

An assessment of whether advertising or promoting third parties is acceptable will be made by the Controller responsible for the relevant output in consultation, where necessary, with Editorial Policy and Controller, Talent Management.

8 TALENT/AGENT OWNED INDEPENDENT PRODUCTION COMPANIES

Potential conflicts of interest can also arise where an independent production company is owned by an on screen presenter or performer or their agent. To avoid such potential conflicts:

- Agents or their production companies should not be commissioned to produce factual programmes about the talent they represent unless there is clear editorial justification.
- In very exceptional circumstances, where the programme and its subject are of such importance and cannot be commissioned unless it is produced with the associated agent or talent-owned independent, the issue should be referred to the Controller, Editorial Policy. If the commission is agreed, the commissioning team should ensure objectivity is achieved by means of thorough executive production on behalf of the BBC. An active BBC role in all stages of the programme's production, from research to the final edit, will be required.
- When commissioning teams receive proposals for factual programmes concerning talent from another genre (for example, a factual commission about a sports personality), they should seek advice on any connections between the independent producer and talent that could provide an editorial conflict of interest.
- Commissioning teams should actively review guests and their associated products featured on agent-owned independent productions, ensuring:
 - Guests from associated talent agencies are always editorially justified
 - Records are kept of all guests on programmes produced by agents and checked with their client-list to avoid a cumulative promotional effect
- Access to talent should never be accepted if it is directly connected to product promotion by the agent's production company, unless there is clear editorial justification.

CHAPTER 11 GLOBAL BROADCASTING AND NEW MEDIA

- 1 GLOBAL BROADCASTING
- 2 ONLINE AND NEW MEDIA

1 GLOBAL BROADCASTING

The BBC's reputation as a broadcaster is based on adherence to the highest editorial and ethical standards, for its international services as well as its domestic ones. Over many years the World Service has applied key BBC principles, such as impartiality, accuracy and avoiding offence on matters of taste, to radio broadcasting for international audiences.

More recently the BBC has developed international television services bringing news, documentaries, drama and entertainment to a wide variety of audiences across the world. As the BBC's role as a global broadcaster grows, upholding the principles of the Producers' Guidelines internationally has become a responsibility for BBC programme makers in many programme genres.

The principles of the Producers' Guidelines apply to all of the BBC's output. Much of the detailed guidance is universal, but where appropriate, specific guidance is offered for programme makers serving international audiences, for example section 9: "Observing Local Law", of Chapter 3: Fairness and Straight Dealing, and section 5: "International Audiences", of Chapter 6: Taste and Decency.

When television programmes are re-edited or reversioned for transmission on the BBC's international channels or on the new domestic television channels programme makers should consult Chapter 21: Re Use and Reversioning of BBC Television Programmes.

The BBC's international television services are commercially funded. The BBC is also involved in commercial joint venture television services in the UK. For guidance on those issues which apply specifically to commercially funded television channels see Chapter 24: Commercial Relationships and Appropriate Programme Funding.

2 ONLINE AND NEW MEDIA

Many innovative new forms of media are currently being developed, including interactive television, and more will emerge in the future. The BBC will apply the values and principles embodied in the Producers' Guidelines to all its new media activity. Both the Producers' Guidelines and the BBC ONLINE Guidelines apply to the BBC's Online Services. Producers should refer to section 6 "Online" in Chapter 6 for guidance on taste and decency issues on the Internet, and to Section 9: "Online and New Media" in Chapter 35: Opinion Polls, as well as to the BBC ONLINE Guidelines.

CHAPTER 12 REPORTING SUFFERING AND DISTRESS

- 1 REPORTING ACCIDENTS AND DISASTERS
- 2 DEPICTING TRAUMA
- 3 INTERVIEWS WITH THOSE INJURED OR GRIEVING
- 4 LIBRARY USE OF SCENES OF SUFFERING
- 5 DEAD INJURED AND MISSING
- 6 REVISITING PAST EVENTS
- 7 TRAGIC EVENTS AND NON FACTUAL PROGRAMMES
- 8 FUNERALS

1 REPORTING ACCIDENTS AND DISASTERS

In covering accidents, disasters and disturbances BBC journalists need to balance full, accurate reporting against the obligation to avoid causing unnecessary distress or anxiety. Emphasis should be placed on providing, swiftly and accurately, basic factual material, such as times, location, route or flight number etc.

In the early stages of reporting a disaster it is especially important to source information. 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. If our earlier reports prove to have been pessimistic, corrections should be prompt and prominent without any attempt to conceal the mistake.

2 DEPICTING TRAUMA

Long experience of reporting major disasters and all kinds of tragic events has emphasised the importance of compassionate coverage in such circumstances. Coverage should not add needlessly to the distress of people who already know of their loss, either in the UK or elsewhere.

News programmes should follow some basic principles:

- The dead should be treated with respect and not shown unless there are compelling reasons for doing so
- Close-ups of faces or serious injuries should be used very sparingly
- Do not concentrate unduly on the bloody consequences of an accident or terrorist attack
- Avoid using violent material simply because it is available
- The same value should be placed on human life and suffering whether it occurs in the UK or internationally
- The time of day of transmission, whether it is pre or post Watershed, and the rest of the schedule should be taken into account.

Deaths reported in the news are real. The best way to reflect this reality is by taking obvious care to respect the privacy of those involved. There are almost no circumstances in which it is justified to show executions or other scenes in which people are being killed.

Still photographs can sometimes convey the horrific reality of a situation, without shocking to the same degree as moving pictures. The natural sounds whether on radio or television can be as disturbing as pictures, and should also be treated with care. Editing out the bloodiest scenes need not result in a sanitised version of events. A good script is vital in conveying the reality of tragedy.

Editors on continuous news channels need to consider carefully the cumulative effect of the multiple use of such images.

Reporting should show sensitivity and care while remaining objective, and should not lapse into inappropriate sentimentality, or false compassion.

3 INTERVIEWS WITH THOSE INJURED OR GRIEVING

People in a state of distress must not be put under any pressure to provide interviews against their wishes. Approaches are often best made through friends, relatives or advisers. Just because bereaved people may be offered for interview by the police or other authorities does not justify use of material which is voyeuristic or profoundly distressing: an important purpose must be served by broadcasting it. Thoughtless questions cause distress and do damage. When such a question has been asked by others it may be possible to remove it without harming the sense of the interview.

Filming or recording of people who are extremely distressed must not be carried out in such a way as to increase their suffering. Editors must be satisfied that use of pictures or sound is genuinely important in helping audiences understand the impact of the event.

Audiences are sometimes upset and angered over scenes of suffering even when victims have co-operated willingly or have asked for coverage. The public may not know the circumstances: a few words of explanation when introducing the scene would prevent misunderstanding.

4 LIBRARY USE OF SCENES OF SUFFERING

Avoid needless or repeated use of traumatic library material, especially if it features identifiable people. It should not be used as "wallpaper" or to illustrate a general theme. Library pictures of identifiable grieving or distressed people must be used only after referral to a senior level in the programme department.

5 DEAD INJURED AND MISSING

Concern for next-of-kin calls for special care over reports that people have been killed or injured or are missing. The BBC has adopted a strong general rule that, as far as reasonably possible, next-of-kin should not learn this bad news from a programme.

There may be exceptions for prominent public figures or because of some other special circumstances but otherwise names should be left out unless we are satisfied that next-of-kin have been told.

News programmes need to be particularly careful over reports from abroad involving British people. Names are often released by authorities overseas and carried by news agencies before any information has reached next-of-kin, whereas in the UK official sources usually withhold names until families have been notified.

The BBC recognises that when names are not given in our broadcast reports, the news may cause needless concern among people with close relatives who might have been involved. In the choice between difficult options, we believe this is not as bad as the shock caused when names are received, for the first time, by way of radio or television.

But we also need to reduce needless anxiety by narrowing the area of concern as quickly as we can without identifying individual victims. So we should include details such as airline, flight number, place of departure, and destination as early as possible, so that even larger numbers of people are not alarmed.

6 REVISITING PAST EVENTS

Programmes intending to examine past events involving trauma to individuals (including, but not limited to, crime) must think through ways of minimising the distress that might be caused to surviving victims or to surviving relatives in re-telling the story. So far as is reasonably practicable, surviving victims or the immediate families of the dead people who are to feature in the programme should be informed of the BBC's plans. Failure to do this may be deemed a breach of privacy, even if the events or material to be used were once in the public domain. The programme should proceed against the objections of those concerned only if there is a clear public interest.

7 TRAGIC EVENTS AND NON FACTUAL PROGRAMMES

The aftermath of a tragic event calls for considerable sensitivity by broadcasters. Scheduling changes may be required to ensure that nothing that might cause widespread offence is broadcast inadvertently (see section 7 "Dealing With Tragic Events" in Chapter 6: Taste and Decency).

