that business or its products or services.

Connected person The following persons are connected with a particular person (person includes an individual as well as a body corporate and other incorporated and unincorporated legal entities):

- (a) A person who controls that person;
- (b) An associate of that person or of the person in (a); and
- (c) A body which is controlled by that person or an associate of that person.

Programme-related material consists of products or services or off-air content and activities that are both directly derived from a programme and specifically intended to enable audiences to benefit fully from, to interact with, or to extend the editorial value of that programme.

Consumer advice content is independent information which may refer to the price, availability or attributes of specific products or services, sometimes in a comparative context.

14.2 Mandatory Referrals

(Mandatory Referrals are part of the BBC's editorial management system. They are an essential part of the process to ensure compliance and must be observed.)

- 14.2.1** When planning to feature a product, service or trade mark over a number of pieces of editorial content (excluding news and current affairs output), broadcast or published in a limited period, such as a single day, referral must be made to the relevant output controller(s) and Editorial Policy, who will consider the cumulative effect.
See 14.3.2
- 14.2.2** Any proposal to use advertising clips in programme trails on Public Services must be referred to the Head of Editorial Standards, Marketing and Audiences.
See 14.3.5
- 14.2.3** Any proposal to accept an expenses-paid trip must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor.
See 14.3.18
- 14.2.4** Any proposal to carry output on UK Public Services which requires signalling for product placement must be approved by the Director-General.
See 14.3.27
- 14.2.5** Any proposal to broadcast/publish a programme that was originally transmitted on a UK commercial service unconnected with the BBC which includes product placement must be referred in advance to the relevant channel controller and to Editorial Policy.
See 14.3.29
- 14.2.6** All proposals to include product placement on BBC Commercial Services must be approved by a senior

editorial figure or, for independent production companies, by the commissioning editor. The senior editorial figure/commissioning editor is responsible for ensuring any relevant onward referrals are made.

See 14.3.31

14.2.7

Any proposal for a BBC Commercial Service, including but not limited to video on demand, operating in the UK to digitally insert product placement into any content produced by the BBC which was originally made for a UK Public Service or to insert product placement into any editorial content made by the BBC, or by an independent producer, which was originally commissioned for BBC UK Public Services must be referred to Editorial Policy.

See 14.3.35

14.3 Guidelines

Product Prominence

14.3.1

We need to be able to reflect the real world and this will involve referring to products and services in our output. A product can include references to organisations, to people, such as artists or performers, or to artistic works, such as films, books or musical tracks. However, there must be no undue prominence of products, services or trade marks in our content. To avoid this we must:

- ensure that visual and aural references, including verbal and musical references, to products, services, trade marks, brand names and slogans are editorially justified

For the meaning of trade mark see Section 14 Independence from External Interests: 14.1.

See Section 14 Independence from External Interests: 14.1

- make sure that the manner in which the reference is given is appropriate. Any favourable descriptions

must be editorially justified. Prices and availability should not normally be discussed outside consumer review content

- avoid lingering on, or showing close-ups of, brand names or logos, and use aural references sparingly unless it is editorially justified to do so
- minimise references in output designed to appeal to children.

The degree of prominence that may be acceptable will depend on the context. A product that is integral to an item may justify a greater degree of exposure. Organisations who are partners must be given due attribution but this must not be unduly prominent.

Use of material from advertising campaigns or promotions must be editorially justified. Normally only a short extract should be selected.

Spoken references to a product or service will generally assume a greater degree of prominence than visual references on their own.

14.3.2

Product Prominence – the cumulative effect

In addition, we must take into account the potential cumulative effect of repetition of a reference when planning to feature a product, brand, trade mark or service many times on our output over a limited period, to ensure that this does not lead to undue prominence. We should include programme repeats and marketing in this assessment. Cumulative effect is likely to be greatest around the time of a new release by brands, such as artists and performers, or products, such as films and records.

When planning to feature a product, service or trade mark over a number of pieces of editorial content (excluding news and current affairs output), broadcast or published in a limited period, such as a single day, referral must be made to the relevant

output controller(s) and Editorial Policy

who will consider whether any cumulative impact of such references is editorially justified as a whole.

14.3.3

Product Prominence and Interactivity

When we encourage audiences to interact with us, or refer to their comments on air or online, any references to products, such as social media platforms or hashtags, should not be unduly prominent either within a single piece of content or cumulatively.

Any brands and hashtags should be appropriate for the expected audience. With calls to action, platforms we refer to should be free to use. Undue prominence is more likely where a branded platform is referred to without also supplying details of generic means of communication, such as email.

14.3.4

When reporting audience comments we should normally aim to be platform neutral and not attribute each brand every time it is used. We should normally endeavour to offer contributions from a variety of platforms.

See Section 17 Competitions, Votes and Interactivity: 17.3.45-17.3.56

14.3.5

Product Prominence in Trails

We should normally avoid references to products or services in programme trails or BBC programme marketing material because the repeated exposure could be unduly prominent. Music in trails may also become unduly prominent if it is around the time of a new release of the track. We should consider the cumulative effect of use of a new release in a trail when it is also scheduled to be performed elsewhere in BBC content. Any reference to a branded product or service in trails should be editorially justified.

Public Services

Any proposal to use advertising clips in programme trails on Public Services must be referred to the Head of Editorial Standards, Marketing and Audiences who will consider whether the use is editorially justified and not unduly prominent.

14.3.6

Undue Prominence and Contributors

We must avoid undue prominence when contributors discuss their current releases such as a film/music release or launch of a new book or play. Any related products should not be used as a prop unless editorially justified and any references, particularly close-ups, must also be editorially justified and should be appropriately limited.

14.3.7

Reviewing Products or Services

We should not promote products or services when we review them and we should review a range from different suppliers within a programme or series. In the case of books, albums and other digital products we may normally accept copies for review. Those responsible for reviewing or covering theatre, concerts or other events or performances may accept review tickets. We generally buy products of significant value, such as a washing machine or a car, for review. However, if on occasion we are supplied with them, we must return the product to the manufacturer or supplier.

14.3.8

Linked or Embedded Streams from Third Parties

Public Services

There must be no undue prominence of the third party. On Public Services when a stream has been sponsored, there must be no reference to the sponsor or the sponsor's products, services or trade marks. On

Commercial Services

Commercial Services any reference to a sponsor or their products, services or trade marks may be product placement. However, references must not be promotional.

See Section 14 Independence from External Interests: 14.3.27-14.3.36, Section 7 Privacy: 7.3.29-7.3.33, Section 16 External Relationships and Financing: 16.3.17-16.3.18 and Section 17 Competitions, Votes and Interactivity: 17.3.53

14.3.9

Supply of Props in Drama, Comedy, Entertainment or Lifestyle Content

We must ensure the use of, or reference to, branded products, services or organisations in our drama, comedy, entertainment and lifestyle content is editorially justified and that a wide range are used over time to avoid undue prominence.

Any spoken reference accompanying a visual reference must be editorially justified.

When real products are used as set dressing we should try to avoid close ups and we should avoid visibility of them in other shots.

Prop Placement

For the meaning of prop placement see Section 14 Independence from External Interests: 14.1.

See Section 14 Independence from External Interests: 14.1

14.3.10

Public Services

On Public Services, props are not usually accepted without some payment by the BBC. Where possible, BBC productions should use the BBC internal procurement process.

14.3.11

Commercial Services

On Commercial Services there must be no arrangements guaranteeing that placed props will receive exposure in editorial content. If these conditions are met then it will be regarded as prop placement not product placement provided the provision of the prop or service has no more than a trivial value.

Commercial Services

Props of significant value may be treated as product placement if they are not returned to the provider.

See Section 14 Independence from External Interests: 14.3.27-14.3.36

14.3.12

On Public Services when props are accepted at a reduced cost and on Commercial Services when props are accepted free or at a reduced cost there should be:

- records kept by production of all free or reduced cost props
- no guarantee that any product or service will be featured and, if featured, no guarantee that it will be in a favourable light
- no undue prominence of the prop which has been accepted.

Free and Reduced Cost Facilities, Products and Services

14.3.13

We should normally pay for travel, accommodation and most other services we use. This does not apply to product placement and prop placement.

Consumer and lifestyle content which reviews or features a wide range of products may accept free or reduced cost products or services if they are editorially justified and meet appropriate selection criteria. But in such cases production must:

- keep records of what has been accepted
- never promise that any product or service will be featured, and if featured, that it will be in a favourable light
- only accept discounts if these are consistent with discounts offered to other large organisations
- inform suppliers in writing that they cannot refer to the BBC's use of their products or services in any advertising or promotions
- only give on-air and online credits if editorially justified. Public Services should never promise to feature a supplier's details online in return for the supply of free or reduced cost products or services.

Public Services

14.3.14 No payment must be accepted for products or services to be featured on any BBC service as product placement is prohibited in consumer advice content.

See Section 14 Independence from External Interests: 14.3.27-14.3.36

14.3.15 Suppliers must not have an editorial say in the content and should not be given a preview of it.

For makeover programmes see Section 16 External Relationships and Financing.

See Section 16 External Relationships and Financing: 16.3.36

14.3.16 **Shared Facilities**

Where a facility, such as a feed is shared between the BBC and a third party, the BBC must retain editorial control of any ensuing content on BBC services and pay the appropriate portion of the cost.

14.3.17 **Media Facility and Fact Finding Trips**

On Public Services, and for news and current affairs content on Commercial Services, we should not normally accept expenses-paid trips unless they are the only way to cover a significant event.

14.3.18 Any proposals to accept an expenses-paid trip must meet the BBC's Anti-Bribery Policy.

In our content we should not normally refer to any commercial operators offering the facility, or to charities and lobby groups. Any reference to other organisations which have facilitated the trip must be editorially justified.

Any proposal to accept an expenses-paid trip must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor who will consider whether:

- the trip, and any references to organisations which have facilitated it, are editorially justified and will not damage the editorial integrity of the BBC
- a contribution should be made towards the cost, where reasonably practicable.

Staff working for Commercial Services which review a range of services and facilities may seek assistance from travel providers such as tourist boards, airlines and hotels. In such cases:

- there must be no assurances of any coverage in exchange for such services
- information should be published on a range of travel suppliers and not just those who provide us with assistance.

Commercial Services

14.3.19 **Promotional Material or Stories Supplied by Outside Bodies**

We must select and cover stories for our own independent editorial reasons and be alert to situations when organisations may access multiple areas of the BBC by different routes to try to place stories across our services in a limited period.

Online Links to Third-Party Platforms

14.3.20 We must not give the impression that we are endorsing a commercial product or service when linking to a commercial platform.

Links from Public Service platforms and from the editorial content of a Commercial Service platform must be editorially justified.

See Section 14 Independence from External Interests: 14.3.1-14.3.9, Section 3 Accuracy: 3.3.21 and Section 4 Impartiality: 4.3.9

Public Services

On Public Services, links should lead to third-party sites which, if not free to access, should be labelled as subscription sites.

See Guidance online: Links and Feeds

Logos and Credits Online

- 14.3.21** Use of third-party logos and credits on Public Service platforms and in the editorial content on Commercial Service platforms must be editorially justified.
- Partners should be given due attribution and recognition, including in the branding and promotion of the output and services created or distributed.
- See Section 14 Independence from External Interests: 14.3.1-14.3.9, Section 16 External Relationships and Financing: 16.3.7-16.3.11
- See Guidance online: Crediting and Labelling External Relationships

- 14.3.22** Public Services On Public Services we should never promise to mention a supplier's details online in return for the supply of free or reduced cost products or services.
- See Section 14 Independence from External Interests: 14.3.13-14.3.19

Public Service References to BBC Commercial Services and Products and Other Material Related to Editorial Content

- 14.3.23** Public Services **Public Service References to BBC Commercial Services**
- We must not use our Public Services to promote any BBC Commercial Services or products. On Public Services all references to BBC Commercial Services such as websites, international channels or any international or UK-based joint venture channels must be editorially justified.
- However, the BBC, and independent companies working for the BBC, may produce and license programme-related material, which may be promoted during or around the editorial content from which it is directly derived. Any such promotion must be to allow audiences to benefit from or interact with the related editorial content, and must be editorially justified.
- For the meaning of programme-related material see Section 14 Independence from External Interests: 14.1.
- See Section 14 Independence from External Interests: 14.1

- 14.3.24** **Trails for Commercial Products Related to BBC Programmes**
- On Public Services we may broadcast trails for some programme-related materials in junctions after the editorial content from which they are directly derived.² Online we may link to a page on a commercial site where commercial products related to BBC programmes may be purchased where editorially justified.
- Any product which is trailed must be under the BBC's editorial control and must have been commissioned, licensed or developed directly in conjunction with the associated content. Trails or announcements after programmes should be limited to factual information.
- BBC-branded magazines must not be trailed on BBC Public Services on air or online. For other BBC-related products on radio, see the relevant guidance.
- Public Services See Guidance online: Trails on radio for Commercial Products related to BBC Programmes
- 14.3.25** Public Services **Transactional Links from Public Service Platforms to Commercial Products Related to BBC Editorial Content**
- BBC Public Service platforms may offer users the opportunity to purchase selected BBC-related editorial content from a range of online commercial suppliers.

BBC Support Services

- 14.3.26** We may offer support services that extend the impact and understanding of our content.
- When we broadcast or publish content raising difficult or distressing issues it may be appropriate to provide an action line offering further information or support. BBC Action Line should normally be consulted for UK-facing content.
- Fact packs and other learning support may be provided to complement other content.

² Cross Promotions Guidance online from BBC Policy and Strategy.

The following conditions apply to support services:

- information provided on support services should be duly accurate and impartial
- any external links should be justified by the relevance and value to the audience. We should normally provide links to a range of agencies, charities or statutory organisations which should be chosen using appropriate selection criteria
- we must ensure we can cope with any likely demand for our support services. Any phone line, whether provided by the BBC or an outside agency, should be capable of offering a robust service
- support service phone lines should be free or priced at cost recovery, not designed to make a profit. We must not use premium rate services for action lines

See Section 17 Competitions, Votes and Interactivity: 17.3.29

- we must not appear to endorse third-party campaigns when we produce support material in conjunction with other organisations
- we should not distribute third-party fundraising material unless it is for BBC-approved charity appeals
- UK Public Service support material online must not be sponsored
- we may credit organisations who have contributed to our support material on the material itself. We may credit the involvement of a partner on air, but on Public Services we must not credit sponsors on air

See Section 16 External Relationships and Financing: 16.3.37

- in the UK we should not normally trail helplines or action lines run by other organisations, except where they offer a specialised service.

Product Placement

For the meaning of product placement see Section 14 Independence from External Interests: 14.1.

See Section 14 Independence from External Interests: 14.1

14.3.27

The BBC must not commission, produce or co-produce output for its UK Public Services which contains product placement. All programmes made by the BBC or an independent producer for broadcast on UK Public Services must be free of product placement. **Any proposal to carry output on UK Public Services which requires signalling for product placement must be approved by the Director-General.**

Public Services

For financing of World Service see Section 16 External Relationships and Financing.

See Section 16 External Relationships and Financing: 16.1

Commercial Services

In some cases, BBC Commercial Services may commission or make editorial content which includes appropriate product placement.

14.3.28

Product Placement in UK Public Service Acquisitions from Third Parties with No Connection to the BBC

Acquisitions from outside the UK

When a UK Public Service acquires content containing product placement that it has not commissioned or produced and that has not been commissioned or produced by a connected person, such as a BBC Commercial Service, there is no product placement signalling requirement.

For the meaning of connected person see Section 14 Independence from External Interests: 14.1.

See Section 14 Independence from External Interests: 14.1

There must be no conditions attached to the acquisition that the product placement will be broadcast.

Any visual or aural mentions of products that have been placed in an acquisition that is not from a connected person should be editorially justified and must not be promotional or unduly prominent.

Public Services

A record should normally be kept of the existence of any product placement where known, and of any measures taken in relation to it.

See Section 14 Independence from External Interests: 14.3.1-14.3.9

Editorial content made after December 2009 and distributed on an Ofcom-regulated service must not contain product placement of any products, services or trade marks prohibited under the Ofcom Code.

Public
Services

14.3.29

Acquisitions from the UK

Product placement should normally be removed or obscured.

Any proposal to broadcast/publish a programme that was originally transmitted on a UK commercial service unconnected with the BBC which includes product placement must be referred in advance to the relevant channel controller and to Editorial Policy who will consider whether the product placement:

- is editorially justified
- would bring the UK Public Services into disrepute
- should be obscured or removed.

Public
Services

14.3.30

Product Placement in Live News Broadcasts on UK Public Services

There may be occasions when there is placement in a live news feed, such as a feed from the United States at the time of a breaking story. We should not normally broadcast the placement if we know it is present.

Public
Services

14.3.31

Product Placement Requirements for BBC Commercial Services

All product placement in any editorial content made by any part of the BBC for a BBC service or for any third party, or commissioned or produced by an independent production company for a BBC service, must meet these requirements:

- product placement must not compromise the editorial integrity or independence of the content or BBC service
- no product placement of any product or service may bring the BBC and its services into disrepute
- in services under the BBC's control, product placement must not influence the content and scheduling of content in a way that affects the responsibility and editorial independence of the broadcaster
- references to placed products, services and trade marks must not be promotional or unduly prominent
- the inclusion of product placement should be signalled to audiences
- product placement must meet the applicable product placement regulation for the territory in which it will be broadcast.

All proposals to include product placement on BBC Commercial Services must be approved by a senior editorial figure, or for independent production companies by the commissioning editor, who will consider whether the product placement would damage the reputation of the BBC.

The senior editorial figure/commissioning editor is responsible for ensuring any relevant onward referrals are made.

Commercial
Services

14.3.32 Restrictions on Programme Genres Which May Take Product Placement and Types of Product Which May Be Placed

Product placement must not be included in:

- news and current affairs programmes
- religious programmes
- children's programmes
- consumer advice content.

For the meaning of consumer advice content see Section 14 Independence from External Interests: 14.1.

See Section 14 Independence from External Interests: 14.1

Commercial Services

14.3.33 Product placement of the following is prohibited:

- any product or service connected to a political party or political organisation
- any product or service connected to a body associated with faith, religion or equivalent systems of belief
- adult products and services
- tobacco products (including but not limited to cigarettes)
- placement by or on behalf of any undertaking whose principal activity is the manufacture or sale of cigarettes or other tobacco products
- weapons
- any product or service which may not be advertised on the service.

Services regulated by Ofcom are prohibited from product placement of the following:

- electronic cigarettes or refill containers
- prescription-only medicines.

Services regulated by Ofcom are prohibited from product placement of the following in programmes produced under UK jurisdiction:

- alcoholic drinks
- foods or drinks high in fat, salt or sugar
- gambling

Commercial Services

- infant formula (baby milk), including follow-on formula
- all medicinal products.

Commercial Services

Services regulated by Ofcom should check the Ofcom Code for updates.

14.3.34 Transparency and Signalling Requirements

In content commissioned, produced or co-produced for the BBC the inclusion of product placement should be made transparent to audiences. This should normally be through a list of all placed products in the credits for produced or commissioned programmes and should be done in a neutral, non-promotional manner, similar to other programme credits.

Commercial Services

Any local regulations on product placement signalling must always be observed.

14.3.35 BBC Commercial Services Targeted at UK Audiences

BBC Commercial Services targeted at UK audiences should not normally digitally insert product placement into any content produced by the BBC which was originally made for UK Public Services. Nor should they normally insert product placement into any editorial content made by an independent producer which was originally commissioned for BBC UK Public Services.

Commercial Services

Any proposal for a BBC Commercial Service, including but not limited to video on demand, operating in the UK to digitally insert product placement into any content produced by the BBC which was originally made for a UK Public Service or to insert product placement into any editorial content made by the BBC, or by an independent producer, which was originally commissioned for BBC UK Public Services

must be referred to Editorial Policy who will consider whether the product placement would damage the reputation of the UK Public Services.

14.3.36

BBC Commercial Services Targeted at Audiences Outside the UK

Where a BBC Commercial Service or a connected person co-commissions or co-produces a programme with a UK Public Service, the version on the UK Public Service must not contain product placement.

For the meaning of connected person see Section 14 Independence from External Interests: 14.1.

See Section 14 Independence from External Interests: 14.1

Conflicts of Interest



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- On-Air Talent and Promotional Activity Including Commercial Advertising and Endorsements
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- Regular Contributors to Output
- Actors and Artists Replicating Their BBC Roles in Other Output
- Talent and Agent-Owned Independent Production Companies

15.1 Introduction

Our audiences must be able to trust the BBC and be confident that our editorial decisions are not influenced by outside interests, including political or commercial pressures. This section explains how an individual's activities might affect the public's perception of the BBC.

A potential conflict of interest arises when there is the possibility that an individual's external activities or interests may affect, or be reasonably perceived as affecting, the BBC's impartiality and its integrity, or risk damaging the BBC's reputation generally or the value of the BBC brand. Conflicts of interest may occur in any area of our work.

It is a requirement that all BBC staff must formally declare any personal interest which may affect their work with the BBC. This requirement extends to freelance presenters, reporters, producers and researchers and other workers. The onus to declare personal interests rests with the individual. Each department also has a responsibility for identifying its areas of vulnerability. There may be particular sensitivities around on-air talent.

Individual BBC managers must decide what action is needed in response to declared potential conflicts of interest. There may be times where individual freedoms may need to be constrained or where individuals may be restricted in the areas in which they can work or in certain aspects of their roles. These decisions will depend on the kind of output they are involved in, their role, how senior they are and on the nature of their personal interests and external activities.

Conflicts of interest are not regulated by Ofcom, except where they may lead to a failure of due impartiality¹. The BBC's policy on personal interests

forms part of the contract of employment that applies to BBC employees. Failure to comply with these Guidelines or to follow the related Guidance may be a matter for BBC Human Resources. For individuals who are otherwise engaged by the BBC – including freelance presenters, reporters, producers, researchers and other on-air talent – failure to comply with these Guidelines and related Guidance would normally be a contractual matter.

The principles on conflicts of interest apply to everyone, but the application of the principles varies according to an individual's role and their level of involvement with BBC content. This reflects audience expectations of the impartiality and integrity of BBC output, in particular its news and current affairs.

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

An individual's political, commercial, financial or other interests must not influence, or be reasonably perceived as having influenced, BBC editorial judgements.

Those involved in commissioning, production, marketing, or who have any other role in the creation of BBC content, must have no material connection with products, businesses or other organisations featured in that content.

The involvement of talent, or their agents, in the ownership or senior management of independent production companies making output for the BBC risks damaging the public perception of the BBC's impartiality, independence and integrity. The BBC must maintain overall editorial control of all aspects of the content.

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

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

Detailed guidance on Conflicts of Interest is available on the Editorial Guidelines website. This also includes advice for financial journalists.

15.2 Mandatory Referrals

(Mandatory Referrals are part of the BBC's editorial management system. They are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy and Standards

- 15.2.1** News and current affairs presenters should not front campaigns for charities or campaigning bodies as this could compromise the BBC's reputation for impartiality. Any proposal that would not comply with this must be referred to Director Editorial Policy and Standards.
See 15.3.25
- 15.2.2** There may be circumstances where it is not possible to produce a programme about specific talent unless it is produced by an independent production company owned by, or as a co-production with, that talent or an associated agency. In such cases, proposals can only be considered if there is strong editorial justification. The matter must be referred to the relevant divisional director and Editorial Policy; Director Editorial Policy and Standards must also be consulted.
See 15.3.44

Other Referrals

- 15.2.3** Where an individual considers a potential conflict has arisen that they have not already declared, they must inform the relevant editorial manager promptly. Editorial Policy may also be consulted.
See 15.3.4
- 15.2.4** In some areas, such as specialist music or science programming, on-air talent and production staff may have commercial, professional and external personal interests in their area of expertise. In such cases, the relevant division should ensure that appropriate editorial procedures are in place so that there is no conflict of interest with their on-air role. Such procedures must be referred to Editorial Policy.
See 15.3.8
- 15.2.5** Chief Adviser Politics must be consulted at the outset if there is any possibility of political activity being perceived as a risk to BBC impartiality.
See 15.3.20
- 15.2.6** Where any individual undertaking work for the BBC intends to stand as a candidate in a national or local election – including seeking nomination as a party candidate – this must be referred to Chief Adviser Politics at the outset.
See 15.3.21
- 15.2.7** Any proposal by individuals to work for, or be publicly associated with, charities and campaigning groups must be referred to the head of department, who must consult Editorial Policy.
See 15.3.24

- 15.2.8** Individuals involved in the production or presentation of news and current affairs output – including freelances primarily known as BBC news presenters or reporters – must refer proposals to write columns or blog posts for external publications to a senior level in the relevant division.

See 15.3.27

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

See 15.3.31

- 15.2.10** Individuals must not accept personal benefits, or benefits for their family or close personal relations, from organisations or people with whom they might have dealings on the BBC's behalf. Unacceptable personal benefits include goods, discounts, services, cash, loans, gratuities or entertainment outside the normal scope of business hospitality.

Any exception to this, where it could affect production of content for the BBC, must be referred to the relevant head of department, who should normally consult Editorial Policy, to establish whether accepting the offer constitutes a conflict of interest.

See 15.3.33

- 15.2.11** Presenters of BBC factual output who wish to recreate their roles in fictional output risk confusing audiences and undermining the credibility of their own output as well as damaging their own reputations. Any proposal to do so must be referred to their head of department.

See 15.3.43

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

See 15.3.43

15.3 Guidelines

Declaration of Personal Interests

- 15.3.1** All individuals engaged by the BBC are required to declare any personal interests which may affect their work with the BBC. These should be set out on a Declaration of Personal Interest form and it is the responsibility of individuals to ensure it is maintained and is up to date.

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

External interests – both commercial and non-commercial – of presenters and other on-air talent could lead to a conflict of interest. When contracts are negotiated, talent must declare any commercial or other external interests that may have a bearing on their on-air role or which are connected with the subject matter of the programme they present.

Significant financial interests should be declared by all production and editorial staff working for the BBC if they are in any way connected with the area in which they work or the subject matter they cover.

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

See Guidance online: Conflicts of Interest

15.3.2 The onus is on individuals to inform their managers about any outside interests they (or, in some circumstances, their family or close personal contacts) have, so that the BBC can decide what action is needed in response to any perceived conflict of interests.

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

15.3.4 **Where an individual considers a potential conflict has arisen that they have not already declared, they must inform the relevant editorial manager promptly. Editorial Policy may also be consulted.**

Risks of Conflicts of Interest

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

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

15.3.6 **All output areas**
The external activities of programme makers, content producers and on-air talent must not risk damaging the BBC's reputation. An individual's off-air

connections with charities, campaigns, political parties or other organisations must not risk bringing the BBC's impartiality or integrity into doubt. Where individuals may be restricted in their off-air activities and interests because of the nature of their role with the BBC, this is set out below in External Activities.

15.3.7 People involved in making or presenting content for the BBC risk compromising the integrity of their BBC output – and damaging their own reputation – by off-air involvement in inappropriate commercial interests.

15.3.8 **In some areas, such as specialist music or science programming, on-air talent and production staff may have commercial, professional and external personal interests in their area of expertise. In such cases, the relevant division should ensure that appropriate editorial procedures are in place so that there is no conflict of interest with their on-air role. Such procedures must be referred to Editorial Policy.**

15.3.9 **News and Current Affairs**

News and current affairs output may deal with any issue, cause, organisation or individual and there must be no doubt over the integrity and impartiality of editorial teams. It is important that audiences can trust BBC news and current affairs content. For these reasons, there are additional constraints on those involved in the production and presentation of BBC news and current affairs output.

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

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

15.3.11 **Financial Journalism**

There are additional requirements of, and legal constraints on, financial journalists. People working on financial programmes for the BBC should register their shareholdings and other financial interests or dealings. It is illegal to use financial information acquired in advance to trade ahead of the markets. It is also illegal to promote financial services without proper authorisation from the relevant regulatory authorities. Further information is in the Conflicts of Interest Guidance.

External Activities

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

- public expressions of opinion
- political activities
- involvement with charities and campaigns
- writing commitments
- public appearances
- academic roles
- media training
- promotional work, including commercial advertisements and endorsements
- references to the BBC and BBC content in advertisements that are not connected to the BBC
- regular contributions to third-party output
- actors and artists replicating a BBC role in external output
- presenters of factual output appearing in drama
- talent- or agent-owned independent content production companies.

Public Expressions of Opinion

15.3.13 Where individuals identify themselves as being linked with the BBC, or are programme makers, editorial staff, reporters or presenters primarily associated with the BBC, their public expressions of opinion have the potential to compromise the BBC's impartiality and to damage its reputation. This includes the use of social media and writing letters to the press. Opinions expressed on social media are put into the public domain, can be shared and are searchable.

See Guidance online: Social Media

The risk is greater where the public expressions of opinion overlap with the area of the individual's work. The risk is lower where an individual is expressing views publicly on an unrelated area, for example, a sports or science presenter expressing views on politics or the arts.

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

15.3.15 Individuals must clear with the head of department and the Press Office any letters to the press or public expression of opinion if they deal with the subject matter of their programmes, relate to the BBC or broadcasting, or concern matters of public policy, political or industrial controversy or any other 'controversial subject'.