8 FUNERALS

Normally, programmes should cover funerals only with the permission of the family. Good reasons are needed if the wishes of the family are to be ignored. We should ensure that funerals are covered sensitively, and should avoid intrusive conduct, such as close camera shots of people who are grieving

CHAPTER 13 INTERVIEWING

1 GENERAL

2 PURPOSE OF INTERVIEWS

3 EVEN-HANDEDNESS

4 FAIR DEALING WITH INTERVIEWEES

5 TONE AND TACTICS

6 FAIRNESS TO THE INTERVIEWEE AND DEALING WITH EVASION

7 INTERVIEWING OUR CORRESPONDENTS

8 EDITING A RECORDED INTERVIEW

1 GENERAL

Interviews are a vital tool of journalism and programme making.

Where interviewees are to be questioned or tested on matters of controversy it is important for editors, researchers and interviewers to think through the editorial issues and structure the interview accordingly.

BBC interviews should be well mannered and courteous. They may be searching, sharp, sceptical, informed and to the point - but not partial, discourteous or emotionally attached to one side of an argument. Interviewees should be given a fair chance to set out their full response to the questions.

2 PURPOSE OF INTERVIEWS

An interview should have a clear purpose. It should be particular to a given interviewee and to a point in time. Beware of inviting people to appear simply because they are major players in a running news story, without a clear and cogent idea of what we want to find out from them.

Our interviewing should be well informed. Careful preparation by the production team - not just the interviewer - is called for. An interview is more likely to break new ground if the present position is summarised, and the interviewee discouraged from repeating well known positions. We should usually be looking for new information.

Not all interviews will be challenging. Some are designed to inform, explain or entertain. The techniques appropriate to this purpose are different. People interviewed as eye-witnesses or as experts may need to be encouraged rather than challenged.

The purposes of a live interview must be realisable in the time available. We should try not to leave the audience suspended and frustrated in mid-argument, or irritated by references to running out of time. A good interview comes to an orderly conclusion.

3 EVEN-HANDEDNESS

Anyone expressing contentious views during an interview must be rigorously tested. People in power and those seeking it, or those who advocate or criticise policies must be approached with a broad consistency of tone. When a testing interview becomes charged, the emotion should come from the interviewee, not from the interviewer. BBC interviewers should avoid impressions of bias through tone and inflexion or through careless wording. The BBC should be known for a dispassionate approach to contentious issues.

Those planning and conducting interviews need to be alert to the range of opposition to particular ideas and policies. A politician, for example, may be usefully tested from all political viewpoints.

Academics and journalists from other organisations should not automatically be assumed to be impartial. It should be made clear to the audience if they are associated with a particular standpoint.

4 FAIR DEALING WITH INTERVIEWEES

It is important that interviewees understand why they are being invited for interview, what subjects they are going to be asked about, the context of the programme, and the sort of part they will play in it. It will not usually be proper to submit details of actual questions in advance, nor to give any undertaking about the precise form of questions.

In the event that an interviewee refuses to give an interview unless questions are rigidly agreed in advance or unless certain subjects are avoided, programme-makers must consider carefully whether it is appropriate to proceed at all. If they decide to do so they should make clear on air the conditions under which the interview was obtained.

Interviewees will sometimes make unreasonable demands. They may try to change the terms on which an interview was suggested - perhaps to exclude a pertinent line of questioning. They may manoeuvre to vary the circumstances of an interview - perhaps by delaying the start of a live interview in order to reduce the time available for follow-up questions. In such circumstances, editors and producers should stand their ground, and if necessary withdraw or vary the invitation to participate. They will be supported by the BBC (see also Chapter 3: Fairness and Straight Dealing).

5 TONE AND TACTICS

Interviews should be searching and to the point, well-mannered and courteous. They may be challenging but not aggressive, hectoring or rude, whatever the provocation. In a well-conducted interview, listeners and viewers regard the interviewer as working on their behalf

When interviewing ordinary people, the tone and approach has to be appropriate. They are not likely to be experienced in broadcasting. We need to make sure they are not talked down to,

nor intimidated by brusque questioning.

6 FAIRNESS TO THE INTERVIEWEE AND DEALING WITH EVASION

Interviewees should be given a fair chance to set out their full response to the questions. However, interviewers have to contend increasingly with interviewees who are skilled at filibustering, using an interview as a platform and avoiding its proper purpose.

Interruption may be justified but it needs to be well timed and not too frequent. It is less likely to discomfort the audience if it comes naturally and after the interviewee has made his or her main point - or has manifestly failed to make it.

Evasion should be exposed. This should be done coolly and politely - if necessary by repeating the question and explaining to the interviewee and to the audience why the previous answer did not address it.

7 INTERVIEWING OUR CORRESPONDENTS

It is entirely right to call upon BBC correspondents to express their judgement based on their knowledge of a subject, but entirely inappropriate to ask them about things of which they cannot be sure, or on which they can only speculate. Producers should establish in advance exactly how much a correspondent will be able to move a story on or clarify it.

8 EDITING A RECORDED INTERVIEW

When an interview is recorded for later editing, interviewees should be dealt with fairly. This includes telling them that their contribution will be edited.

An interviewee who is being asked to reply to detailed criticism, should be given an opportunity to respond to each of the main points aired in the programme. Care should be taken to reflect in the edited programme the points of substance made by the interviewee in the full recording. Choosing only the weaker responses of an interviewee in preference to effective rebuttal is unfair. Overall, a reasonable person, seeing or hearing an interview both in full and in edited form, should conclude that it has been edited fairly.

Programmes should be wary of agreeing to treat "as live" an interview which is to be recorded. Circumstances may well change before transmission which would make it inappropriate for the recording to be used in its entirety. If an agreement is entered into, both parties must be clear about what has been agreed and the extent to which editing may be appropriate before transmission.

Recorded interviews should be well focused. Where possible they should be of a length appropriate to the likely amount of material to be included in the finished programme. Using only brief extracts from long and unfocused interviews can cause justified ill-feeling.

CHAPTER 14 CHILDREN AND PROGRAMMES

- 1 GENERAL
- 2 CONSENT
- 3 IMPACT
- 4 ANONYMITY
- 5 INTERVIEWING TECHNIQUES
- 6 LAWS AFFECTING CHILDREN

- 6.1 The Identification of Children Involved in Legal Cases
- 6.2 The Protection of Children Act

1 GENERAL

Children can be involved in programmes in a number of ways; as actors, interviewees, participants in or subjects of a programme and even, occasionally, as programme makers themselves. The use of children in programmes often requires handling with great care: it can be difficult for programme makers to strike a balance between competing interests - of the child, of the parent, and of the audience as a whole.

In the UK and internationally there are various laws designed to protect children. Wherever in the world the BBC operates, programme makers must have due regard for the welfare of children who take part in their programmes.

We should respect the interests of children as viewers and listeners of BBC programmes too, whether these programmes are aimed specifically at them, or at a general audience. Consult the Taste And Decency, Violence, and Imitative And Anti Social Behaviour chapters of these guidelines, for advice on the BBC's policies on children's viewing and listening. Advice on the European Directive on the Protection of Minors can be found in section 8 of Chapter 37: Matters of Law: General.

2 CONSENT

It will normally be appropriate to seek the consent of parents or legal guardians before interviewing children, or otherwise involving them in programmes, and the younger or more vulnerable the child, and the more sensitive the subject matter, the more likely it is that consent will be essential. If children are to take part in programme making during school hours it will normally be necessary to seek the consent of the school in loco parentis. No financial inducement should ever be given to parents or guardians with the purpose of affecting their decision whether to give consent, although the legitimate payment of expenses is acceptable.

A child's own consent should always be sought about being interviewed or involved in programmes and the child's refusal to take part should not be overridden. Explanation to children should be in a language and terms that they can understand. In deciding when a child can give consent, the stage of development and degree of understanding as well as chronological age should be taken into account. Most children over the age of fourteen and some over the age of seven will have the necessary understanding. The consent of minors should be confirmed by the parent or guardian.

Programme makers may wish to consult an appropriate professional or an adult who knows the child to help them make such judgements.

Where parental consent has been refused, reference should be made to Head of Department before taking any decision to go ahead. This can normally be justified only if the item is of sufficient public importance and the child's appearance is absolutely necessary.

In the case of drama involving child performances, if the child is required during school hours the consent of the child's school is required. In law, Local Education Authorities license all child performances during school hours. Some education authorities make a very broad

definition of what constitutes a performance.

3 IMPACT

Journalists and other programme makers should consider carefully the impact of the programme on a child involved in it - both in the way it is made, and any possible impact it may have when broadcast. This applies whether or not we have secured parental consent. Children are often eager to help programme makers but may lack judgement about their own long term interests.

Programme makers are advised to consult professionals and experts when dealing with children and sensitive subjects. BBC Children's Programmes have developed considerable expertise and support systems to protect children before, during and after the programme process and can offer advice in this area.

When dealing with dangerous or illegal activity among children, such as drug-taking or prostitution, it is often advisable for programme teams to be accompanied by an independent agency throughout their contact with the children.

In the course of their research, programme makers may come across situations where they believe the welfare of a child is being endangered by others. In such cases the child's interests and safety must take priority and programme makers should, in consultation with their Head of Department and Editorial Policy, consider reporting what they have found to the relevant authority.