See Section 4 Impartiality: 4.3.4-4.3.5

15.3.16 Presenters who only occasionally present programmes for the BBC should normally clear public expressions of opinion relevant to the subject matter of their programmes if they are to be published around the time of transmission.

15.3.17 **Additional Requirements in News and Current Affairs and Some Other Factual Output Regularly Dealing with a Range of Public Policy Issues**

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

- state or reveal publicly how they vote or express support for any political party
- express a view for or against any policy which is a matter of current party political debate
- advocate any particular position on a matter of public policy, political or industrial controversy, or any other 'controversial subject'
- exhort a change in high-profile public policy
- speak or write publicly about the BBC without specific, prior approval from the relevant head of department.

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

Factual content teams regularly dealing with a range of public policy issues, may refer to Editorial Policy.

Political Activities

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

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

with the BBC. This includes on-air talent on long-term contracts.

Such activity must not compromise the BBC's impartiality or integrity or undermine public confidence in the BBC. Judgements about what is acceptable will reflect individual circumstances, including the type of activity and the nature of the individual's BBC role.

See Section 4 Impartiality: 4.3.4-4.3.5

See Guidance online: Conflicts of Interest

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

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

15.3.21 Seeking nomination as a party candidate in a national or local election, or expressing an intention to stand as an independent candidate, is incompatible with some BBC roles that may deal with matters of public policy, political or industrial controversy, or any other 'controversial subject'. It is likely to be incompatible with most roles in News and Current Affairs (see overleaf).

Anyone who intends to seek nomination for election at national or local level should discuss with their manager at the outset the implications for their professional responsibilities and any potential risk to the BBC's impartiality.

Where any individual undertaking work for the BBC intends to stand as a candidate in a national or local election – including seeking nomination as a party candidate – this must be referred to Chief Adviser Politics at the outset.

15.3.22 **Additional Requirements in News and Current Affairs**

Any political activities, such as campaigning or expressing views on social media with regard to issues of public policy and other controversial subjects, are likely to be incompatible with roles in News and Current Affairs.

Being an active member of a political party is incompatible with most roles in News and Current Affairs. Advice may be sought from the Chief Adviser Politics.

Charities and Campaign Work

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

15.3.24 Many organisations, including campaigning and lobby groups, charities, newspapers and specialist websites, maintain a public position on matters of public policy, political or industrial controversy, or any other 'controversial subject'. Before becoming actively involved with, or offering public support to, an organisation with a partial or campaigning stance on such matters, individuals engaged by the BBC should give the same consideration to the impartiality risks as is required for party political activity.

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

15.3.25 **Additional Requirements in News and Current Affairs, Factual and Consumer Output**

Presenters, reporters and editorial people in news, current affairs, factual and consumer output should not normally associate themselves with any campaigning body, particularly if it backs one viewpoint in a controversial area of policy.

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

Writing Commitments

15.3.26 All individuals involved in the production or presentation of editorial output for the BBC may wish to undertake external work, including writing articles, or books, or for publications on websites. Such activity should not risk compromising the impartiality or integrity of the BBC or its content or risk damaging the reputation of the BBC.

Any proposals to write about current affairs, or matters of public policy, or political or industrial controversy or other 'controversial subjects' must be referred to a senior level in the relevant division. In the case of freelancers, referral must be made if publication is likely to coincide with the time of broadcast of relevant output.

See Guidance online: Conflicts of Interest

15.3.27 **Additional Requirements in News and Current Affairs**
Individuals involved in the production or presentation of news and current affairs output – including freelancers primarily

known as BBC news presenters or reporters – must refer proposals to write columns or blog posts for external publications to a senior level in the relevant division.

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

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

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

Public Speaking and Other Public Appearances

15.3.28

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

Where freelance presenters of BBC programmes undertake off-air public appearances it may undermine their on-air role for the BBC. They should not allow the use of the BBC’s name or brands in connection with advertising for a public appearance. There should be no suggestion of a BBC connection or endorsement of the third-party event or organisation, unless it is editorially appropriate and has been approved by the relevant head of department.

15.3.29

Additional Requirements in News and Current Affairs

Individuals involved in the production or presentation of BBC news and current affairs output – including freelances known primarily as presenters or reporters

on BBC news and current affairs output – must remain impartial when speaking publicly or taking part in events, such as a public discussion or debate. They must not promote any political party, campaigning organisation or lobby group. Charring conferences may create conflicts of interests. They should not chair conferences which are a promotional exercise for a commercial company that directly supports any political parties, or is not impartial on a matter of public policy, political or industrial controversy or any other ‘controversial subject’.

Academic Roles

15.3.30

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

Media Training

15.3.31

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

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

Individuals involved in the production or presentation of editorial output for the BBC must obtain permission from line managers before agreeing to provide media training. Freelance presenters must disclose their

training work where it may be a conflict of interest with their work for the BBC.

15.3.32

Additional Requirements in News and Current Affairs

Individuals involved in the production or presentation of BBC news and current affairs output – including freelancers known primarily as presenters or reporters on BBC news and current affairs output – must not undertake commercial media training work.

There may be occasions where individuals can be involved in media training, for example, to assist in the training of aspirant journalists; these must be approved by line managers. They should not normally interview anyone they have previously trained.

Personal Benefits

15.3.33

Under no circumstances should anyone working for the BBC or on behalf of the BBC receive personal benefits from suppliers or accept goods or services as inducements. The requirements of the Editorial Guidelines are consistent with the BBC's Anti-Bribery Code of Conduct.

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

Individuals must not accept personal benefits, or benefits for their family or close personal relations, from organisations or people with whom they might have dealings on the BBC's behalf. Unacceptable personal benefits include goods, discounts, services, cash, loans, gratuities or entertainment outside the normal scope of business hospitality.

Any exception to this, where it could affect production of content for the BBC, must be referred to the relevant head of department, who should normally consult Editorial Policy, to establish whether accepting the offer constitutes a conflict of interest.

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

See Section 14 Independence from External Interests: 14.3.13-14.3.15

See Guidance online: Props

On-Air Talent and Promotional Activity Including Commercial Advertising and Endorsements

15.3.34

The BBC does not seek to place unnecessary or unreasonable restrictions on talent, whether on-air talent or other production talent. However, promotional activity, which includes commercial advertising and endorsements, must not risk damaging the integrity of the BBC content they are associated with, or risk damaging the BBC's reputation generally. Nor should those activities undermine the personal reputation of the individual.

Promotional work must not suggest BBC endorsement, compromise the BBC's values, bring the BBC into disrepute, or give the public reason to doubt the impartiality or integrity of BBC on-air talent.

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

The promotional commitments of on-air talent have the potential to risk the editorial integrity of BBC output. For example, a presenter's promotional activities may lead to changes in the editorial content of their output or lead to some subjects being omitted.

15.3.35

When engaging new talent, and when existing talent is considering undertaking new promotional activities, consideration should be given as to whether the promotional activities will have – or could be perceived to have – undue influence on the output's editorial agenda.

The promotional activities that can be undertaken by on-air talent will vary according to the different areas they work in. Individuals whose work is factual and journalistic may have specific limits on what, if any, promotional activities they may undertake. There are likely to be fewer considerations in relation to talent working in entertainment, sport or lifestyle output, as long as their integrity and the integrity of the programme they present is not compromised.

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

15.3.36

No on-air talent should promote products, goods, services or clothing they use on air. On-air talent, in any genre, engaged by the BBC must not accept clothing or products free, or at considerably reduced cost, in exchange for wearing or using them on air. Nor should they appear on air wearing clothes or using products, goods or services which they have agreed, or been contracted, to promote or in which they have any financial interest.

See Guidance online: Conflicts of Interest

15.3.37

Additional Requirements in Factual Output

On-air talent who appear regularly in serious factual output which considers matters of public policy or political or industrial controversy are unlikely to be able to take part in any promotional activity for third parties.

On-air talent on consumer output that covers a wide range of topics must not undertake any promotional work for third parties as there is no product or service outside the remit of the output.

On-air talent on consumer output that covers a specific topic may only be permitted to undertake promotions for products entirely unconnected with the subject matter of the output.

Talent whose on-air role involves giving advice on the purchase or use of branded products must not undertake any promotional work for products or retailers associated with the subject matter of the output.

Talent whose on-air role involves giving advice on how to solve problems should not promote products or services which aim to solve these specific problems.

15.3.38

Additional Requirements in Children's Output

On-air talent on children's output must not promote products directly connected to the subject matter of the programmes they present, aimed specifically at children.

On-air talent on children's output must not promote products that are likely to be harmful to children (such as alcohol) or which are incompatible with their on-air role.

15.3.39 Additional Requirements in News and Current Affairs

On-air talent on news, current affairs and business programmes are not permitted to take part in any promotional activity for third parties. Promotional activities in relation to BBC group² functions may be permitted.

References to BBC Content in Advertisements

15.3.40 Advertisements or promotions involving talent should not imitate, suggest a reference or connection to or 'pass off' BBC content, for example, by replicating any editorial elements of a programme, such as characters, logos, titles, channel names or music or graphics associated with the programme, or by using or directly imitating sets or key venues, catchphrases or format points from the content.

Advertisements should not replicate or 'pass off' the role the talent plays in the programme. There should not be use of more than one member of BBC talent from the same programme in any advertisement for a non-BBC-related product. It is unlikely to be acceptable for several members of talent from different BBC programmes to appear in the same advertisement.

The advertisement should not bring the BBC into disrepute.

See Section 16 External Relationships and Financing: 16.3.20

Regular Contributors to Output

15.3.41 Consideration needs to be given to promotional or external activities undertaken by contributors who appear in programmes regularly but who are not engaged as presenters or as part of the presenting team. The BBC is not in a position to restrict, and would not normally wish to restrict, the advertising, promotional or external activities of those outside contributors. However, the BBC

² BBC group consists of the BBC's public services and its public service and commercial subsidiaries.

should not use contributors where such outside promotional or external activities could reasonably give rise to doubts about their impartiality, integrity or independence or that of content to which they are contributing.

Actors and Artists Replicating Their BBC Roles in Other Output

15.3.42 Actors and artists who perform in BBC output should not appear in promotional work, including advertisements, in a way which mimics or replicates their on-air roles for the BBC.

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

See Guidance online: Conflicts of Interest

15.3.43 **Presenters of Factual Output Appearing in Drama**
Presenters of BBC factual output who wish to recreate their roles in fictional output may risk confusing audiences and undermining the credibility of their own output as well as damaging their own reputations. Any proposal to do so must be referred to their head of department.

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

See Guidance online: Fictitious News Bulletins

Talent or Agent-Owned Independent Production Companies

15.3.44

The involvement of talent or their agents in the ownership or senior management of independent production companies making content for the BBC must not cast doubt over the impartiality, integrity or editorial judgements of any BBC output.

It is essential that the BBC is seen to be, and can demonstrate that it is, in overall editorial control of all aspects of the programme or content and has put in place appropriate measures to maintain editorial control and to ensure there is no conflict of interest. BBC content must not be used as a vehicle to promote the external commercial interests of talent or their agents.

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

There may be circumstances where it is not possible to produce a programme about specific talent unless it is produced by an independent production company owned by, or as a co-production with, that talent or an associated agency. In such cases, proposals can only be considered if there is strong editorial justification. The matter must be referred to the relevant divisional director and Editorial Policy; Director Editorial Policy and Standards must also be consulted.

External Relationships and Financing

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16.1 Introduction

The BBC is committed to working collaboratively with others to deepen the impact and reach of its content and services, to extend creative possibilities and to maximise public value¹.

Our commitment to partnerships, specifically, is set out in the BBC Charter which says that we must: seek to enter into partnerships with other organisations, particularly in the creative economy, where to do so would be in the public interest. These partnerships must be: with a wide range of organisations including commercial and non-commercial organisations and organisations of all sizes, throughout the nations and regions of the United Kingdom covering television, radio and online services.

The BBC should: encourage people to explore new subjects and participate in new activities through partnerships with educational, sporting and cultural institutions.

We must ensure that our partnerships: are fair and beneficial to all organisations in the partnership and, in particular, that partners are given due attribution and recognition, including in the branding and promotion of the output and services created or distributed.

To be fair and transparent in our partnerships and other external relationships, the nature of the relationship must be appropriately signalled to the audience.

See Guidance online: Crediting and Labelling External Relationships

And in order not to bring the BBC into disrepute, external relationships and financing must not compromise the BBC's impartiality, editorial integrity and independence and must be in line with the BBC's values. We must also maintain independent editorial control over our editorial content.

1 The sections of the Ofcom Broadcasting Code that relate to this are 9: Commercial References in Television Programming and 10: Commercial Communications in Radio Programming. Under the 2016 Charter, UK Public Services came under the provisions of Section 9 and Section 10 of the Ofcom Broadcasting Code for the first time.

Financing

Partnerships and other external relationships can involve the use of third-party funds for broadcasting content on BBC services.

Financing for UK Public Services

UK Public Services are funded by the licence fee and may only take funding for content from limited exceptions that conform to Clause 49 of the BBC Framework Agreement². The conditions of these exceptions are set out in the Statement of Policy on Use of Alternative Finance in BBC content³ and the Policy Statement on Ticketing for BBC Public Service events⁴.

Because UK Public Services must not broadcast sponsored editorial content or carry advertising⁵ (although the BBC has specific permission to accept sponsorship for BBC events)⁶, arrangements with external organisations must not give the impression that a UK Public Service is sponsored. And arrangements involving funds from not-for-profit bodies and other partners must be in accordance with Clause 49 (4) of the Framework Agreement⁷.

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

3 Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016).

4 Policy Statement on Ticketing for BBC Public Service Events 2017.

5 The BBC must not, without the prior approval of the appropriate Minister, include any sponsored material in any of its services. Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation 2016 Clause 50 (2).

6 Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016).

7 Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation December 2016.

Financing for BBC World Service

The BBC World Service is principally licence fee funded and is permitted the same limited exceptions to the constraints on mixing licence with other sources of funding as the UK Public Services. It must also conform to the BBC Framework Agreement⁸ and with the regulatory documents above. However, it is permitted additional specific limited exceptions which are set out in the BBC World Service Statement of Policy for Sources of Finance Other Than the Licence Fee⁹.

Financing for Commercial Services

BBC Commercial Services and the BBC World Service, when undertaking commercial activity which is permitted by the BBC World Service Statement of Policy, must meet the guidelines on advertising and sponsorship.

See Advertising and Sponsorship Guidelines for BBC Commercial Services online

There must be distinction between editorial content and commercial content, such as advertising, and surreptitious advertising is prohibited.

In order not to compromise their due impartiality and independence, news and current affairs content must not be sponsored or externally funded. And consumer advice content must not be directly sponsored or externally funded by sponsors or external funders whose products, services or activities are likely to be reviewed in the editorial content.

The Statement of Policy on use of Alternative Finance in BBC Content¹⁰, the Policy Statement on Ticketing for BBC Public Service Events¹¹, the BBC World Service

8 Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation December 2016.

9 The BBC World Service Statement of Policy for Sources of Finance Other Than the Licence Fee ('Alternative Finance') 2017.

10 Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016).

11 Policy Statement on Ticketing for BBC Public Service Events 2017.

Statement of Policy for Sources of Finance Other Than the Licence Fee¹² and the Advertising and Sponsorship Guidelines for BBC Commercial Services all set editorial content standards in their relevant areas.

See Advertising and Sponsorship Guidelines for BBC Commercial Services online

Meanings

Partnership is a relationship between the BBC and one or more third-party organisations which aims to deliver mutually beneficial outcomes in the form of:

- contributions, albeit often of different types from all those involved
- creation of designated partnership activities
- shared responsibility and accountability.

Editorial partnership is a partnership that is connected to BBC-commissioned editorial content/ brands. As with all editorial content the BBC must maintain independent editorial control over its content and brands.

Joint editorial initiative is where the BBC joins with another organisation for a one-off project or initiative.

It is not intended to form a long-term relationship and is therefore not a formal partnership. Rather it is where both organisations share a common aim and it may be appropriate to share resources and reference each other to extend the experience for the audience. Joint editorial initiatives are typically used in relation to one programme or a specific piece of content.

Co-production is an arrangement whereby BBC output is created, commissioned or otherwise obtained by the BBC in co-operation with one or more appropriate third parties, and where funding is provided in exchange for broadcasting, publishing or other rights in the material.

12 The BBC World Service Statement of Policy for Sources of Finance Other Than the Licence Fee ('Alternative Finance') 2017.

Co-funding for Public Services is financing for output by not-for-profit bodies in minority languages, such as BBC Alba, and other limited circumstances including learning and educational output targeted at a specific section of the audience, where it might be unjustifiable to fund the output entirely from the licence fee.

External funding occurs when any public or private undertaking (including but not limited to an individual) finances, but does not co-produce or sponsor, editorial content. An external funder may not receive any promotion within or around the content either within the editorial content or through a sponsor credit. However, for reasons of transparency an external funder must receive acknowledgment in the end credits or adjacent to the editorial content. Such external funding usually comes in the form of a grant. External funders are not co-producers because the primary purpose of the financing is not the exchange of rights.

Sponsored editorial content (which may include a programme, channel, programme segment or block of programmes) is editorial content that has had some or all of its costs met by a sponsor. It includes advertiser-funded programmes. Sponsors must be identified by means of sponsorship credits.

Sponsor (of editorial content) means any public or private undertaking or individual (not engaged in the provision or production of content) who is funding the editorial content (or its publication or broadcast) with a view to promoting its name, products, services, trade marks and/or its activities.

There may also be sponsors of events and awards.

Distribution refers to the making available of content to viewers, listeners and other users. It can take a wide variety of forms across numerous different technologies and platforms and has to evolve constantly as new technologies and platforms are developed. It covers a broad range of activities including:

- transmission of broadcast TV and radio signals received directly by audiences
- syndication of services to managed platforms
- publishing individual assets to open online platforms.

Democratic governance content is a type of current affairs content on international services in BBC World Service Group that is aimed at improving democratic accountability by building greater understanding of the political process and institutions and by holding those in power to account. This is through citizens' access to information and the ability to challenge or debate with holders of public office. It frequently gives citizens information about public institutions and how they operate, and the opportunity to question those holding power through formats such as debate, panel discussions, call-in shows or other events where leaders are held to account. Democratic governance content is targeted at audiences outside the UK.

Democratic governance is a category of editorial content which may be externally funded by appropriate external funders on the World Service and services which are not funded by the licence fee.

16.2 Mandatory Referrals

(Mandatory Referrals are part of the BBC's editorial management system. They are an essential part of the process to ensure compliance and must be observed.)

Referrals to Director Editorial Policy and Standards

16.2.1 Any proposal to enter into a partnership with a foreign government must be referred to Director Editorial Policy and Standards.

See 16.3.10

Other Referrals

- 16.2.2** Any proposal for a Public Service editorial partnership with a commercial organisation must be referred to Editorial Policy.
See 16.3.11
- 16.2.3** Any proposal to broadcast or embed a third party's live stream must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor.
See 16.3.18
- 16.2.4** Any proposal to link to or embed a live stream from the sponsor of a third-party event must be referred to Editorial Policy.
See 16.3.18
- 16.2.5** Any co-funding projects must be approved in writing by the relevant director.
See 16.3.25
- 16.2.6** Any proposal for sponsorship of a UK Public Service on-air or online event or for a World Service on-air or online event targeted at a UK audience, and the proposed credits, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, and Editorial Policy.
See 16.3.27
- 16.2.7** The commissioning of a new category of event with charged ticketing arrangements must be approved by the relevant controller who must refer to Editorial Policy.
See 16.3.35

- 16.2.8** Any proposal for funding of off-air support material from a commercial organisation must be referred to Editorial Policy.
See 16.3.37
- 16.2.9** On-air and online proposed references on Public Services for sponsors of third-party, non-sports events, or any proposal to use content from the sponsor on Public Services, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, and Editorial Policy.
See 16.3.39
- 16.2.10** Any coverage by a Public Service of an event that is sponsored by a BBC Commercial Service, brand or product or mounted by a BBC Commercial Service must be editorially justified and must be referred to Editorial Policy.
See 16.3.41
- 16.2.11** Proposals for broadcast appeals (which are not cross-funding initiatives) must be referred to the Charity Appeals Adviser.
See 16.3.43
- 16.2.12** The arrangements for the broadcast of Disasters Emergency Committee appeals must be referred to the Charity Appeals Adviser.
See 16.3.44
- 16.2.13** Advice must be sought from Editorial Policy before opening discussions with prospective partners for the start of a new cross-BBC charity fundraising initiative.
See 16.3.45

- 16.2.14** Any reference to an external funder in World Service Group editorial content must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor.
See 16.3.52
- 16.2.15** Any proposal for World Service Group editorial content to be externally funded by a non-UK government department or agency must be approved by the relevant director.
See 16.3.53
- 16.2.16** World Service Group external funding acknowledgements must be approved by the relevant output controller, or by the relevant BBC Media Action country director, for Media Action content that does not appear on a BBC service.
See 16.3.54
- 16.2.17** Any proposal for World Service Group democratic governance content to be externally funded must be approved by the relevant director after taking advice from Director Editorial Policy and Standards.
See 16.3.56
- 16.2.18** Any proposal to use a BBC News brand for marketing purposes in connection with any BBC Global News off-air sponsored event, or any third-party event, must be approved by a senior editorial figure.
See 16.3.57

16.3 Guidelines

PART A: GUIDELINES FOR ALL SERVICES

Guidelines for All Editorial External Relationships

- 16.3.1** Before entering into an external relationship with the purpose of producing editorial content, we must ensure that:
- the third party is appropriate
 - the relationship is appropriate given the editorial content to be produced
 - the BBC will maintain independent editorial control over its editorial content.
- 16.3.2** **Appropriateness: third party**
An assessment must be made of the third party's objectives and aims, its activities, its financial soundness, who funds or sponsors the organisation and whether the organisation has been involved in any controversy which could have a material negative effect on the BBC's reputation.
- 16.3.3** We must be satisfied that the external editorial relationship will not conflict with the values and standards in the BBC Editorial Guidelines.
A senior editorial figure¹³ must take a decision in light of the assessments on the appropriateness of the external relationship.
There should be assessments at the start of further projects or series of content with the same organisation to ensure that nothing has changed that could affect the appropriateness of the external relationship from continuing. We should also consider whether the cumulative effect of extending it is appropriate.

¹³ The senior editorial figure should be not lower than head of department.

16.3.4 Appropriateness: editorial content

We must not enter into an external relationship with other parties that would create a conflict of interest which could compromise the BBC's impartiality, editorial integrity or independence.

16.3.5 Appropriateness: editorial control

The BBC must have independent editorial control over everything it produces, broadcasts or publishes and must have the right to reject material supplied by any third party. Content created by third parties for the BBC must meet the standards in the Editorial Guidelines. The BBC must always retain the right to edit as it sees fit.

External relationships should normally fit with and be appropriate for the editorial remit and audience expectation of the service. Editorial content must not be created solely to provide an opportunity for a commercial relationship, including, but not limited to, advertising, sponsorship or external funding.

The BBC must not accept money or other valuable consideration in exchange for editorial coverage, links, credits or publicity by the BBC. However, Commercial Services may make product placement arrangements.

See Section 14 Independence from External Interests: 14.3.27-14.3.36

We should normally approve any public reference to the BBC or to a relationship with the BBC which is made by the third party or parties in the external relationship.

16.3.6 For transparency, production should keep records of any financing from an outside organisation and retain details of assessments conducted.

Editorial Partnerships

For the meaning of an editorial partnership see Meanings above.

See Section 16 External Relationships and Financing: 16.1

16.3.7 The BBC seeks to offer public value by working in partnership with others. We agree common aspirations and ambition with our partners in order to achieve both mutual benefit and benefit for our audiences.

The partnership may involve complementary activities, such as a gallery mounting an exhibition on the same theme as a BBC programme. In other cases the partner and the BBC may jointly fund an off-air activity.

The partnerships must be editorially justified and the partner selected according to editorially appropriate criteria.

16.3.8 Our partnerships should be fair and beneficial to all organisations in the partnership. However, an editorial partnership must not be limited to the BBC covering a partner's activities or promoting their campaigns and we must not promote them, their products, services or trade marks relating to activities outside of the partnership.

16.3.9 Editorial partners should be given due attribution and recognition, including in the branding and promotion of the output and services created or distributed.

See Section 14 Independence from External Interests: 14.3.21-14.3.22

Credits for partners must be appropriate and editorially justified.

See Guidance online: Crediting and Labelling External Relationships

16.3.10 We should not enter into editorial partnerships with:

- political parties and political organisations
- lobby groups

- tobacco firms or those mainly known for tobacco-related products
- organisations involved in adult products or services
- weapons manufacturers, or
- on UK Public Services, with alcoholic drinks manufacturers or suppliers.

The BBC should not normally enter into a partnership with a foreign government. Any proposal to do so must be referred to Director Editorial Policy and Standards.

We should not be used by a government or campaign group initiative to launch or appear to endorse a government, political party or campaign group policy.

Relationships with UK government departments, religious organisations, charities, trusts, foundations and non-governmental organisations which undertake lobbying should not compromise the BBC's impartiality. Sponsored material must also not be broadcast or published.

See Section 4 Impartiality: 4.3.17-4.3.18

16.3.11 Partnerships on Public Services

On Public Services we must seek to enter into partnerships, particularly in the creative economy, where to do so would be in the public interest, and with a wide range of organisations.

We may share non-broadcast costs for editorial partnerships with suitable bodies such as arts and cultural bodies, charitable institutions, trusts or foundations and organisations including local authorities and government agencies where editorially justified. All partnerships must conform to the Statement of Policy on Use of Alternative Finance in BBC Content¹⁴.

¹⁴ Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016).

Any proposal for a Public Service editorial partnership with a commercial organisation must be referred to Editorial Policy who will consider whether:

- the partnership would compromise the BBC's impartiality, editorial integrity or independence
- the partnership conforms to the Statement of Policy¹⁵.

A UK Public Service editorial partnership must not give the impression that the service is sponsored.

Joint Editorial Initiatives

For the meaning of a joint editorial initiative see Meanings above.

See Section 16 External Relationships and Financing: 16.1

16.3.12

When undertaking a joint editorial initiative:

- the BBC must retain independent editorial control of any element of the project that refers to it
- the initiative must not be used to promote the outside body
- the BBC should not link directly to any page of the third party's site whose main purpose is to promote or sell any commercial product or service.

The BBC and the organisation may carry out other activities in relation to the project as well as producing content.

Co-Productions

For the meaning of a co-production see Meanings above.

See Section 16 External Relationships and Financing: 16.1

¹⁵ Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016).

- 16.3.13** A co-producer may have involvement with the editorial content and it may also be a partner. On Public Services credits for co-producers must be in line with the guidance on crediting and labelling external relationships.
- See Guidance online: Crediting and Labelling External Relationships

Distribution

For the meaning of distribution see Meanings above.
See Section 16 External Relationships and Financing: 16.1

- 16.3.14** When distributing its content the BBC must retain independent editorial control of the content.
- The BBC must be able promptly to remove or block its content, and platforms must not edit BBC content or metadata unless otherwise agreed.
- Users should be able to easily identify which content on a platform is provided by the BBC.
- 16.3.15** UK Public Service content and services distributed within the UK must be available free of advertising and sponsorship. No advertising or sponsorship, (including pre-roll advertisements) may be inserted into or placed adjacent to BBC content or services in a manner that could be interpreted as a BBC endorsement for or a connection with a product, service or cause.
- UK Public Services distributed within the UK must meet the BBC Distribution Policy.
- 16.3.16** On other services, the Advertising and Sponsorship Guidelines for BBC Commercial Services apply.
- See Advertising and Sponsorship Guidelines for BBC Commercial Services online

Live Streams from Third Parties

- 16.3.17** We should maintain editorial control of a live stream on any of our services.
- The risk of allowing a third party's live output to appear on a BBC service must be assessed before we proceed. We should take account of the source of the live stream, the nature of the content and the format.
- We should not normally link to or embed live streams or any other form of continuous live broadcasting from personal or unverified social accounts. On Public Services we should not normally link to or embed live streams from a sponsor of a third-party event.
- See Section 16: External Relationships and Financing: 16.3.38
- 16.3.18** **Any proposal to broadcast or embed a third party's live stream must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor.** Approval will only be given if:
- it would not be possible for the BBC to obtain the content itself, due to its exclusive nature and/or the circumstances in which it was being live streamed
 - it would meet the Editorial Guidelines on privacy, harm and offence and undue prominence
 - on Public Services the content would not contain any reference to its sponsor, or their products, services or trade marks.
- Any proposal to link to or embed a live stream from the sponsor of a third-party event must also be referred to Editorial Policy** who will consider whether the proposal would compromise the BBC's impartiality, editorial integrity or independence.
- See Section 7 Privacy: 7.3.29-7.3.33, Section 14 Independence from External Interests: 14.3.8, and Section 17 Competitions, Votes and Interactivity: 17.3.53

Location and Production Incentives

16.3.19 Location and production incentives are often offered by film councils or governmental or regional organisations around the world for editorial content and are a permitted exception under Clause 49 of the Framework Agreement¹⁶.