4 ANONYMITY

When factual programmes feature children involved in illegal or anti-social activity identification may raise difficult ethical issues. There may be a public interest in identifying the children concerned, but the longer term interests of the child may argue for anonymity. Programme makers should refer up where they are in doubt about the balance of interest. Parental consent may not be a sufficient reason to identify a child if the child's long term future would be better served by anonymity.

When recording anti-social or criminal practices carried out by children with the intention of highlighting the practice rather than the individuals the general rule is that individual children will not be identified.

When interviewing adults about their own illegal or anti-social behaviour, programme makers should think carefully before involving, showing or identifying their children. They should consider the impact it might have on them and only proceed if doing so is editorially justifiable and the welfare of the child would not be harmed.

5 INTERVIEWING TECHNIQUES

Interviews with children need particular care. Children can be easily led in questioning and are often open to suggestion. Young children in particular may have difficulty in distinguishing between reality and fantasy and teenagers do not always have the skills to distinguish truth from hearsay and gossip. Programme makers should be careful about prompting children and should allow them to speak for themselves. Children should not be talked down to or patronised. Where teenagers have been involved in criminal or anti-social

behaviour, programme makers should be aware they sometimes exaggerate for effect. Criminal or anti social behaviour should not go unchallenged.

On extremely sensitive subjects, such as abuse or family breakdown, programme makers should consider consulting a professional with experience of interviewing and counselling children about the best way of approaching interviews and minimising distress.

6 LAWS AFFECTING CHILDREN

6.1 The Identification of Children Involved in Legal Cases

There are special laws designed to protect children involved in legal cases.

- **Youth court proceedings**

In England, Wales and Northern Ireland Youth courts deal with people accused of committing offences while under 18. Any matters leading to the identification in youth court proceedings of a witness, defendant or other party in those proceedings who is under 18 may not be revealed. The restrictions include the naming of schools and of addresses. No picture of a person under 18 can be broadcast. Even a picture which doesn't show the child's face is prohibited. A child involved in criminal proceedings as a defendant (known as the " accused "), a victim or a witness cannot be identified unless the court makes an order allowing identification.

In Scotland there are no youth courts - children are dealt with by the Children's Panel System. Any child involved in a hearing before the Children's Panel or an associated referral hearing before a Sheriff cannot be identified. A child is defined as someone under the age of 16, or someone under the age of 18 who is subject to a supervision order. The restrictions outlined in the previous paragraph also apply to Children's Panel/Referral cases.

In contrast, in civil proceedings in Scotland, a child can be identified unless the court makes an order preventing identification. Although identification may be legally permissible in such civil cases, there may be other ethical or editorial considerations pointing towards preserving the child's anonymity.

- **Other proceedings involving children**

These may be heard in Magistrates' Courts, County Courts, or the High Court and deal with care proceedings, adoption, guardianship and similar concerns. Restrictions may apply preventing the identification of persons under eighteen, who are concerned in such proceedings.

It is open to the court to decide whether to ban the identification of a child involved in any other proceedings.

- **Children As Victims of Sexual Offences**

The law also prevents the identification of child victims of sexual offences. Refer to section 4.3 " Victims of Sexual Offences " in Chapter 37: Matters Of Law: General for further details.

- **Courts Sitting in Private**

It is usually a contempt to broadcast detailed accounts of proceedings in any court sitting in private. This will include proceedings involving wardship, adoption or guardianship of an

infant. In wardship cases it is not a contempt to report the court's order or an accurate summary of it, unless the court expressly forbids this.

- **"Custody "**

Note that since the Children Act (1989) the term "custody" has not been a legal concept and should not normally be used. Custody has been replaced by contact orders, prohibited steps orders, residence orders and specific issue orders.

6.2 The Protection of Children Act

The Protection of Children Act (1978) covers cases of children filmed or otherwise displayed for pornographic purposes. It is an offence under the act to take an indecent photograph of a child under the age of sixteen or to involve a child under that age in a photograph that is itself indecent even if the child's role is not. Explicit sexual contact between adults and children should not be depicted in any BBC programme.

Programme makers should consult the BBC's legal advice department if they have any queries about the law as it affects children.

CHAPTER 15 CRIME

1 GENERAL PRINCIPLES

- 1.1 Guidance for news programmes
- 1.2 Context
- 1.3 Crime reconstruction in news programmes
- 1.4 Crime reconstruction in current affairs programmes
- 1.5 Paedophiles and Sexual Crime
- 1.6 Witnessing illegal activity
- 1.7 Library material of crime
- 1.8 Running stories

2 DEALING WITH CRIMINALS

- 2.1 Interviews
- 2.2 Payments
- 2.3 Prisoners and prisons
- 2.4 Prevention of Terrorism Act
- 2.5 Guilt by Association
- 2.6 Victims Of Crime

3 DEALING WITH WITNESSES

- 3.1 Interviews
- 3.2 Payments

1 GENERAL PRINCIPLES

As in any other factual area, we need to report crime in a way which not only gives our audiences details of significant events but which also throws light on the issues. We should try to increase understanding of crime, with the aim of enabling viewers and listeners to make informed decisions about public policy and about their personal circumstances.

Television and radio may add to people's *fear* of becoming victims of crime even when, statistically, they are very unlikely to be so. It is against this background that we need to judge our reporting of crime.

That does not mean we should "explain crime away". But we do need to keep our crime coverage in proportion.

Over time, all our principal news & current affairs programmes, both network and regional, must ensure they report the whole picture: the relevant trends as well as the individual events that lie behind, and sometimes contradict, the trends.

When a programme concerns a real crime, some of those involved (either offenders, suspects, witnesses or relatives) may have changed their names or addresses in order to re-establish their lives. Careful consideration should be given to the extent to which we identify them or their whereabouts (see also section 1 "Confidentiality" in Chapter 17: Confidentiality and Release of Programme Material).

1.1 Guidance for news programmes

Violent crime may be a tiny proportion of total crime but it occupies a greater proportion of our crime coverage. We need to be sensitive to the fears that this might create. When we handle crime stories we need to think carefully about why and how we are reporting them, and their context.

- be alert to the overall proportion of time spent on covering crime, in particular violent crime, and to the possible cumulative effect of that coverage
- be aware of audience sensitivities when covering crimes that involve violence (see section 2 "Real-Life Violence" in Chapter 6: Violence for more guidance)
- when selecting a crime story be sure the criteria used are legitimate. Do not suggest trends where none exist. For example, do not report one stabbing just because it comes after another more newsworthy one. Resist language that falsely implies a link between crimes ("*tonight's attack comes just two days after.....*").
- be particularly careful in breakfast bulletins when handling crime stories which have already been reported the previous day. Unless there is a development overnight, consider whether the story really merits inclusion again
- in placing a crime story in a running order judge its significance and scale. Be wary of "ringing the changes" in regular summaries by the inclusion of crime stories which, though fresh, fail these editorial tests
- think carefully about the accuracy and suitability of language when reporting crimes. Crime is dramatic enough when it is described factually. Avoid colourful language, clichés and unnecessary adjectives
- be particularly scrupulous when dealing with criminals, both active and convicted. Any programme proposing to interview a criminal active in or wanted in the UK must consult Controller Editorial Policy in advance (see section 2.1 of "Dealing with Criminals ")
- interviewing witnesses or potential witnesses also needs to be handled carefully. Witnesses must not be paid for interviews without prior approval of both the relevant Director or Chief Executive and Controller Editorial Policy (see section 3.2 "Dealing with Witnesses ")

- in real life, crime is not glamorous. We must not make it so.

1.2 Context

While news programmes will often report crimes as events, over time we must offer our audiences understanding of the issues and trends so that they can appreciate where events are exceptional.

- we can achieve this by putting crime in general, and some crimes in particular, regularly into context
- putting crime in context does not mean explaining it away. It means helping audiences recognise the wider picture
- this takes expertise. Do not rely on any one statistic. People use statistics in ways which are partisan. There is no foolproof method of measuring the actual incidence of crime. The British Crime Survey published by the Home Office is widely recognised as a non-partisan source, but people quote from its findings selectively
- make use of our own specialist advice. Ask our correspondents who have experience of the complex picture revealed (or sometimes obscured) by crime statistics and of the arguments that go with them
- be cautious when using experts. Satisfy yourself of their credentials and recognise there may be others with equal expertise who interpret the facts differently.

1.3 Crime reconstruction in news programmes

- BBC News programmes, network or regional, must not commission reconstructions of crime in their on-the-day reporting. They may feature coverage of those staged by the police for the purpose of gathering evidence
- revisiting the scene of crime does not constitute reconstructing it, nor does an interview with a victim or witness, but news programmes must draw the line at portraying the events themselves. Borderline cases must be referred to senior editorial staff.