Any conditions made by the funder must not compromise the BBC's impartiality, editorial integrity or independence.

The source of the incentive must not have an interest in the content that would create a conflict if its funds were accepted¹⁷.

Third-Party Advertising and the BBC Brand

16.3.20 The BBC brand must not be used to endorse other organisations. We can achieve this by ensuring that advertising, promotion and press releases by other organisations do not give the impression of BBC endorsement, and advertising does not pass off BBC content.

The BBC name, logos, titles, channel names, programme titles, formats or characters, sets, music or catchphrases should not normally be used by commercial advertisers, except in joint promotions or advertising for licensed BBC products.

If the BBC brand forms part of a product being advertised, it can be referenced within the advertising, as long as the quantity and prominence of references to the BBC across the campaign, is proportionate to the BBC's involvement in the product.

¹⁶ Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation December 2016.

¹⁷ Agreeing Alternative Funding Guidance from Commercial Rights and Business Affairs: available on Gateway for BBC staff or via commissioning editors for independent producers.

Testimonials

16.3.21 The BBC may receive requests from past or current suppliers for permission to describe their relationship with the BBC in their promotional materials to demonstrate the goods or services that they have provided.

Such requests will normally be driven by the desire of suppliers to signal that they have worked with the BBC. There is a risk, however, that such references may be misleading or may imply BBC endorsement of that supplier. Contracts with suppliers should, therefore, normally include a clause which requires the supplier to seek BBC permission for all promotional materials which reference its relationship with the BBC.

16.3.22 Permission to enable a supplier to reference their relationship with the BBC may be granted as long as:

- the BBC is a satisfied customer of the supplier's goods or services
- the BBC has agreed in advance to, and retains independent editorial control over, such references, and
- references to the BBC are factual, accurate, not misleading with respect to the nature and scope of the relationship and do not imply BBC endorsement of any organisation.

PART B: GUIDELINES FOR PUBLIC SERVICES

Public Services (UK and World Service) – Permitted Means of Finance

16.3.23 The Public Services may take finance from:

- BBC commercial activities
- voluntary payments of the licence fee, legacies or other donations
- the Open University for learning and educational

output in line with the Framework Agreement between the Open University and the BBC

- any co-production agreement.

The following activities must conform to the Statement of Policy on Use of Alternative Finance in BBC Content¹⁸:

16.3.24 Partnerships

The Public Services may use funds derived from any not-for-profit cultural, arts, sports, educational and science bodies or other similar organisations but only where the funding is compatible with the Statement of Policy. See Editorial Partnerships for more details.

See Section 16 External Relationships and Financing: 16.3.7-16.3.11

16.3.25 Co-Funding

For the meaning of co-funding for Public Services see Meanings above.

See Section 16 External Relationships and Financing: 16.1

The BBC may accept co-funding by not-for-profit bodies for output in minority languages, such as BBC Alba, and other limited circumstances but only where compatible with the Statement of Policy, in order to represent and serve the UK's nations, regions and communities. Occasionally the BBC may accept co-funding from not-for-profit bodies for learning or educational content or output targeted at a specific section of the audience in circumstances where it would be unjustifiable to fund output entirely from the licence fee.

Suitable co-funders include publicly funded bodies, charities, charitable trusts or voluntary bodies.

Co-funding must never be taken for news, current affairs or consumer advice content.

Co-funded editorial content must not promote the funder.

¹⁸ Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016).

Any co-funding projects must be approved in writing by the relevant director.

16.3.26

Competition Prizes and other Awards

See Section 17 Competitions, Votes and Interactivity for details.

See Section 17 Competitions, Votes and Interactivity: 17.3.1-17.3.5

16.3.27

Sponsored Public Service Events

Sponsored BBC On-Air or Online Events

The Public Services may mount public events, such as concerts and award ceremonies, which are held at outside venues and covered on air or online. These events are key to fulfilling the BBC's public purpose remit to bring people together for shared experiences and to engage personally with the BBC.

In some cases, where there is no inappropriate potential adverse market impact and in order to defray the cost to the licence payer, it may be acceptable to supplement the cost of mounting a public event by sponsorship from a non-commercial body.

Any proposal for sponsorship of a UK Public Service on-air or online event or for a World Service on-air or online event targeted at a UK audience, and the proposed credits, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, and Editorial Policy who will consider whether:

- the proposal meets the Statement of Policy on use of Alternative Finance in BBC Content¹⁹
- the proposal would bring the UK Public Services into disrepute

¹⁹ Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016).

- the proposed credits are in line with the Guidance on Sponsored Public Service Events and are not unduly prominent.

See Guidance online: Sponsorship of BBC On-Air or Online Events Broadcast on BBC Public Services

16.3.28

On UK Public Services, and World Service events targeted at the UK, the money from the sponsor may only be used towards the costs of mounting the event and no sponsorship money may be used for production or broadcast costs in covering the event.

Production must keep separate accounts for event and broadcast costs.

16.3.29

Sponsorship is only acceptable for on-air and online events which are distinctive and help the BBC promote its public purposes. Events which are eligible for sponsorship include:

- concerts, performance, cultural or artistic events including but not limited to competitive performance events which celebrate artistic achievement
- BBC award ceremonies
- BBC talent, community or youth initiatives which include an on-air or online event.

News and current affairs on-air or online events, and events based on consumer programmes dealing with a range of topics, must not be sponsored.

In addition:

- we must not feature the sponsor in the title of a BBC event
- on-air or online events must not be sponsored by organisations directly related to the subject matter of the event or editorial content connected with it
- no impression should be given that a BBC programme or service is being sponsored. Credits should make it clear that it is the event itself which is being sponsored

- we should not enter into a contractual arrangement which guarantees on-air or online credits because that could amount to product placement
- on-air or online events on UK Public Services must not accept product sponsorship.

16.3.30

Organisations which are associated with the following must not sponsor BBC-run Public Service events:

- political parties and political organisations
- foreign governments
- lobby groups
- faith, religion and equivalent systems of belief
- tobacco firms or those mainly known for tobacco-related products
- adult products and services
- weapons manufacturers.

16.3.31

The sponsor's agenda must not determine the editorial remit of the event and the event must not become a vehicle for promoting the sponsor or its activities.

It is not normally appropriate to broadcast or embed a live stream from an event sponsor on a Public Service website.

See Section 16 External Relationships and Financing: 16.3.17-16.3.18

16.3.32**Sponsored Awards**

For sponsored awards see Section 17 Competitions, Votes and Interactivity: Awards and Prizes.

See Section 17 Competitions, Votes and Interactivity: 17.3.6-17.3.9 and 17.3.12-17.3.19

16.3.33**Sponsored Off-Air Events**

BBC off-air events to support its editorial content may take sponsorship.

See Guidance online: Public Service Off-Air Events

16.3.34 Ticket Sales

The BBC may recover costs from the proceeds of ticket sales for BBC Public Service-mounted or run events which contribute to the BBC's Mission and Public Purposes²⁰ in line with the Statement on Ticketing for BBC Public Service Events²¹.

16.3.35

We must not charge for admission to regular recordings of programmes and do not normally charge for events held on BBC premises, with the exception of the venues of the BBC Performing Groups.

Ticket revenue must only cover event costs and not be used for broadcast or production costs. The proceeds from ticket sales must only be used to pay for events or for a series of events costs and not designed to generate further income for the BBC.

Production should keep separate accounts of event and production costs and records of ticketing revenue going to the BBC or via the BBC.

There is a procedure for approval of new events and ongoing approval for existing events.

See Guidance online: Ticketing

The commissioning of a new category of event with charged ticketing arrangements must be approved by the relevant controller who must refer to Editorial Policy.

16.3.36**Makeovers**

Public Services must cover the full production costs of makeover programmes including but not limited to the costs of the home makeover itself where such makeovers have been instigated by the BBC.

The homeowner may contribute towards some makeover costs if they have already begun a

²⁰ Clause 49(4)(h) of Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation December 2016.

²¹ Policy Statement on Ticketing for BBC Public Service Events 2017.

makeover or are considering one but the BBC must not demand a financial contribution from a homeowner as a pre-requisite for taking part in a makeover programme. Such arrangements must conform to the Statement of Policy on Use of Alternative Finance in BBC Content²².

See Guidance online: Makeover Programmes

No money from the homeowner may go into a production budget. Production must keep separate accounts for the programme and the makeover.

16.3.37**Funding of Off-Air Support Material**

We may accept outside funding for off-air support material or services on Public Services in the form of sponsorship from a third party which would usually be a not-for-profit organisation.

Any proposal for funding of off-air support material from a commercial organisation must be referred to Editorial Policy who will consider whether the funding would amount to BBC endorsement of the organisation, its products or services.

See Section 14 Independence from External Interests: 14.3.26

Other Public Service External Relationships**16.3.38****Coverage of Sponsored Third-Party Events**

The BBC covers a wide variety of third-party events, sports events, awards shows and music events, many of which are sponsored.

In such coverage:

- we aim to credit fairly the enabling role of sponsors
- we must not promote a sponsor in the BBC coverage. Any references and credits must not be unduly prominent

See Section 14 Independence from External Interests: 14.3.1-14.3.9

²² Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016).

- third-party sponsored events must not be created solely to attract broadcast coverage
- the Public Services must not accept any money from sponsors or organisers towards the cost of any element of the broadcast coverage of an event. However, they can pay all the costs associated with the event itself.

We must not enter into a contractual arrangement which guarantees a sponsor a set number of minutes of signage reflection on air.

16.3.39 **On-air and online proposed references on Public Services for sponsors of third-party, non-sports events, or any proposal to use content from the sponsor on Public Services, must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, and Editorial Policy who will consider whether:**

- the proposals meet with the Guidance on Coverage of Sponsored Third-Party Events

See Guidance online: Coverage of Sponsored Third-Party Events (Non Sports) Broadcast on Public Services

- the reference does not create the impression that Public Service editorial content has been sponsored.

16.3.40 Links from Public Service platforms covering events to the sponsor's platforms must be editorially justified and must be to areas which give relevant information about the event and do not sell products or services.

The sponsor should be appropriate; coverage of the sponsored event must not compromise the BBC's impartiality, editorial integrity or independence.

See Section 16 External Relationships and Financing: 16.3.1-16.3.6

16.3.41 **Any coverage by a Public Service of an event that is sponsored by a BBC Commercial Service, brand or product or mounted by a BBC Commercial Service must be editorially justified and must be referred to Editorial Policy who will consider whether the coverage by Public Services would promote BBC Commercial Services which is not permitted.**

See Section 14 Independence from External Interests: 14.3.23

16.3.42 **The National Lottery**
The BBC may cover the National Lottery which is established by an Act of Parliament.

16.3.43 **Charities**
Broadcast Appeals

The Public Services make airtime available for broadcast appeals by charities as a public service broadcaster. These appeals are distinct from our long-term charity partnerships.

See Section 16 External Relationships and Financing: 16.3.45
See Guidance online: Charitable Appeals

The selection of broadcast appeals should reflect the range of the charitable sector. The selection process must be fair and transparent and should include criteria looking at financial robustness and governance of the organisation.

The choice of charities must be overseen by the Charity Appeals Adviser.

For requests for our content from charities, see Section 13 Re-Use, Reversioning and Permanent Availability.

See Section 13 Re-Use, Reversioning and Permanent Availability: 13.3.30-13.3.34

All broadcast appeals should meet the Guidance on Charitable Appeals. **Proposals for broadcast appeals (not cross-BBC charity fundraising**

initiatives) must be referred to the **Charity Appeals Adviser** who will advise on the processes required to ensure fair and transparent selection.

See Guidance online: Charitable Appeals

16.3.44

Disasters Emergency Committee Appeals

In the case of a major disaster overseas, the BBC may broadcast or publish an appeal on behalf of the Disasters Emergency Committee, an organisation which represents the UK's leading humanitarian aid charities. The BBC must retain independent editorial control and the broadcast must comply with the Editorial Guidelines.

The approval process and arrangements for the broadcast of such appeals should meet the BBC's guidance for Disasters Emergency Committee appeals and referral must be made to the Charity Appeals Adviser who will liaise with senior figures across the BBC to seek approval for the appeal from the Director-General.

See Guidance online: Charitable Appeals

16.3.45

Cross-BBC Charity Fundraising Initiatives

The BBC runs cross-BBC charity fundraising initiatives such as BBC Children in Need and Comic Relief.

These initiatives are partnerships between the BBC and charitable organisations. They:

- are part of a partnership agreement and we may co-produce with the charity in such initiatives
- may either be mounted with a charity which is an umbrella organisation which gives grants to a wide range of charities or may be an initiative with a number of separate charities for an agreed common editorial aim with the BBC as broadcast partner
- will usually consist of a range of programming and content from the BBC and the charitable partner

- should meet the Guidance on cross-BBC charity fundraising initiatives.

See Guidance online: Charitable Appeals

Advice must be sought from Editorial Policy before opening discussions with prospective partners for the start of a new initiative.

Editorial Policy will consider whether the initiative would compromise the BBC's impartiality, editorial integrity and independence.

16.3.46

References to Charities in Other BBC Output

Apart from the BBC broadcast appeals and cross-BBC charity fundraising initiatives, BBC editorial content should not directly appeal for funds for charities.

See Section 3 Accuracy: 3.3.13-3.3.14

We must retain our impartiality, editorial integrity and independence when we cover the work of charities and not appear to favour one charity over another.

BBC World Service – Additional Permitted Means of Finance

16.3.47

In addition to the permitted means of finance that are applicable to all Public Services under the Framework Agreement²³ the World Service may be supported by alternative finance to supplement its funding by the licence fee as set out in the BBC World Service Statement of Policy for Sources of Finance Other Than the Licence Fee²⁴.

See Section 16 External Relationships and Financing: 16.3.23-16.3.37

The World Service must keep a record of the limited alternative finance that it takes.

²³ Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation December 2016.

²⁴ The BBC World Service Statement of Policy for Sources of Finance Other Than the Licence Fee ('Alternative Finance') 2017.

16.3.48

The BBC World Service is only permitted to carry an appropriate and proportionate amount of advertising and sponsorship on its services which are not targeted at UK audiences. Advertising and sponsorship must meet the Advertising and Sponsorship Guidelines for BBC Commercial Services and must take account of the likely expectations of target audiences, regulatory requirements and local market norms in the relevant territory.

See Advertising and Sponsorship Guidelines for BBC Commercial Services online

The World Service may also take externally funded content which is not sponsored content but which is either:

- funded by BBC Media Action as long as any relevant external funding provided to Media Action meets the applicable compliance procedures in accordance with BBC Media Action's constitution or
- externally funded by other appropriate external funders, provided that it is consistent with the Editorial Guidelines.