1.4 Crime reconstruction in current affairs programmes

BBC current affairs programmes, network or regional, must have regard to the following principles:

- programmes which sometimes use reconstruction as a dramatic story-telling device need to apply stricter criteria when it comes to reconstructing crime. Current affairs programmes should not use crime reconstructions simply to attract or to entertain audiences: the prime purpose of conveying factual information needs to be clear in each case
- we should not reconstruct detail (including dialogue) which we do not have reason to believe occurred (unless for clear and specific editorial reasons). We should not use an actor's portrayal of a character to create dramatic details or an overall tone for which we have no verifiable evidence

- we should not use incidental music or irrelevant sound effects
- camera angles need careful consideration, and so do point-of-view shots. We should not frighten audiences with shots that make them feel they themselves are the victim, though sometimes it will be necessary to show a scene from the victim's viewpoint. The camera will usually appear as an observer of events rather than as a participant
- we should reconstruct wounds being inflicted or shots of blood only if they are editorially essential. We should avoid unnecessary close-ups of weapons
- we should not use slow-motion or other photographic post-production techniques which have no clear editorial purpose other than to dramatise
- we should not reveal detail that could be used to make a criminal activity more effective (see Chapter 8: Imitative and Anti Social Activity)
- all reconstructions must be clearly signalled. Audiences must be in no doubt where the reconstruction begins and ends
- ways should be thought through of minimising the distress any reconstruction might cause to victims of crime or their surviving relatives (see also section 2.6 "Victims Of Crime").

1.5 Paedophiles and Sexual Crime

When paedophiles and other sex offenders have served their sentences and been released back into society, strong passions can be aroused in the communities they live in. The BBC has a responsibility to report such matters where there is a clear public interest while at the same avoiding possible incitement and unjustified infringement of privacy.

The BBC will normally only consider publishing the names or photographs of paedophiles or sex offenders who have served their sentences and been released where the police have decided to release these details to the general public. The fact of publication by other media will not be considered a sufficient justification in itself. Any BBC programme or outlet wishing to name an individual in exceptional circumstances, when that name has not been made publicly available by the police, should consult Editorial Policy in advance.

If it becomes editorially relevant to report on the release of a sex offender, then it will be perfectly reasonable to name the town or city where he or she is living. But we should avoid giving addresses or details as this may provoke vigilante action.

Where offenders have become very well known, their pictures may be used. Otherwise again photographs can lead to attacks on individuals.

Any programmes planning to approach sex offenders for interview in prison, who have been convicted of serious offences, should approach Controller, Editorial Policy through their Head of Department first – whether the interview is to be undertaken in prison or upon their release from prison.

Interviews with paedophiles will be justified only occasionally and will need strong editorial justification. As with any criminal, programme makers should think through ways of minimising the distress any interview may cause victims of the crime and their surviving relatives. See also section 4 Identification of Crime Victims and Witnesses of Chapter 37: Matters of Law: General.

1.6 Witnessing illegal activity

When investigating criminal activity programme makers may, on rare occasions, want to record a specific crime. When that might raise questions of the relationship between the programme maker and the criminal, or might entail the programme maker witnessing serious criminal activity, it must first be referred to the relevant Editor, Head of Department or Commissioning Executive in advance, and to the BBC's programme advice lawyers. Controller Editorial Policy must also be consulted. Permission to record or be present at illegal activity will be given only if it is clearly in the public interest.

The principles we should follow are:

- programme makers must not be involved in commissioning, aiding or encouraging a crime
- if we witness or record a crime being committed we must not direct the activity in any way
- if sources have been given a guarantee of confidentiality, steps may be required from the very start of the production process to ensure that the undertaking is maintained. Seek advice from a BBC lawyer at the earliest possible stage (see also Chapter 17: Confidentiality and Release of Programme Material)
- neither our research nor our production must constitute an obstruction to the administration of justice against the criminals concerned
- programmes which have investigated and exposed serious crime will normally wish to give proper co-operation to the authorities (even where no legal obligation to do so exists) in order to aid a subsequent police enquiry
- BBC lawyers must be consulted over any material that may risk prejudicing future criminal proceedings. This material may constitute a contempt particularly if broadcast close to the date of the trial.

1.7 Library material of crime

We need to take care in repeating library material relating to crimes or to victims. Every use of such material needs a separate decision requiring judgement and taste.

- do not use library material of one identifiable crime to illustrate another
- it will rarely be appropriate to use pictures of the scene of crime to preview a forthcoming inquest or trial
- if court proceedings are in progress, use of library material of the crime must be checked with a BBC lawyer.

1.8 Running stories

Some major crime stories are properly reported over a number of days. However, we need to think carefully before reporting them on days when there are no newsworthy developments. The fact that we have deployed journalists or resources on the story is never a sufficient reason in itself for reporting it.

2 DEALING WITH CRIMINALS

2.1 Interviews

Interviews with serious criminals who are active or wanted in the UK are justified only occasionally. We must be sensitive to the impact they may have on our audience. Programmes must be satisfied that they are likely to give the public important information or insight. Controller Editorial Policy should be consulted.

The same principles apply when wanted people have fled to countries safe from extradition to Britain – and in addition they should not be allowed to celebrate the flouting of justice. Remember that wanted people not yet tried are innocent until a court finds them guilty; programme makers must be careful to take legal advice if it is proposed to suggest otherwise.

When criminals or former criminals are interviewed they should not be allowed to glamorise their wrong-doing nor give details of crimes that could be copied.

Contact with escaped prisoners or people wanted by the police may in some circumstances constitute a criminal offence. Any such contact should be referred to Controller Editorial Policy.

Internationally, definitions of what constitutes a criminal vary widely. As far as those motivated by personal gain are concerned, we apply the same considerations about likely audience reaction and the same conditions would apply in interviews. Interviewing political dissidents and activists is an important part of providing a full understanding of events. Proposals to interview people who use or encourage the use of violence should be referred to a senior editor in the department, and if further advice is necessary, to Controller Editorial Policy.

2.2 Payments

Programmes should not make payments to criminals, nor generally 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.

We should also not pay people who may not have committed a crime or been convicted of a criminal offence but whose behaviour is either clearly antisocial or whose activities have attracted such notoriety that any payment would be inappropriate.

Any case for an exception must be referred through the Head of Department to Controller Editorial Policy. Payment of a fee will be approved only for a contribution of remarkable importance with a clear public interest which could not be obtained without payment.

2.3 Prisoners and prisons

Programme makers wishing to enter a prison to conduct an interview with a prisoner for broadcast will usually seek permission from the prison authorities. Exceptional proposals should be discussed by Head of Department with Controller Editorial Policy.

Many prisoners now have access to public telephones, though their use may be restricted by prison rules. Programmes which intend to invite a prisoner to initiate a call for broadcast purposes must refer to head of department who may consult Controller Editorial Policy.

If a programme receives an unsolicited call from a prisoner for broadcast purposes it should not be used live unless there has been time for proper consideration of the nature and context of the contribution, and, if necessary, editorial referral. In the case of prisoners convicted of serious crimes, particularly crimes of violence, due consideration must be given to ways of minimising the possible distress that an interview might cause to a victim or victim's family.

Where an unsolicited call is pre-recorded before referral can take place, the referral must take place before transmission.

2.4 Prevention of Terrorism Act

In addition to the above, any contacts with criminals who are directly linked to terrorist acts in the United Kingdom, may lead to proceedings under the Prevention of Terrorism Act. Any proposal to interview such individuals, or representatives of their organisations must be referred to Controller, Editorial Policy and time allowed for full consideration of the issues involved.

2.5 Guilt by Association

Programmes reporting crime should remember that the families of criminals are regarded as innocent unless a court deems otherwise. In some senses they may be seen as victims themselves. We must not imply guilt by association. Although full reporting of the facts surrounding notorious criminals may properly entail reporting of their family circumstances we should always try not to cause unnecessary distress to the innocent.

Care should be taken over using library shots of prisoners to illustrate a specific crime or type of crime. Individuals should not be clearly identifiable if they were not involved in the crime in question.

2.6 Victims Of Crime

When interviewing criminals programme makers must think through ways of minimising the distress any interview may cause to victims of the crime and their surviving relatives. See also section 6 "Revisiting Past Events" in Chapter 12: Reporting Suffering and Distress.

3 DEALING WITH WITNESSES

3.1 Interviews

When interviewing witnesses or potential witnesses in a forthcoming trial it is essential that our conduct in no way interferes with the course of justice. When conducting news interviews with people who have recently witnessed a crime programme makers should be aware of the possibility that such witnesses might commit contempt.

No interviews with witnesses in a trial about any aspect of their evidence should be conducted once a trial is under way. Any proposal to interview a witness before the end of a trial should be referred by Heads of Department to Programme Legal Advice Department and Editorial Policy.

Sometimes a witness may claim to have been coached by a journalist and we may need to be able to protect ourselves against any unfair accusation. During any recorded interview with a likely witness for use in a post-trial programme, producers are advised to make and retain a complete recording of the whole interview period, with the knowledge of the interviewee, including any pauses in the interview, interruptions, prompting, repeat questions, or re-takes.

3.2 *Payments*

3.2.1. To protect both the integrity of the judicial process and the BBC's reputation while criminal proceedings are active, no programme may pay or promise to pay, directly or indirectly, any witness or person who may reasonably be expected to be called as a witness for their story. Nor should any payment be suggested or made dependent on the outcome of the trial.

Any proposal to step outside this rule must be referred to Controller Editorial Policy.

3.2.2. Where criminal proceedings are likely and foreseeable, payments should not be made to people who might reasonably be expected to be witnesses unless there is a clear public interest, such as investigating crime or serious wrong doing, and the payment is necessary to elicit the information. Where such a payment is made, it will normally be appropriate to disclose the payment to both defence and prosecution if the person becomes a witness in any subsequent trial.

3.2.3 In exceptional cases, only actual expenditure or loss of earnings necessarily incurred during the making of a programme contribution may be reimbursed, and then only after prior scrutiny and approval by the relevant head of department and Controller, Editorial Policy.

CHAPTER 16 RELATIONS WITH THE POLICE

- 1 MAKING ARRANGEMENTS FOR PROGRAMMES
- 2 POLICE MESSAGES AND INFORMATION
- 3 "FACILITIES" AND TAG ALONG RAIDS
- 4 INDEMNITIES AND ACCESS AGREEMENTS
- 5 HI-JACKING, KIDNAPPING, HOSTAGE TAKING AND SIEGES
- 6 COVERAGE OF PUBLIC DEMONSTRATIONS

- 1 MAKING ARRANGEMENTS FOR PROGRAMMES

Where programmes are visiting places away from base, advice on the appropriate points of contact may be sought from the Regions and Nations, local BBC stations or the World Service where appropriate. These contacts are often the result of procedures agreed with the local police and unnecessary breaches can harm relations for a long time afterwards. Where possible, approaches should be made to the local police in good time to get agreement, for example, for siting equipment or for obtaining security passes for production teams. Local police should be informed if recording in the street is likely to cause an obstruction.

2 POLICE MESSAGES AND INFORMATION

The BBC helps the public by broadcasting police messages or warnings of traffic problems or emergencies. News programmes, especially at regional and local level, will usually carry police appeals for information about serious crime. Practical considerations such as time may limit what is broadcast.

3 "FACILITIES" AND TAG ALONG RAIDS

Some police forces, Customs and Excise officers and other public authorities permit groups of journalists to accompany them on particular operational duties such as drugs raids.

Programmes must consider the pros and cons of accepting these invitations. There is a clear public benefit in seeing the operations carried out, but there are risks too. The event may be aimed principally at gaining favourable publicity; it may offer only partial access to a wider operation; and coverage may risk making the media appear part of the operation itself. Programme makers should only go on such a raid if they are sure there is a clear public interest involved and should think through issues of consent and trespass in advance.

Authorities may try to secure access to untransmitted material recorded during any investigation. Programmes need to consider the issues this may raise before they go on any operation.

When a considered decision has been taken to accompany police or customs officers or other public authorities on raids on private property, especially when going into people's homes, the following should be observed:

- Verbal or written consent should be sought from the legal owner or tenant of the property, except in exceptional circumstances – either before filming or as soon as convenient during filming or immediately thereafter.
- Do not rely on others to gain consent. Programme makers should say they are filming for the BBC and why, and consent should be recorded on tape whenever possible.
- Should consent be refused it is appropriate in most circumstances to withdraw immediately. Filming should only continue where there is a strong public interest, such as reasonable evidence of criminal activity
- Innocent parties should be disguised when identification would imply some form of wrongdoing. Programme makers should strongly consider disguising people whose consent to be filmed under such circumstances is questionable e.g. minors or people with learning difficulties.
- There may also be circumstances where we should take steps to ensure that a location cannot be recognised, if innocent parties could be identified from that location

- It may be necessary to disguise people for legal reasons e.g. possible contempt of court. There may also be issues of defamation. Normally it would be necessary to seek legal advice about such footage.
- Always consider giving a person an opportunity to reply to allegations. This may not be relevant if the subject has been prosecuted and convicted of an offence.

Programme makers should also be aware of the laws of trespass (see Section 5 Chapter 37; Matters of Law: General).

4 INDEMNITIES AND ACCESS AGREEMENTS

Police forces often ask the media to sign written agreements before joining a police operation. These agreements usually take the form of legal documents known as "indemnities". The BBC has agreed a standard form of indemnity. Providing that the wording of any agreement is precisely that of the indemnity agreed by the BBC and the Association of Chief Police Officers programme makers may sign it. Copies of this standard form of indemnity can be obtained from the Editorial Policy Unit.

Increasingly other organisations as well as police forces are presenting programme makers with access or production agreements. These agreements may cover anything from viewing programmes in advance, insurance indemnities, limits on access to people and places, rights, re-use and facility fees. It is important that such agreements are referred to TV Locations, Production, which will consult with relevant departments about the appropriateness of any proposed conditions, including Editorial Policy. Under no circumstances should any BBC programme agree to any conditions which surrender editorial control of a programme.

If unacceptable conditions are imposed we will forego the opportunity to cover the event in the manner offered, or withdraw from filming completely

5 HI-JACKING, KIDNAPPING, HOSTAGE TAKING AND SIEGES

Cases of kidnapping in England and Wales are covered by an agreement between the news organisations and the Association of Chief Police Officers. The BBC will apply its provisions throughout the United Kingdom. When human life is at stake as a result of a kidnapping the police force dealing with the matter can ask for a complete news black-out. The procedure for such requests is carefully laid down and all editors of BBC news programmes should keep a copy of the document that describes the procedure.

In protracted incidents, and where hostages are involved, broadcasters must be aware of the danger that anything they say on air may be overheard by the perpetrators. Our reporting must be truthful and strictly factual. We must not speculate about what has happened or what may happen. We must listen to advice from the police and other authorities about anything which, if reported, could exacerbate the situation. Occasionally they will ask broadcasting organisations to withhold or even to include some item of information. We would normally comply with a reasonable request, but we would never knowingly broadcast something that was untrue.

6 COVERAGE OF PUBLIC DEMONSTRATIONS

Comprehensive coverage of demonstrations is an important part of the BBC's news coverage. There are pitfalls people should be aware of.

The presence of cameras may influence the way people behave. It is important for BBC people on the spot to make a judgement about whether apparently spontaneous activity is being staged for the benefit of the cameras. Footage of staged activity in these circumstances should not normally be broadcast. If reporting such activity becomes necessary, then reference should be made to how it occurred. BBC people who suspect that their presence is inflaming a section of the crowd should withdraw at once.

News coverage of a demonstration should offer a comprehensive and impartial view. Estimates of attendance need to be treated with due scepticism, and wide disparities reflected. It may be helpful to name the source of any estimates. Camera coverage should avoid appearing to be on one side or the other, though for purely practical and safety reasons this may sometimes be unavoidable. It may be particularly difficult for reporters stuck on one side of a confrontation to form a clear overall view, and editors in the newsroom may need to ensure that material is put into a wider context.

When covering demonstrations live editors must be constantly vigilant for signs of any of the above problems. If violence or disorder becomes graphic or distressing we must be ready to cut away, recording material for possible use in an edited report.

CHAPTER 17

CONFIDENTIALITY AND RELEASE OF PROGRAMME MATERIAL

- 1 CONFIDENTIALITY
- 2 REQUESTS FOR UNTRANSMITTED MATERIAL
- 2.1 Access to untransmitted material
- 3 REQUESTS FOR TRANSMITTED MATERIAL

1 CONFIDENTIALITY

Promises of confidentiality given to a source or contributor must be honoured. The BBC's journalism will suffer if people who give us information on condition that they remain anonymous are subsequently identified.

The law affords some recognition to the importance of journalistic confidence, but it gives precedence to the interests of justice. In the event of a conflict between the two, the Courts may order journalists to divulge the source and may hold in Contempt anyone who refuses to do so.

In the end, the decision to reveal a confidence or defy a court and take the consequences must be a personal matter for a journalist. The consequences can be extremely serious, and may include a term in prison.

It is therefore essential for the BBC and for individual journalists that they do not enter into undertakings of confidentiality lightly or without considering the possible consequences. Journalists working on stories which may result in criminal prosecutions must be aware from the outset that they may be called as witnesses. At the earliest stages of research advice should be sought, through the relevant Head of Department or Commissioning Executive, from programme lawyers or Controller Editorial Policy. There are various practical ways of dealing with confidential sources:

- it may be possible to agree with contributors not to reveal their identities unless and until ordered by a Court. This is always a preferable option
- it may be possible to establish a source's authenticity without ever becoming aware of his or her identity or information that would lead to it
- no document, computer file or other record kept by the journalist or by the BBC should identify a source whose identity cannot ever be revealed. This includes notebooks and administrative paperwork of all sorts as well as video or audio tapes
- there is no legal obligation upon journalists to keep documents or records made during the preparation of a programme unless and until they are the subject of a formal request from the police or the Courts
- notes made in connection with a confidential source should never be made alongside or in the same notebook or file as other material which is to be retained
- information about a confidential source should not be shared unnecessarily with others on the production team who might be ordered to reveal it.

Note that anyone who discovers information which could prevent a terrorist act in the UK or lead to the arrest of a terrorist wanted in the United Kingdom is obliged by law to reveal it at the earliest opportunity.

Details of contributors', such as telephone numbers and addresses should be confidential to the BBC and should not be handed on to third parties without the consent of the contributor or referral to Editorial Policy.