The World Service may also enter into an agreement under which the UK Government provides funding to enable the BBC to undertake particular defined projects connected with the World Service for a specific period or a specific purpose. It must be consistent with the BBC Framework Agreement²⁵.

PART C: ADDITIONAL GUIDELINES FOR BBC WORLD SERVICE GROUP

External Funding for BBC World Service Group Which is Not Co-Production or Sponsorship

For the meaning of external funding see Meanings above.

See Section 16 External Relationships and Financing: 16.1

²⁵ Broadcasting: An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation December 2016.

16.3.49

World Service Group may accept external funding to make editorial content that conforms to the BBC World Service Statement of Policy for Sources of Finance Other Than the Licence Fee²⁶.

All external funding relationships must comply with the Guidelines for All Editorial External Relationships.

See Section 16 External Relationships and Financing: 16.3.1-16.3.6

External funding must not be accepted where there is a connection between the external funder's objectives and the editorial content that would compromise the BBC's independence.

16.3.50

News and current affairs content must not be externally funded. Consumer advice content must not be externally funded by external funders whose products, services, or activities may be reviewed in the editorial content.

16.3.51

Content which is not news, current affairs or consumer advice content can be funded by other appropriate parties that meet the criteria in the Guidelines for all Editorial External Relationships.

See Section 16 External Relationships and Financing: 16.3.1-16.3.6

Appropriate external funders may be non-commercial or commercial organisations. However, the external funder, and its name, trade mark, image, activities and products, must not receive any promotion within or around the content either within the editorial or through a sponsor credit.

Organisations which are principally involved in the following are prohibited from externally funding content:

- political parties and political organisations
- lobby groups
- faith, religion and equivalent systems of belief
- tobacco firms or those mainly known for

²⁶ The BBC World Service Statement of Policy for Sources of Finance Other Than the Licence Fee ('Alternative Finance') 2017.

- tobacco-related products
- adult products and services
- weapons manufacturers.

16.3.52 Any reference to an external funder in World Service Group editorial content must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who will consider whether the reference is editorially justified and is non-promotional.

16.3.53 Any proposal for World Service Group editorial content to be externally funded by a non-UK government department or agency must be approved by the relevant director who will consider whether the external funding would harm the BBC's reputation for impartiality and independence.

See Section 16 External Relationships and Financing: 16.3.56

16.3.54 External funding arrangements must be made clear with an informational and non-promotional acknowledgement. The acknowledgement must not suggest that the programme has been made by the external funder. To avoid promotion of the funder, no external funder logos may be used. Acknowledgements for external funders must be given in a standard form adjacent to the editorial content. For audio and video content this should normally be in the end credits. Acknowledgements must not appear to be a sponsorship credit; contact details for the external funder, including but not limited to web addresses may not be included.

External funding acknowledgements must not incorporate any element of the programme or other BBC branding or be voiced by someone

appearing in the programme. **World Service Group external funding acknowledgements must be approved by the relevant output controller, or by the relevant BBC Media Action country director for Media Action content that does not appear on a BBC service, who will consider whether the acknowledgement would promote the external funder, which is prohibited.**

We do not normally allow external funders a preview of BBC content.

16.3.55 BBC World Service Group services may broadcast programmes which are made either with or by the BBC's international charity BBC Media Action. BBC Media Action is primarily funded from grants and voluntary contributions.

BBC Media Action programmes broadcast on BBC World Service Group services may be financed by grants made to BBC Media Action by the Department for International Development or the Foreign and Commonwealth Office.

16.3.56 **Democratic Governance Content**
For the meaning of democratic governance content see Meanings above.

See Section 16 External Relationships and Financing: 16.1

Any proposal for World Service Group democratic governance content to be externally funded must be approved by the relevant director after taking advice from Director Editorial Policy and Standards who will consider whether it would compromise the BBC's impartiality, editorial integrity or independence.

Use of BBC News Brands by BBC Global News Ltd for Marketing Events

16.3.57

The impartiality of the BBC News brand must not be compromised by BBC Global News' marketing and off-air activities.

Such activities should meet the Editorial Policy Guidance for Use of BBC News Brands by BBC Global News for Marketing Events.

See Guidance online: Use of BBC News Brands by BBC Global News for Marketing Events

Any proposal to use a BBC News brand for marketing purposes in connection with any BBC Global News off-air sponsored event, or any third-party event, must be approved by a senior editorial figure who will consider whether the proposal would compromise the BBC's impartiality, editorial integrity or independence or otherwise bring the BBC into disrepute.

BBC Media Action

16.3.58

All editorial content produced by the BBC's international charity, BBC Media Action, must meet the standards in the BBC Editorial Guidelines, regardless of the service on which it will be made available, no matter whether it is the World Service or a local broadcaster's service. Where BBC Media Action is not in control of the editorial content (such as where it is acting in its capacity as a training provider), the content is not required to meet the BBC Editorial Guidelines.

PART D: ADVERTISING AND SPONSORSHIP FOR BBC COMMERCIAL SERVICES

16.3.59

Advertising and sponsorship around the BBC brand must meet the Advertising and Sponsorship Guidelines for BBC Commercial Services.

See Advertising and Sponsorship Guidelines for BBC Commercial Services online

These BBC Guidelines apply in addition to the relevant advertising regulations in specific territories.

Advertising and Sponsorship arrangements on BBC Commercial Services available in the UK must be presented in such a way that there is no confusion to consumers about what is a Public Service and what is a Commercial Service. Such services should be identifiable as Commercial Services.

PART E: CONTENT MADE BY BBC COMMERCIAL SERVICES FOR THIRD PARTIES

16.3.60

When BBC Commercial Services produce content for third parties the arrangements should be in accordance with the BBC's values and standards and must not damage the reputation of the BBC. The standards in these Guidelines should be followed, but in some cases the specific detail may not be appropriate, such as where the third party is not regulated by Ofcom.

Competitions, Votes and Interactivity

17

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- Prizes
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- Telephony Services
- Game Shows and Quizzes
- Talent Searches and Programmes Offering Life-Changing Opportunities
- Phone-in Programmes
- Comment and Moderation
- User-Generated Content
- Mobile Content, Including Apps
- Games
- Interactive TV Services

17.1 Introduction

Interactivity is a major and growing dimension of the media scene and has a bearing on many BBC activities, both Public Service and Commercial. We aim to offer opportunities for interactivity to everyone by using different platforms in different ways. Activity in this domain by Public Services and most Commercial Services is regulated by the Ofcom Broadcasting Code (notably sections 2, 5, 7, 8, 9 and 10) and Public Services must conform to the Statement of Policy on Use of Alternative Finance in BBC Content¹.

The BBC seeks to apply the following principles:

All audience interactivity must be conducted in a manner that is honest and fair.

Audiences must not be materially misled about any competition or vote.

All BBC competitions, votes and awards on our Public Services must comply with the BBC's Code of Conduct for Competitions and Voting.

See Code of Conduct for Competitions and Voting online

When we offer interactivity to our audiences it must be distinctive and match the expectations of the likely audience. On our Public Services, it must add public value, be editorially justified and enhance our output in a way which fits our public service remit.

We must respect the privacy of everyone who interacts with us and store and dispose of any personal information according to our data protection policy.

See Section 7 Privacy: 7.1

Audience interactivity on our Public Services must not act as a commercial service, or be designed to make a profit unless it is specifically set up and approved in advance as a method of raising money for a cross-BBC charity fundraising initiative. It must also be accessible to the target audience.

¹ Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016).

On our Public Services, jointly organised competitions, donated prizes for viewer, listener or online competitions, and external funding of a prize, bursary or award, must conform to the Statement of Policy on Use of Alternative Finance in BBC Content².

When working in partnership with others, the BBC must maintain overall editorial control of interactivity in its output.

References to telephony services and branded methods of entry, such as social media brands, must be editorially justified and not unduly prominent.

See Section 14 Independence from External Interests: 14.3.1-14.3.9

BBC employees and their immediate families may not normally enter BBC competitions.

When we interact with audiences using new technologies and platforms we must conduct our activity in a manner that is consistent with the BBC's editorial values.

Meanings

Paid-for interactivity occurs when some or all of charges paid by the audience accrue to the broadcaster. It may be via a premium rate telephone service, a mobile device or app or some other technology.

Premium rate services are services for which the revenue is shared between relevant parties. They are regulated by the Phone-paid Services Authority.

Non-geographic telephony services are those telephone numbers that are not linked to a specific location.

Apps are software applications for audience participation in content.

² Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016).

17.2 Mandatory Referrals

(Mandatory Referrals are part of the BBC's editorial management system. They are an essential part of the process to ensure compliance and must be observed.)

17.2.1 Votes on matters of public policy, political or industrial controversy or any other 'controversial subject' must be referred to Chief Adviser Politics.

See 17.3.2

17.2.2 Any proposal to run a competition or vote jointly with a third party must be referred to Editorial Policy and the Interactivity Technical Advice and Contracts Unit (ITACU).

See 17.3.5

17.2.3 Any proposal to establish a BBC award must be referred to a senior editorial figure.

See 17.3.8

17.2.4 Any proposal to take sponsorship for a BBC award must be referred to Editorial Policy.

See 17.3.9

17.2.5 Any proposal to offer a substantial prize must be referred to Editorial Policy.

See 17.3.13

17.2.6 Any proposal to accept the donation of a substantial prize for a cross-BBC charity fundraising initiative must be referred to Editorial Policy.

See 17.3.19

17.2.7 Any Public Service-commissioned or BBC Global News competition or vote which involves audience interaction must be referred to the Interactivity Technical Advice and Contracts Unit (ITACU).

BBC Studios should consult ITACU and/or BBC Studios Regulatory Affairs.

See 17.3.20

17.2.8 All proposals to use paid-for interactivity on Public Services and Global News must be referred to the Interactivity Technical Advice and Contracts Unit (ITACU) and Editorial Policy.

See 17.3.23

17.2.9 Any use of paid-for interactivity on BBC Commercial Services other than Global News must be referred in the first instance to a senior editorial figure or, for independent production companies, to the commissioning editor.

See 17.3.24

17.2.10 Any proposal to use premium rate services to raise money for charity through any form of audience interaction must be referred to Editorial Policy and the Interactivity Technical Advice and Contracts Unit (ITACU). Approval will also be required from a senior editorial figure.

See 17.3.25

17.2.11 Any proposal to use premium rate services aimed at children must be referred to Editorial Policy and the relevant director.

See 17.3.25

17.2.12 Any proposal to use text messaging for viewer, listener or online competitions or votes must be referred to Editorial Policy and the Interactivity Technical Advice and Contracts Unit (ITACU).

See 17.3.26

17.2.13 Any proposal to invite people to apply to be part of a programme by ringing a contestant line must be

referred to the Interactivity Technical Advice and Contracts Unit (ITACU).

See 17.3.27

- 17.2.14** Any proposal to use a premium rate information line for events or performances being covered by BBC content, or to offer tickets for sale via such information lines must be referred to Editorial Policy.
See 17.3.28

- 17.2.15** Any proposal to offer a cash prize or a donated prize for a Public Service game show or quiz must be referred to, and approved by, the relevant output controller. Substantial cash prizes must be referred to the commissioning controller who must consult Editorial Policy.
See 17.3.36

- 17.2.16** Substantial cash prizes for Commercial Services content that has not been commissioned by a Public Service must be referred to BBC Studios Regulatory Affairs.
See 17.3.36

- 17.2.17** Any proposal for the BBC to accept a donated career or life-changing opportunity for contestants or participants must be referred to Editorial Policy.
See 17.3.38

- 17.2.18** Any proposal not to pre-moderate online spaces for under-18s must be referred to Editorial Policy.
See 17.3.46

- 17.2.19** Any online safeguarding concerns about under-18s, whether related to online grooming or child abuse images must be referred to the Head of Safeguarding, Policy and Compliance³ immediately.
See 17.3.50

³ See Working with Children advisers site: available on Gateway for BBC staff or via commissioning editors for independent producers.

- 17.2.20** Users of all mobile networks should normally be able to take part in any Public Service mobile interactivity. Proposed exceptions must be referred to Editorial Policy.
See 17.3.57

17.3 Guidelines

Competitions and Votes

- 17.3.1** All BBC competitions and votes must be honest, open and fair, meeting the editorial, ethical and technical standards that our audiences expect.
- 17.3.2** BBC competitions and votes must be approved by a senior editorial figure. Competitions and votes must meet the following criteria:
- technical systems must be robust
 - competitions and votes entail complex requirements, which must be appropriately resourced. We must take appropriate measures to protect the integrity of a vote and the result
 - rules for competitions and votes must be published
 - the results must be reported with due accuracy to the audience
 - contingency planning for both editorial and technical matters is essential
 - it must be made clear to the audience when votes open and close and when the closing deadline is set for competition entries
 - there must be sufficient time allowed between closing the competition or vote and announcing the result to ensure that it can be verified
 - competitions and votes must be set up and run according to the relevant Guidance

See Guidance online: Audience Interactivity

- on Public Services competitions and votes must be editorially justified
- for additional considerations for competitions and votes for children see guidance.

See Guidance online: Audience Interactivity

Competitions

- all qualifying entries must have a fair chance of winning and the selection process must be designed to achieve this
- we should offer a genuine test of skill, knowledge or judgement appropriate to the audience
- questions and answers must require an appropriate level of skill from the likely audience and be suitable in tone and subject matter. They must be duly accurate
- competitions using premium rate services must not be lotteries, which are defined in law. Legal advice must be taken
- judging panels for viewer, listener, online and reader competitions must have clear criteria for selecting winners made available to audiences
- Public Services must not directly promote any competition which is not organised by or run in conjunction with the BBC Public Services
- we must retain our editorial independence, and Public Service competitions must not promote any service, product or publication
- we must not require people to buy anything to enter a Public Service competition unless it is linked to a cross-BBC charity fundraising initiative

See Section 16 External Relationships and Financing: 16.3.45

- costs to enter should be appropriately signalled.

For Prizes see Prizes below.

See Section 17 Competitions, Votes and Interactivity: 17.3.12-17.3.19

Votes

- consideration must be given at the outset to whether a public vote is the most editorially appropriate method of deciding a result. Votes can be used to provide entertainment, to raise money for cross-BBC charity fundraising initiatives or to help the audience register an opinion on topics ranging from light subjects to matters of public policy or politics. We need to take into account that in some cases the outcome of the vote may represent a life-changing opportunity for the winner or winning organisation, could be of interest to lobby groups, or could represent a potential commercial advantage
- we must not mislead the audience about the purpose of a vote
- we do not normally announce running totals before broadcasting the final verified outcome
- the BBC must be fair to anyone who is judged by an audience vote and must also fairly and accurately reflect the opinions of the voting audience
- **votes on matters of public policy, political or industrial controversy or any other ‘controversial subject’ must be referred to Chief Adviser Politics** who will consider whether they are duly impartial

See Section 4 Impartiality: 4.1 and Section 10 Politics, Public Policy and Polls: 10.3.21-10.3.40

See Guidance online: Opinion Polls, Surveys, Questionnaires, Votes and Straw Polls

- voting/polling tools provided by social media platforms or other online services do not provide statistical or representative results. They should only be used to entertain or engage with audiences.