For further guidance on anonymity see section 8 "Anonymity" of Chapter 3: Fairness and Straight Dealing.

2 REQUESTS FOR UNTRANSMITTED MATERIAL

BBC policy on requests for access to untransmitted material has been developed over a long period.

The BBC will not voluntarily allow access to untransmitted material when to do so would endanger people who work for the BBC or when it would make it more difficult to gather such material in the future. When approached for access to such material, programme makers must always refer requests to BBC lawyers and CEP.

This policy is based on two main considerations: the proper protection of BBC staff, and the BBC's continuing ability to record in dangerous situations (civil disorder, riots, wars and other conflicts) in the public interest.

In many such situations the media can operate only by virtue of being neutral observers. All these situations may involve danger for BBC people. The danger may increase if those being recorded regard the programme makers as agents of authority who will automatically surrender any material they have recorded. The BBC is not above the law, but it is important that in such situations that it is, and is seen to be, independent of it.

There is a longer term danger that the BBC will be prevented from recording some events, so reducing the information given to the public.

In addition there are wider considerations of the BBC's editorial integrity. This could be damaged if other organisations and individuals are allowed access to untransmitted material for their own use. For example, untransmitted material should not normally be released to organisations for training and public relations purposes.

2.1 Access to untransmitted material

When asked for any untransmitted material, we must be alert to the possibility that it might contain information that could point to the identity of a confidential source. Any request for access to such material will be refused.

"Access to" involves two separate acts:

- allowing the material to be viewed
- allowing it to be taken away for further use, e.g. as evidence

Most requests for untransmitted material come from the police.

In England and Wales the Police use PACE Orders (under the Police and Criminal Evidence Act 1984) to require the release of material for use as evidence in court. In Scotland a warrant for material may be granted by a Sheriff, or the Lord Advocate can seek to recover such material by petition or order.

Sometimes the BBC allows a viewing by arrangement but requires a legal order for the same material to be taken away or used in court. The decision will depend on the nature of the BBC interest. Sometimes the BBC will refuse both a viewing and the taking away without a legal order because the BBC interest is so delicate or the risks so great. The BBC will usually resist requests for untransmitted material when these are merely "fishing" for evidence.

Occasionally the BBC will allow a viewing or a taking away without any legal order because of a clear public interest which poses no danger to the BBC, its staff, or its future ability to operate freely.

Anyone given a viewing will be told that other people or organisations involved in the case will be allowed the same facility.

Sometimes it is appropriate to accede immediately to a legal order. At other times, it is necessary to contest such an order and to appeal to higher courts.

Investigating authorities may be interested in untransmitted information in a notebook or in a person's memory. Here, the issue of confidentiality may arise (see section 1 "Confidentiality": of this chapter).

3 REQUESTS FOR TRANSMITTED MATERIAL

These are usually simpler because the material is already in the public domain. However, in difficult cases it may be in the BBC's interest not to relinquish even transmitted material.

When requests are made for copies of transmitted material in connection with litigation, programme makers should bear three points in mind:

- they should inform BBC litigation lawyers, who will consult with CEP where appropriate
- if the scope of the request is too extensive, they should ask for it to be reduced, and make clear that, if it is not, the request might be refused
- they should charge a fee or payment which realistically reflects the cost of providing the material.

Sometimes listeners, viewers, contributors and others ask for copies of transmitted programmes for their own private use. Programme makers should consider each request on its merits, bearing in mind the practical difficulties, expense, copyright, legal, and broader editorial implications of providing any material. It may be necessary to require a written agreement that the material will only be used for private, and not for commercial, purposes.

CHAPTER 18 TERRORISM AND NATIONAL SECURITY

- 1 TERRORISM ISSUES
- 2 LANGUAGE AND TERMINOLOGY
- 3 BOMB WARNINGS
- 4 INDIVIDUALS AT RISK
- 5 INTERVIEWS WITH TERRORISTS
- 6 STAGED EVENTS
- 7 NATIONAL SECURITY ISSUES
- 8 THE OFFICIAL SECRETS ACT (1989)
- 9 DEFENCE ADVISORY NOTICES (formerly D-Notices)

1 TERRORISM ISSUES

When reporting terrorism the BBC's role is to tell the truth - quickly, accurately, fully, responsibly and avoiding speculation. If people are to trust our reporting we must be seen to be independent as well as well-informed.

The provisions in this section apply to our reporting of *all* terrorism. Our reporting of Northern Ireland is subject to the same standards, but it sometimes involves additional internal referral (see section 3: "Northern Ireland" of Chapter 19: Reporting The United Kingdom).

2 LANGUAGE AND TERMINOLOGY

We must not adopt terrorist language as though it were our own. Terrorist groups use military and judicial terms to give themselves status: if we report their use of words like "volunteer", "execute", "liberate", "court martial" and so on, we should attribute them.

Reporting terrorist violence is an area that particularly tests our international services. Our credibility is severely undermined if international audiences detect a bias for or against any of those involved. Neutral language is key: even the word "terrorist" can appear judgmental in parts of the world where there is no clear consensus about the legitimacy of militant political groups.

3 BOMB WARNINGS

News organisations sometimes receive telephoned warnings from people claiming to have planted bombs. It is essential that areas of the BBC where such calls are most likely to be received (newsrooms, information offices, switchboards) understand that the absolute priority is to pass information received to the emergency services.

If we become aware of bomb alerts at specific locations it may be appropriate for programmes to report them even before we know whether they are genuine or merely hoaxes. Editors have to balance the need to inform and warn the public against the importance of not giving publicity to hoaxers. The prevailing climate, the history of recent terrorist attacks, and preliminary advice from the police may help us make that judgement.

Some bomb warnings will prove to be hoaxes. We do not normally report incidents which turned out to be hoaxes unless they had a serious and evident effect (such as causing major traffic jams). In reporting bomb warnings we never reveal code words used by the callers.

4 INDIVIDUALS AT RISK

We do not normally report terrorist threats against named individuals unless the threats have produced a serious and evident effect (such as the cancellation of a public appearance).

We should be careful when filming the homes of people whose position clearly puts them at risk (politicians, military people, judges etc.). We must try not to give details which might aid a terrorist attack. This includes exact locations, detailed plans, aerial pictures, readable shots of vehicle number plates and so on. We should never reveal details of anti-terrorist devices

We must take care not to identify as possible targets for a terrorist attack people who would otherwise not be in danger. This may mean, for instance, withholding the identity of individuals, whether civilian or otherwise; withholding the names of firms undertaking work for military establishments or withholding the names of animal laboratories, if we have reason to believe that revealing them might put them at increased risk.

5 INTERVIEWS WITH TERRORISTS

The BBC interviews active terrorists only on occasions where we believe the public interest in doing so outweighs the outrage and offence such interviews are likely to cause our audiences. Any proposal to approach a terrorist or terrorist organisation for an interview must have the support of the Head of Department or Commissioning Executive and must be referred in advance to Controller Editorial Policy for approval.

6 STAGED EVENTS

From time to time paramilitary and terrorist groups stage "public appearances", usually to try to get publicity. BBC people should never agree to attend "staged" events without reference to Heads of Department, Commissioning Executives or Heads of Region. World Service.

In the case of such events being staged in the United Kingdom, or in the case of threats being made at events overseas against UK citizens further reference must be made to Controller Editorial Policy. No material *recorded* at such an event is to be transmitted without separate reference to Controller Editorial Policy.

In the United Kingdom, groups such as the Animal Liberation Front, which have a history of attacks and threats against people, would also come into this category.

BBC people may find themselves present at a legitimate event when paramilitary groups stage an appearance. Sometimes this will be entirely unpredictable, and sometimes it will be likely given the nature of the event (e.g. paramilitary funerals). In such circumstances material may be recorded but programme editors must refer within departments before deciding to transmit. Heads of Department should refer to CEP in any unusual cases.

7 NATIONAL SECURITY ISSUES

Journalists handling material which may have implications for national security in the United Kingdom must reckon with a variety of factors including the Official Secrets Act, the laws on confidentiality and the Defence Advisory Notice (formerly D-Notice) system (see Section 9 below).

Security sensitive matters must be referred through senior editors, to Controller Editorial Policy.

8 THE OFFICIAL SECRETS ACT (1989)

Section One of the Act concentrates on spying and has rarely troubled journalists. Section Five makes it an offence to publish information protected by the act. This includes: security and intelligence, defence, crime and special investigation, interception of mail and telephone calls, and confidential official exchanges between governments and with international agencies. The information must have originated from Crown employees or contractors and have been disclosed without authority. Journalists risk prosecution if they publish official information in these areas without authorisation.

To succeed against a journalist, the prosecution must usually prove that harm was caused or was likely to be caused and that the journalist knew this, or had reasonable cause to believe it. The tests of harm are not especially stringent. The Act does not admit a public interest defence. Journalists can also be prosecuted for aiding and abetting a breach of the Official Secrets Act.

Programme makers should seek legal and senior editorial advice at an early stage when handling material which falls, or might fall, within its terms. More generally, legal opinion should always be one of the factors in a final editorial decision on any security sensitive matter.

9 DEFENCE ADVISORY NOTICES (formerly D-Notices)

The Defence Advisory Notice system offers guidance to the press and broadcasters on information which if published might damage national security. The six Notices themselves are public documents - copies can be obtained from the Editorial Policy Unit and they are also available online at www.btinternet.com/~d.a.notices/. They detail the categories of information on which guidance should be sought. DA-Notices are never "slapped" on a story, nor are they written in reference to any particular broadcast or publication. They are reviewed from time to time by the Defence, Press and Broadcasting Advisory Committee on which sit senior civil servants and representatives of the press and broadcasting organisations. Controller Editorial Policy represents the BBC.

The Secretary to the Committee deals with enquiries from the media. Normally approaches to the Secretary should be made through Controller Editorial Policy. If programmes have made enquiries through government agencies about sensitive matters the DA-Notice Secretary will

sometimes be alerted by the government department concerned and may contact programme editors direct. In such cases it is important to inform CEP at once.

CHAPTER 19 REPORTING THE UNITED KINGDOM

- 1 GENERAL
- 2 STYLE AND LANGUAGE
- 3 NORTHERN IRELAND
 - 3.1 Referral Procedures
 - 3.2 Staged Events
 - 3.3 Special Legal Considerations

1 GENERAL

BBC programmes and services should be relevant and appropriate for all our audiences in all parts of the United Kingdom. National and regional differences and sensitivities should be taken into account and all parts of the United Kingdom should be reported accurately and fairly.

Audiences in different parts of the United Kingdom can approach BBC programmes in different ways and with different expectations. Audiences in different places have their lives shaped by different cultural backgrounds, different life experiences and different civic and political institutions.

There are already big differences in legal systems across the UK. In education, health and social services the wide variations in policy that already exist are likely to become more marked. All should be reported with particular care.

If not everyone is affected equally by a story or issue this should be made clear, normally in the first sentence. In News programmes it will usually be appropriate to flag this up in the headline as well. News Correspondents should try to make at least one reference to whom the story affects in any subsequent package. Though sometimes there will be a more sophisticated way than simply stating which parts of the UK a story applies to e.g. in a story about schools, pointing up the differences in approach to the curriculum in different parts of the country.

There are differences in the religious institutions between England and Wales and Scotland and Northern Ireland.

Programme makers should be aware that school holidays are different in different parts of the UK (see also section 2 of Chapter 6: Taste and Decency)

Programme makers with particular queries should take advice from the relevant Newsrooms.

Northern Ireland raises particular sensitivities, which are dealt with in section 3.

2 STYLE AND LANGUAGE

Programme makers should always think about how words or pictures will sound or look to different audiences in different parts of the United Kingdom. A particular story may not affect all parts of the UK equally. If it does not this should be made clear.

Our coverage should be accurate, precise and consistent. Geographical locations should be described in a consistent way. Give as much detail as is reasonable.

The word “nation” can mean different things to different people. When the word is used it should be made clear what is meant. It can be clearer to use United Kingdom or “the UK”.

Pronunciation of names and places should be correct. BBC newsrooms and the BBC Pronunciation Unit can give advice.

Stereotypes should be avoided. Clichéd and lazy images or phrases should not be used as shorthand for describing places (for further guidance on stereotypes in humour and drama see Chapter 6: Taste and Decency).

The correct names for the new Parliament and Assemblies and the new political posts in them should be used. They are the *Scottish Parliament*, the *National Assembly* for Wales and the *Northern Ireland Assembly*

Detailed advice on style and language is contained in *The Changing UK* booklet, but the following specific points should be considered:

- groups which have “**National**” in their title do not always have a remit across the UK. The **National** Union of Teachers may be the biggest teaching union in England and Wales but it has no remit in Scotland, where the largest teaching union is the Educational Institute of Scotland
- be accurate and consistent when using graphics and insets. For example, as we would never consider using an English flag to illustrate a story about exam results in English schools and we should never consider using a Scottish flag as an inset on a Scottish education story
- take care when talking about “north, south, east and west...” Yorkshire may be the North if you are watching or listening in Southampton but not if you are in Inverness or Carlisle. If we mean the North of England we should say so
- be consistent in describing where places are. Give as much detail as is reasonable
- the prefix **Anglo-** describes an **English** relationship with something and should not be used as shorthand for the UK’s relationship with something. However, when its usage is so common as in, say, the **Anglo-Irish Agreement** (though this is not its official title) then it would be perverse to use another phrase
- job titles can be different. In Scotland, the word **Depute** (as in Depute Head at a school) is widely used. It is a word that may be unfamiliar to audiences in other parts of the UK. So in scripting it is acceptable to refer to someone as: “her deputy”. However we should not change **Depute** to **Deputy** when using the **official title**
- the use of the word **Principality** as a substitute for Wales can sound out of touch to Welsh audiences (except of course when talking about the Prince of Wales and Wales as a principality in that respect)

- while interviewees may refer to Northern Ireland as **Ulster** our journalists should not use Ulster as a synonym. (Ulster is one of the four provinces of Ireland. It consists of nine counties - the six in Northern Ireland and three in the Republic of Ireland)
- the term “**province**” is often used synonymously with Northern Ireland and it is fine to make secondary references to “**the province**”
- be careful when using the word “**British**” and “English”. They are not interchangeable. Say “British” when you mean “British” and “English” when you mean “English”
- while some people in Northern Ireland regard themselves as “**British**” others regard themselves as “**Irish**”. When referring to the population as a whole we should use the term “**the people of Northern Ireland**” (but not “the Northern Irish”)
- avoid using the word “**mainland**” when talking about Great Britain in relation to Northern Ireland.

3 NORTHERN IRELAND

Reporting of Northern Ireland is seen by audiences at home and internationally as a litmus test of the BBC’s fairness and independence. Extra care must be taken to avoid even the impression of partiality - both in terms of labelling the people and organisations involved, and in gauging the importance of individual events.

In laying down special referral procedures relating to programming about Northern Ireland we are also determined to do all we can to protect the people who work for the BBC, and who live in what is often a sharply divided community.

It is of cardinal importance that programme makers from elsewhere seek advice from and discuss with local staff their programme plans affecting Northern Ireland. This does not mean that any responsibility for the programme is passed to BBC Northern Ireland: it continues to rest with the originating department.

At many times in recent decades violence has hit the headlines. But life in Northern Ireland reflects all the range and diversity of activity we cover elsewhere. We must explore and report that life, and not always in the context of "the Troubles".

For specific advice on reporting terrorism, including staged events by terrorist groups see Chapter 18: Terrorism and National Security

3.1 Referral Procedures

On-The-Day Journalism

Network News programmes retain a permanent presence in Belfast, but the contact point for all matters arising on the day is the Head of News and Current Affairs, Northern Ireland.

Longer Term Programme Proposals

All news programmes must consult the Head of News and Current Affairs Northern Ireland.

All other proposals for programmes or programme items dealing with Northern Ireland or touching on Irish issues in general must be referred to Controller, Northern Ireland. Referral means a formal, usually written, submission of programme plans in whatever detail C.N.I. requires. This should take place at an early stage in the planning process.

In the event of a serious disagreement between C.N.I. and a programme department, referral should be to Controller Editorial Policy.

The Editors of *Radio Times* and *BBC On Air* magazine must ensure that material appearing in their publications conforms to understandings reached with Controller, Northern Ireland, or C.N.I.'s nominee. In addition, Heads of Presentation and Heads of Publicity are responsible for ensuring that publicity, promotion and presentation are in the forms agreed.

Any material published Online about Northern Ireland should observe the same principles as other BBC programmes. Particular care should be taken about use of graphics. Controller Northern Ireland or C.N.I.'s nominee should be consulted.

3.2 Staged Events

From time to time paramilitary groups stage "public appearances", usually to try to get publicity. BBC people should never agree to attend "staged" events without reference through Heads of Department or Commissioning Executives to Controller Editorial Policy. No material *recorded* at such an event is to be transmitted without separate reference to Controller Editorial Policy.

BBC people may find themselves present at a legitimate event when paramilitaries stage an appearance. Sometimes this will be entirely unpredictable, and sometimes it will be likely given the nature of the event (e.g. paramilitary funerals). In such circumstances material may be recorded but programme editors must refer within departments before deciding to transmit. Heads of Department should refer to CEP in any unusual cases.

3.3 Special Legal Considerations

The provisions of prevention of terrorism legislation impose obligations on all citizens to provide information about, and to refrain from dealing with, criminals or terrorists in Northern Ireland. There is no exemption for journalists.

The Northern Ireland (Emergency Provisions) Acts could also have an important bearing on programme makers.

N.B. At the time of the publication of these Guidelines the Government had announced plans to reform all forms of terrorist legislation. BBC Programme Legal Department will be able to brief on any subsequent changes in the law.

Programme makers whose plans might bring them into areas where the criminal law imposes obligations must seek guidance, through Heads of Department or Commissioning Executives, from BBC lawyers, and from Controller Northern Ireland or Controller Editorial Policy.