17.3.3

Jointly Run Competitions and Votes

We may run Public Service competitions and votes jointly with an appropriate third party such as an academic or artistic institution.

See Section 16 External Relationships and Financing: 16.3.1-16.3.6

We should normally pay a substantial part of the costs, and no money from the outside organisation should flow into any programme budget.

The BBC must retain editorial control and have technical oversight and approval of an overall competition. When running a vote, the BBC must be satisfied with the systems and procedures in place for it, and should usually be in direct control.

17.3.4 We should not normally run Public Service competitions or votes with a commercial organisation.

17.3.5 **Any proposal to run a competition or vote jointly with a third party must be referred to Editorial Policy and the Interactivity Technical Advice and Contracts Unit (ITACU)** who will consider whether:

- the organisation is appropriate
- the competition or vote is robust and contingencies are appropriate
- the BBC will retain editorial control.

Awards

17.3.6 The BBC may establish its own awards to recognise the achievements and talents of members of the public or certain groups such as writers, musicians and sports stars. These awards may sometimes be run in conjunction with appropriate third parties.

See Section 16 External Relationships and Financing: 16.3.1-16.3.6

17.3.7 BBC awards bear the BBC brand and therefore give a stamp of approval for achievements of individuals or third-party organisations. They should only be set up to serve a serious purpose and must be appropriately organised and resourced.

BBC awards must be set up and run according to the relevant Guidance.

See Guidance online: Audience Interactivity

17.3.8 **Any proposal to establish a BBC award must be referred to a senior editorial figure.** Awards must meet the following criteria:

- the subject matter of BBC awards should be appropriate and should not compromise the BBC's impartiality, editorial integrity or independence
- there must be clear terms, conditions and criteria for both the nominees and the judges
- UK Public Service awards given at a BBC event may be supported by a non-commercial sponsor.

See Section 16 External Relationships and Financing: 16.3.27-16.3.31

17.3.9 Funding arrangements for Public Service awards must conform to the Statement of Policy on Use of Alternative Finance in BBC Content⁴, and the Guidance on Sponsorship of BBC On-Air and Online Events Broadcast on BBC Public Services. **Any proposal to take sponsorship for a BBC award must be referred to Editorial Policy** who will consider whether:

- the proposal meets the Statement of Policy⁵
- the proposal meets the relevant Guidance
- it would bring the UK Public Services into disrepute.

See Guidance online: Sponsorship of BBC On-Air and Online Events Broadcast on BBC Public Services

⁴ Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016).

⁵ Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016).

Content that is Pre-Recorded, Repeated, or Available on Catch-Up Services

17.3.10 When live programmes containing competitions, votes or other interactivity are repeated, time-shifted or distributed via catch-up services, the audience must be informed that the interactivity is no longer available.

17.3.11 Programmes containing a vote or competition that is in breach of the BBC's editorial standards must be re-edited such that the audience is not misled.

See Guidance online: Removal of BBC Online Content

Prizes

17.3.12 Prizes must be described accurately. They should meet the expectations of the likely audience and must not bring the BBC into disrepute.

References to prizes and their donors must avoid undue prominence. Public Service competitions should not normally refer to branded goods or services which are offered as prizes.

See Section 14 Independence from External Interests: 14.3.1-14.3.9

17.3.13 We should normally pay for the prizes we offer in Public Service viewer, listener and online competitions and aim to offer original, rather than expensive prizes.

Any proposal to offer a substantial prize must be referred to Editorial Policy who will consider whether the prize is appropriate in the particular circumstances.

17.3.14 Prizes for children should be appropriate to the age of the target audience and the competitors, and should normally be modest or rely on 'money can't buy' experiences.

17.3.15 We must not offer cash prizes for any children's game show, quiz or competition.

See Section 17 Competitions, Votes and Interactivity: 17.3.30-17.3.36

17.3.16 On Public Services we should not offer cash prizes for viewer, listener and online competitions.

See Section 17 Competitions, Votes and Interactivity: 17.3.30-17.3.36

17.3.17 On Public Services, prizes featuring BBC/BBC-licensed commercial products must not give the impression of promotion of Commercial Services.

See Section 14 Independence from External Interests: 14.3.23

17.3.18 Donated Prizes for Competitions

Donated prizes for a Public Service viewer, listener or online competition must conform to the Statement of Policy on Use of Alternative Finance in BBC content⁶.

Donated prizes must meet the following criteria:

- we must not accept cash prizes
- appropriate prizes will have a modest cash value
- over time, there should be a wide range of donors
- donated prizes must be appropriately signalled to ensure transparency but should not be unduly prominent.

There must be no references to donated prizes in content in or around news bulletins.

17.3.19 Prizes for Public Service Cross-BBC Charity Fundraising Initiative Competitions and Auctions

It may be possible to offer or accept the donation of a substantial prize for a Public Service cross-BBC charity fundraising initiative competition. **Any proposal to accept the donation of a substantial prize for a cross-BBC charity**

⁶ Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016).

fundraising initiative must be referred to Editorial Policy who will consider whether the prize is appropriate in the particular circumstances.

The Interactivity Technical Advice and Contracts Unit (ITACU)

17.3.20 The Interactivity Technical Advice and Contracts Unit (ITACU) is a specialist BBC unit which provides advice on all technical aspects of running a competition, vote or award on any platform and in particular in the use of premium rate telephony.

ITACU contracts telephone service providers and verifies those providers' processes. The unit also provides legal advice and terms and conditions for competitions and votes. ITACU does not offer editorial or editorial policy advice but it liaises closely with Editorial Policy.

Any Public Service-commissioned or BBC Global News competition or vote which involves audience interaction must be referred to the Interactivity Technical Advice and Contracts Unit (ITACU). BBC Studios should consult ITACU and/or BBC Studios Regulatory Affairs.

Telephony Services

17.3.21 Any proposal to run a competition, vote or award using telephony services must also follow the mandatory approvals process set out in the guidance on interactivity.

See Guidance online: Audience Interactivity

17.3.22 **Paid-for interactivity**
For the meaning of paid-for interactivity see Meanings above.

See Section 17 Competitions, Votes and Interactivity: 17.1

We must comply with the code of practice issued by the industry regulator, Phone-paid Services Authority.

The cost to the audience for using non-geographic telephony services must be made clear and broadcast as appropriate.

For the meaning of non-geographic telephony services see Meanings above.

See Section 17 Competitions, Votes and Interactivity: 17.1

17.3.23 **All proposals to use paid-for interactivity on Public Services and Global News must be referred to the Interactivity Technical Advice and Contracts Unit (ITACU) and Editorial Policy** who will consider whether it is appropriate for the particular circumstances.

17.3.24 **Any use of paid-for interactivity on other BBC Commercial Services must be referred in the first instance to a senior editorial figure or, for independent production companies, to the commissioning editor.**

17.3.25 **Premium Rate Services on Public Service Broadcast Channels**

For the meaning of premium rate services see Meanings above.

See Section 17 Competitions, Votes and Interactivity: 17.1

On Public Services, premium rate services are normally used when they are the most suitable and safest way to handle large volumes of calls effectively.

Premium rate services must meet the following criteria:

- the lowest viable tariff must be charged
- technical systems must prevent callers from being charged should they try to use the system when the lines are not open

- we do not use premium rate services with the aim of making a profit except where their use has been approved to raise money for a cross-BBC charity fundraising initiative
- there is a mandatory approvals process for the use of premium rate services within Public Services and there are also separate legal and regulatory constraints.

Any proposal to use premium rate services to raise money for charity through any form of audience interaction must be referred to Editorial Policy and the Interactivity Technical Advice and Contracts Unit (ITACU) who will consider whether the proposal is appropriate to the particular circumstances.

Approval will also be required from a senior editorial figure.

Any proposal to use premium rate services aimed at children must be referred to Editorial Policy and the relevant director.

If such services are to be used then we must prompt children to seek permission to call from the bill payer.

See Guidance online: Audience Interactivity

17.3.26

Text Messaging (SMS)

There are technical issues involved in the use of SMS that can jeopardise editorial integrity.

Any proposal to use text messaging for viewer, listener or online competitions or votes must be referred to Editorial Policy and the Interactivity Technical Advice and Contracts Unit (ITACU) who will consider whether the proposal is robust enough in the particular circumstances.

There must be enough time allowed for receipt, collation and examination of texts as there can be delays in this form of interaction.

17.3.27

Contestant Lines

In some cases it may be appropriate to invite people to apply to be part of a programme by ringing a contestant line. **Any proposal to invite people to apply to be part of a programme by ringing a contestant line must be referred to the Interactivity Technical Advice and Contracts Unit (ITACU).**

17.3.28

Event Information Lines on Public Services

We may trail on-air phone lines which provide information about events or performances being covered by BBC content. These lines should not normally be premium rate or a means of purchasing tickets, though they may give details of telephone sales numbers. **Any proposal to use a premium rate information line for events or performances being covered by BBC content, or to offer tickets for sale via such information lines must be referred to Editorial Policy** who will consider whether the proposal is appropriate in the particular circumstances.

17.3.29

Automated Information Services

We must ensure that recorded 'dial and listen' information services are directly relevant to our output.

See Section 14 Independence from External Interests: 14.3.26

The duration of calls should be kept to a minimum and the audience should be informed of the cost. The service must not be used to promote any product, retailer or supplier.

See Section 14 Independence from External Interests: 14.3.1-14.3.9

Game Shows and Quizzes

- 17.3.30** We must conduct our game shows and quizzes with integrity. On Public Services we must be seen to be free of commercial pressures.
- 17.3.31** **Selection of Contestants for Game Shows and Quizzes**
Contestants on game shows and quizzes are contributors so these provisions are in addition to the Editorial Guidelines on contributors and consent.
See Section 6 Fairness to Contributors and Consent: 6.3.1-6.3.11
The choice of contestant must not bring the BBC into disrepute. Reasonable steps should be taken to screen out contestants who are unsuitable.
- 17.3.32** **Fairness to Contestants in Game Shows and Quizzes**
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 we expect of them. If they are to appear in a humorous way it is important that they feel part of the joke rather than ridiculed. Care needs to be taken where contestants have been volunteered by family or friends.
See Section 6 Fairness to Contributors and Consent: 6.3.1-6.3.5 and 6.3.23, Section 7 Privacy: 7.3.17-7.3.20 and Section 5 Harm and Offence: 5.3.32
- 17.3.33** **Safety of Contestants in Game Shows and Quizzes**
We must not put the health or safety of contestants or any other participants at any significant risk. Participants must not be asked to do anything which involves danger to life. Where relevant, specialist advice should be sought.
To avoid imitative behaviour or allegations of irresponsibility, it may be useful to make clear in the

output when suitable safety precautions have been taken.

See Section 6 Fairness to Contributors and Consent: 6.3.18-6.3.22 and Section 5 Harm and Offence: 5.3.49-5.3.51

- 17.3.34** **Setting Questions for Game Shows and Quizzes**
Questions and their answers should be accurate, legal, require a reasonable level of skill, and be appropriate in subject matter and tone for audience expectations.
- 17.3.35** **Rules or Terms and Conditions for Game Shows and Quizzes**
There must be rules for quizzes or game shows, setting out what is expected of contestants and the terms of their participation.
Contestants should be clearly informed of these rules before they take part and should confirm that they accept and understand the terms of their participation.
- 17.3.36** **Prizes for Game Shows and Quizzes**
Prizes must be described with due accuracy. We do not normally accept donated prizes for game shows or quizzes, except for cross-BBC charity fundraising initiatives.
Any proposal to offer a cash prize or a donated prize for a Public Service game show or quiz must be referred to, and approved by, the relevant output controller. Substantial cash prizes must be referred to the commissioning controller who must consult Editorial Policy who will consider whether:
- the proposal conforms to the Statement of Policy on Use of Alternative Finance in BBC Content⁷
 - the prize is appropriate in the particular circumstances.

⁷ Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016).

Substantial cash prizes for Commercial Services content that has not been commissioned by a Public Service must be referred to BBC Studios Regulatory Affairs.

Talent Searches and Programmes Offering Life-Changing Opportunities

17.3.37 The BBC may enter into editorially justified agreements with an appropriate third party to offer winning contestants or participants an opportunity or chance of a lifetime that the BBC alone could not deliver. For example, a third party may be able to offer a specialist career opportunity, an investment into a start-up business, or a performance-based opportunity such as a concert or recording contract or chance to appear in a professional production on stage or film.

See Section 16 External Relationships and Financing: 16.3.1-16.3.6

The BBC must maintain editorial control.

17.3.38 **Any proposal for the BBC to accept a donated career or life-changing opportunity for contestants or participants must be referred to Editorial Policy** who will consider whether:

- the proposal conforms to the Statement of Policy on Use of Alternative Finance in BBC content⁸
- the proposal is appropriate in the particular circumstances.

17.3.39 **Selection of Contestants/Participants**
Talent search contestants and participants in programmes offering life-changing opportunities are contributors so these provisions are in addition to the

Editorial Guidelines on contributors and consent.
See Section 6 Fairness to Contributors and Consent: 6.3.1-6.3.11

Contestants/participants may often need to have specialist skills and may be recruited from a variety of sources. Often such contestants may appear on air for many weeks and receive considerable exposure.

17.3.40

The background of prospective contestants/participants must be checked before final selection is made, to ensure suitability to appear in BBC content. Factors such as their ability to withstand the pressure of a competitive and sometimes live format must be considered, as well as previous criminal convictions or other matters which could bring the BBC into disrepute.

17.3.41

Care of Contestants/Participants

At the outset, contestants/participants may not appreciate the life-changing impact of appearing in programmes of this nature. Processes should be put in place to ensure they are appropriately briefed, prepared and supported including, but not limited to, suitable support if the series is likely to attract considerable press and marketing attention. Additional processes are required for contestants/participants who are under 18, particularly if the output is to be broadcast live.

17.3.42

Fairness to Contestants/Participants

All contestants/participants must be treated honestly, fairly and with regard for their dignity. Appropriate steps should be taken to ensure they understand and appreciate the criteria which will be used to judge them.

⁸ Statement of Policy on Use of Alternative Finance in BBC Content (Clause 49 (4) of the BBC Framework Agreement 2016).

Contestants/participants should be given copies of the specific terms and conditions governing their participation. The penalties for cheating must be clearly outlined, especially when a show involves an audience vote.

See Section 6 Fairness to Contributors and Consent: 6.3.1-6.3.5

Phone-in Programmes

17.3.43

Phone-in programmes play an important part in BBC output. They may use comments sent via text, email, social media and the red button as well as talking to callers directly.

Because phone-ins are live, we should be ready to deal with contributions that may cause widespread offence, or break the law. We should not allow phone-ins to become a vehicle for the opinions of the presenter. The following practices may help to minimise the risks:

- contributors to phone-ins should normally be called back and if necessary briefed before they go on air. We should establish whether they are appropriate to put to air, and appropriate referral made in cases of doubt
- a breadth and diversity of views should be sought and the requirements of due impartiality should be met

See Section 4 Impartiality: 4.1

- if a programme has attracted no callers then it should seek alternative content. Under no circumstance should programmes make up callers, or other interactions such as emails and texts. We must be honest with our audiences at all times
- presenters must have contingency plans to deal with unexpected breaches of the Editorial Guidelines or the law. When producing a phone-in on a difficult or sensitive subject, the production team should be briefed on how to deal appropriately with contributors, including children and young people.

Information about support services for contributors may be required.

See Section 9 Children and Young People as Contributors: 9.3.21-9.3.24

17.3.44

When a programme is contacted unexpectedly by someone wishing to share their difficult or sensitive story, we should consider whether it is appropriate for broadcast/publication and deal appropriately with the member of the public.

Comment and Moderation

17.3.45

Every online space on BBC platforms that includes comment should be appropriately moderated. For message boards for over-18s, comments should normally be reactively moderated unless the sensitivity of the subject requires a more active form of moderation.

17.3.46

Online spaces directed to under-18s should normally be pre-moderated. **Any proposal to use any other form of moderation for under-18s must be referred to Editorial Policy** who will consider whether:

- the proposed form of moderation would offer an appropriate level of child protection
- we should not link to unmoderated spaces for an audience of under-18s.

17.3.47

Responsibility for ensuring the message board maintains appropriate overall standards of moderation lies with the senior editorial figure responsible for the associated content.

Additional measures may be necessary at times of special sensitivity, such as during armed conflict or elections.

See Section 10 Politics, Public Policy and Polls: 10.3.13-10.3.20 and Section 11 War, Terror and Emergencies: 11.1

- 17.3.48** Online spaces which publish pictures or video from members of the public are usually pre-moderated.
- 17.3.49** Every online space must be able to implement a swift, robust and appropriate escalation strategy if, for example, illegal material is posted or if illegal conduct is suspected.
- Escalation strategies should also be in place for suspected child grooming, threat to life, serious sexual assault or to avoid serious harm.
- 17.3.50** **Any online safeguarding concerns about under-18s, whether related to online grooming or child abuse images must be referred to the Head of Safeguarding, Policy and Compliance⁹ immediately.**
- See Guidance online: Interacting with Children and Young People Online
- 17.3.51** Every interactive space should publish easily accessible house rules that govern what content is acceptable and what will normally be removed.
- There should also be an easily accessible reporting function to alert the BBC to breaches of those rules.
- 17.3.52** We should aim to accommodate the widest possible range of opinions consistent with the house rules and the law. We should also include, where it is offered, comment that is critical of the BBC, talent, programmes or policies.
- We should take care to mitigate risk around content, contact and conduct when running message boards directed to children.
- See Section 9 Children and Young People as Contributors: 9.3.1-9.3.11
See Guidance online: Interacting with Children and Young People Online

⁹ See Working with Children advisers site: available on Gateway for BBC staff or via commissioning editors for independent producers.

- 17.3.53** **Comments on Live Streams**
- Live streaming provides the opportunity to interact directly with our audience in real time on our services. Steps that are appropriate to the platform and functionality should be taken to manage the comments during the live stream and for a period after the event has finished.
- See Section 7 Privacy: 7.3.29-7.3.33, Section 14 Independence from External Interests: 14.3.8 and Section 16 External Relationships and Financing: 16.3.17-16.3.18
- User-Generated Content**
-
- 17.3.54** User-generated content can take the form of video or still pictures in addition to text and comment and can provide an important contribution to BBC output online or on air.
- User-generated text, pictures and video that are incorporated into our own content can be sourced either by a direct call to action to our audiences or be found through searches across the web.
- Whenever we use user-generated content in our own output we should consider:
- the authenticity of the content and the context in which we use it, to ensure due accuracy
 - consent, both to use the content, and, where relevant, from those who feature in it, particularly where this includes under-18s
- See Guidance online: Interacting with Children and Young People online
- the legitimate expectation of privacy of anyone who appears in it, for example if they are receiving medical treatment, or the intention of the original publication on social media was for it to be shared among a limited number of followers
 - if we are encouraging breaking the law or putting contributors at risk by commissioning or using content where personal safety could be endangered

- any legal or copyright issues
- giving an online or onscreen credit to the owner of the picture or video.

We should ensure that references to products, such as social media platforms, are not unduly prominent.

See Section 14 Independence from External Interests: 14.3.1-14.3.9
See Guidance online: User-Generated Contributions

17.3.55 Social Media and Other Third-Party Platforms

BBC-branded activity on, and content published to, social media platforms and other third-party sites should reflect the same values that we employ on our own platforms, subject to the specific constraints and expectations of each platform.

Our choice of third-party sites must not bring the BBC into disrepute, or pose significant risks to children and young people.

We should be mindful of the legal and contractual responsibilities the BBC has in operating on these sites and of the expectations of other users towards our activity and behaviour on these sites.

Any intervention should be light touch, but we may remove material that could cause unjustifiable offence.

17.3.56 We should maintain a clear distinction between BBC spaces which are run by the BBC for BBC purposes and personal spaces which are run by staff or BBC talent for their personal purposes.

There should be editorial oversight and responsibility for all our activity in BBC spaces.

See Guidance online: Social Media

Mobile Content, Including Apps

For the meaning of apps see Meanings above.

See Section 17 Competitions, Votes and Interactivity: 17.1

17.3.57 Users of all mobile networks should normally be able to take part in any Public Service mobile interactivity. Proposed exceptions must be referred to Editorial Policy who will consider whether it is justified to exclude some networks.

17.3.58 We should keep the cost to the audience of Public Service mobile interactivity to the lowest tariff possible, except for approved cross-BBC charity fundraising initiatives.

When inviting people to interact with us, appropriate cost information and, where relevant, content information should be included with mobile content. Audiences should normally be warned that data charges may apply.

17.3.59 Content distributed via mobile devices should be suitable for, and meet the expectations of, the likely audience. When editing content for mobile we should ensure that the suitability and integrity of the original content is not affected. We should take account of the original context and avoid misrepresentation.

See Section 13 Re-use, Reversioning and Permanent Availability: 13.3.1-13.3.5

17.3.60 Public Services may include references to free apps connected to content, which are likely to be considered as programme-related material.

See Section 14 Independence from External Interests: 14.3.23

However, where an app is paid for, or where the app is free but enables payment to be taken, the guidelines for premium rate telephony apply.

See Section 17 Competition, Votes and Interactivity: 17.3.22-17.3.24

Games

- 17.3.61** The use of games on mobile devices, online and on interactive television can reach new audiences and enhance our output. However, there must be editorial justification for using games with BBC content and the cost of accessing them on Public Services should be kept to a minimum. The games must not be designed to make a profit on Public Services.

See Section 17 Competition, Votes and Interactivity: 17.3.57-17.3.60

Interactive TV Services

- 17.3.62** Interactive services broadcast on Public Service television, such as those activated by the red button, should not promote any specific platform. They must observe the watershed and be appropriate for the audience of any associated television programme.

See Section 5 Harm and Offence: 5.3.6-5.3.10

- 17.3.63** We should make it clear to our audiences where payment is required and display the total cost where practical. Interactive TV services on Public Service channels should not be designed to make a profit.

The Law

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Principal Legal Considerations

- Defamation and Privacy
- Legal Rights to Anonymity
- Reporting Restrictions
- Obligations Under Terrorism Legislation
- Contempt
- Accessing Illegal Content
- Bribery
- Data Protection

18.1 Introduction

BBC Legal handles legal issues affecting the BBC, with different departments dealing with different issues.

The Programme Legal Advice department gives pre-transmission advice on the main content-related issues including defamation, privacy, contempt of court, legal rights of anonymity and all other types of reporting restrictions. Programme Legal Advice has a duty lawyer on call 24 hours a day for urgent enquiries. In addition, Programme Legal Advice keeps a list of lawyers in other jurisdictions and may be able to assist with advice on foreign law.

Advice on copyright (including fair dealing) and trade marks can be obtained from Intellectual Property. Specialist data protection advice can be obtained from Information Rights.

There are some significant differences between the legal systems of England and Wales and Scotland and Northern Ireland which, if not observed, can cause serious problems. For advice on Scottish media law, consult the BBC Legal Director, Scotland.

While following the Editorial Guidelines will often ensure that BBC content will be legally defensible, there are situations where the law imposes specific obligations, or requires standards, that are not addressed fully in these Guidelines. It is important, therefore, that referrals to Programme Legal Advice and other legal departments are adhered to. As the law is subject to interpretation and change by the courts and by statute, content producers should, in any event, consider whether taking legal advice would be appropriate.

Other common legal considerations are set out in this section.

18.2 Mandatory Referrals

(Mandatory Referrals are part of the BBC's editorial management system and there are a number of them to Programme Legal Advice in the previous sections. The ones listed below are those which arise from this section alone. All Mandatory Referrals are an essential part of the process to ensure compliance and must be observed.)

18.2.1 If during the course of making programmes or content, it is believed laws may be broken by someone working for the BBC, it must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should normally consult Programme Legal Advice and, if necessary, Director Editorial Policy and Standards.

See 18.3.1

18.2.2 Where there may have been a data breach, a data breach form on Gateway must be completed or the matter must be referred to Information Rights, who will assess if the breach meets the legal threshold for reporting to the Information Commissioner.

See 18.4.8

18.3 General

18.3.1 There may be occasions where providing accurate, impartial and fair coverage in the public interest involves possible conflict with the law. Where such cases arise we must consider:

- what effect breaking the law might have on the BBC
- what the effect might be on the people concerned
- internationally, the effect on the BBC's future coverage of the region.

If during the course of making programmes or content, it is believed laws may be broken by someone working for the BBC, it must be referred to a senior editorial figure, or for independent production companies to the commissioning editor, who should normally consult Programme Legal Advice and, if necessary, Director Editorial Policy and Standards.

18.4 Principal Legal Considerations

Defamation and Privacy

18.4.1 An individual or corporation can sue for damage to their reputation over material that is published about them. This area of law is called defamation or libel and can have serious financial consequences if we get it wrong. Whilst a number of possible defences are available, it is important to note that when relying on the truth of what was published, it is the defendant (or defender in Scotland) who generally has to prove that it was true.

Individuals can take legal action to enforce their right to privacy, including asking the court to grant an injunction (or 'interdict' in Scotland) to stop true stories based on private information being made public. All legal entities including corporations may also have enforceable rights to keep information confidential. In these cases, the court will seek to balance the right to privacy or confidentiality against the media's right of free expression and the right of the public to be informed.

Legal Rights to Anonymity

18.4.2 Victims and alleged victims of sexual offences, human trafficking offences and female genital mutilation

have a legal right to anonymity. The rules regarding anonymity in these cases are complex and the right of anonymity cannot always be waived. Teachers also have a legal right of anonymity in some circumstances when an allegation of an offence is made concerning a pupil.

See Section 6 Fairness to Contributors and Consent: 6.3.26-6.3.31 and Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.33-8.3.37

Reporting Restrictions

18.4.3 There are a number of situations in which reporting restrictions either apply automatically or can be specifically ordered by a court.

Automatic restrictions apply to:

- reports of preliminary hearings in criminal proceedings. What can be reported is very restricted
- reports of proceedings in Youth Courts. In particular, we must not publish anything likely to identify someone under 18 as involved in Youth Court proceedings
- family proceedings and Court of Protection proceedings (which may be heard in a number of courts including magistrates' courts, the County Court, the Family Division of the High Court, the Court of Appeal and Supreme Court). In particular, we must not publish anything which is likely to identify any child as being involved in such proceedings.

These restrictions can be lifted or varied by a court.

Some of the more common reporting restrictions which may be ordered include:

- orders preventing the identification of under-18s involved in proceedings before an adult court
- postponement orders, preventing publication of reports of proceedings, usually until after the conclusion of related proceedings

- anonymity orders, where the court has allowed a person's details to be withheld.

Any queries involving legal proceedings in Scotland should be referred to the BBC Legal Director, Scotland.

See Section 8 Reporting Crime and Anti-Social Behaviour: 8.3.13

Obligations Under Terrorism Legislation

- 18.4.4** There are obligations under terrorism legislation on all people, including journalists, to disclose information regarding terrorist activity to the police as soon as reasonably practicable. Failure can amount to a criminal offence. There is also a wide range of powers for the police and other authorities to obtain information from journalists as part of a terrorism investigation.

See Section 11 War, Terror and Emergencies: 11.3.21

Contempt

- 18.4.5** Contempt of court is a criminal offence. Contempt can take many forms. The aim of the law is to prevent interference with legal proceedings in the UK. It protects proceedings in all courts and tribunals in the UK which carry out judicial functions.

Statutory contempt law bans the publication of material which creates a substantial risk of seriously prejudicing or impeding 'active' legal proceedings. The risk of causing serious prejudice is highest when the proceedings involve a lay jury, for example, in serious criminal cases.

The 'active' period in criminal legal proceedings starts with the granting of an arrest warrant, the arrest of a suspect or the issue of a summons (in Scotland a complaint) or indictment. This may be well before a person is charged.

Serious prejudice to a criminal case might be caused by, for example, the publication of previous convictions.

Accessing Illegal Content

- 18.4.6** There are offences regarding accessing and disseminating indecent images and information related to terrorism which can present difficulties when undertaking certain investigations.

Bribery

- 18.4.7** It is illegal under the UK's Bribery Act to give or receive a bribe anywhere in the world and there is a separate offence of bribing a foreign public official.

Data Protection

- 18.4.8** Data protection breaches in some circumstances can give rise to criminal sanctions as well as fines. In addition, data breaches which may result in a high risk of adversely affecting individuals' rights and freedoms must be reported to the Information Commissioner within 72 hours. **Where there may have been a data breach, a data breach form on Gateway must be completed or the matter must be referred to Information Rights, who will assess if the breach meets the legal threshold for reporting to the Information Commissioner.**