CHAPTER 20

RECORDING THE NATURAL WORLD

- 1 GENERAL
- 2 FILMING NAMED ANIMALS
- 3 LIFE CYCLE PORTRAYAL
- 4 LOCATION
- 5 CAPTIVE SEQUENCES
- 6 VISUAL TECHNIQUES
- 7 RECONSTRUCTION AND SIMULATION
- 8 FILMING ANIMALS AND THE LAW
- 9 ETHICAL CONSIDERATIONS

1 GENERAL

Natural History programmes have a duty to uphold the same values of truth and accuracy that apply to all factual output. Audiences should never be deceived or misled by what they see or hear.

In the same way that there are perfectly acceptable conventions used in the production of factual programmes (see section 8 “Staging and Re-Staging of Events” in Chapter 2: Impartiality and Accuracy), similar conventions can apply in Natural History programme making that neither deceives nor misleads the audience.

There will be times when it is appropriate to share these Natural History filming techniques with the audience. This should increase audience appreciation of the value of particular "real" sequences filmed in the wild and distinguish them from material filmed in captive situations or controlled conditions.

2 FILMING NAMED ANIMALS

Television production methods in wildlife film making rely on single camera location shooting. This sometimes means that when a programme is singularly identifying or focusing on a named animal, it is not always possible to record all the shots at one time.

Where insufficient material of a significant natural event has been recorded it may be necessary to use additional shots or cutaways of the named animal recorded at a different time to the main action to produce a workable sequence. This technique has long been part of the accepted grammar of Natural History programme making. As long as the material depicts natural events in the animal's life cycle, it is perfectly acceptable to combine and compress these events to tell a biological story truthfully. But programme makers should not show action that is significant to the narrative of the film using shots of an apparently identical animal and portray it as the named animal.

Where insufficient material of a routine natural event has been recorded, the use of additional shots of an identical (substitute) animal for insignificant bridging shots or cut-aways may be justified in order to produce a workable sequence. This is an acceptable artifice so long as the shots are used to illuminate the routine event and do not in any way distort the meaning of it. But we should not state that the shots are of the same animal. Commentary should never suggest the viewers are seeing something they are not.

3 LIFE CYCLE PORTRAYAL

Many wildlife programmes aim to tell the life story of an animal or plant and to reflect in detail different aspects of this natural cycle. Unfortunately the realities of survival in the natural world and/or the life span of the animal often mean it is impossible to film an individual consistently. It is acceptable for programme makers to use footage of several different animals or plants to evoke the life cycle from cradle to grave. Again audiences should not be led to believe they are seeing the same animal throughout the programme, for example by giving the "composite" animal a name.

Some types of Natural History films are deliberately anthropomorphic and tell intentionally dramatised stories of a fictional family of animals and their predators. This is a perfectly acceptable way of informing and entertaining viewers so long as the set-up is totally clear. It may be appropriate for programme makers to think about telling the audience at the start of the programme that what they will see, although dramatised, is nevertheless based on scientific fact.

4 LOCATION

In Natural History programmes, which aim to provide a portrait of animals or plants living in a particular place, programme makers can legitimately use material filmed at different times and different locations. It is important however to present a fair and accurate picture of what is being portrayed. It would not be acceptable to film at one location and claim to be at another. Also programme makers should not introduce animals to a location that is not their natural home.

5 CAPTIVE SEQUENCES

In wildlife film making it is sometimes impractical or unsafe to film certain biological processes or animal behaviour in the wild. In some cases filming could endanger the wild animal or its offspring. In such circumstances it is ethically and editorially justifiable to use captive animals to portray what happens naturally in the wild. However it should never be claimed that the captive sequence was actually recorded in the wild or in the actual location depicted in the film.

6 VISUAL TECHNIQUES

Some Natural History films deliberately and legitimately use stylised and visual devices. For example, in a Natural History programme illustrating principles of biology or ecology it might be desirable to use time lapse techniques under laboratory conditions to show the audience what the eye can't normally see. Likewise computer generated graphics or enhanced real images can bring sequences to the screen that would be impossible to produce in any other way. However, where there is a risk of misleading or confusing the audience, such techniques need to be clearly labelled or sign-posted in commentary.

7 RECONSTRUCTION AND SIMULATION

Natural History programme makers sometimes use reconstruction as a story telling device. Reconstruction, which is where single events based on corroborated personal testimony are quite explicitly re-enacted, is a technique that must be clearly labelled. Reconstruction is used when people are involved and when the cameras were not present at the original event. Refer to section 7 "Reconstruction" and section 8 "Staging and Restaging Events" in Chapter 2: Impartiality and Accuracy for more detailed guidance on these subjects.

Simulations are different from reconstructions because they are not based on a single verifiable event. Instead they seek to give the viewer an impression of natural conditions or

phenomena, based on testimony and evidence that may have been compiled from different sources at different times. Simulations are permissible when it would have been impossible to film the original event due to its rare or dangerous nature. They recreate natural conditions or phenomena in which animals, and sometimes people, appear. When it is proposed to simulate sequences, programme makers should consider using a variety of sign-posts in order to inform audiences about their techniques. These might be a combination of presentation announcements, appropriate use of commentary, innovative post production techniques and labels in the body of the film, or, as a last resort, an explanatory caption in the end credits.

In cases where reconstruction or simulation is proposed as a story telling device in natural history programmes, production should not proceed without referral to the Head of the Natural History Unit.

There may be occasions where re-staging routine events involving animals may be justified and may not need to be labelled. However all such interventions require carefully balanced judgements. Producers should also refer to section 9: "Ethical Considerations".

8 FILMING ANIMALS AND THE LAW

Programme makers working with animals must be aware that animal welfare is controlled by specific acts of law which if not followed could result in prosecution and criminal conviction. In the United Kingdom the following are just four examples of illegal activity:

- capture of any birds for filming purposes
- feeding live mammals, birds and reptiles to any other animal
- tethering or restricting a vertebrate by any means to attract a predator
- cruel goading of an animal to fury

In the UK bull fighting, dog fighting and cock fighting are illegal. Broadcasting such scenes, whether recorded here or overseas, will be rarely justified and must be referred to the Head of Department, Head of ICG or relevant National Controller. It may be acceptable if it is in the public interest and is filmed as "actuality". See also Section 11 "Use of Animals" in Chapter 37: Matters of Law: General.

9 ETHICAL CONSIDERATIONS

Programme makers should never be involved in any filming activity with animals which could reasonably be considered cruel i.e. filming which may cause physical harm, anxiety, consequential predation or lessened reproductive success. However, there are times when, in the public interest, programme makers may be justified in recording the harming of animals by third parties for the purpose of gathering evidence or to illustrate malpractice, cruel, anti-social or controversial behaviour. Permission for such filming should be referred to the Head of Department, Head of ICG or the relevant National Controller.

For detailed advice on the portrayal of violence involving animals, see Section 2.3 of Chapter 7 Violence.

For all filming with animals it is important to seek expert advice and to make a detailed assessment of the risks and potential welfare problems. In so doing the following should be considered:

- the effect the type of filming will have on the animal e.g. filming from a hidden position; filming at night; stunt filming
- the amount and proximity of contact with the animal
- hazards posed by the animal and to the animal - what could go wrong?
- length of time it is reasonable to film the animal without causing distress
- animals can cause infection and infestation; allergic reactions; injuries and phobias
- age and experience of those people involved in the filming

The Natural History Unit can offer further advice on the handling and filming of animals.

CHAPTER 21

RE-USE AND REVERSIONING OF BBC TELEVISION PROGRAMMES

- 1 GENERAL
- 2 LOGGING CONCERNS
- 3 CLEARANCE FOR REUSE, CONTRACTS AND RIGHTS
- 4 ACCURACY
- 5 SCHEDULING
- 6 SENSITIVE PROGRAMMES
- 7 LOCAL SENSITIVITIES AND INTERNATIONAL AUDIENCES
- 8 SUFFERING, DISTRESS AND TRAUMA
- 9 CRIMINAL ACTIVITY
- 10 SURREPTITIOUS RECORDING

1 GENERAL

These guidelines state good practice when BBC television programmes are repeated, reversioned, or reformatted for use on either BBC or Joint Venture Channels.

When archive programmes are rescheduled and/or edited, they must comply with the BBC Producers' Guidelines whether for transmission in the UK or overseas.

Commercial channels, whether broadcasting to the UK, or broadcasting from the UK to international audiences, must also comply with the ITC Programme Code.

All the guidance below also applies when excerpts of programmes are used. Particular attention must be paid to the context within which clips are to be re-used, including their use in trails. When appropriate, captions should be used to date excerpts.

These guidelines do not apply to programme or library sales.

2 LOGGING CONCERNS

Any re-version or re-format of a transmitted programme should be logged, including details of all changes to picture, sound and commentary. When programmes are edited for length or for any other reason, care must be taken to ensure that they are still accurate, impartial, balanced and fair. The re-edited programme must comply with any legal agreements that applied to the original.

Originating production departments (and independent production companies) are responsible up to the point of first transmission for ensuring that all potential concerns about the re-use of material at home or overseas are logged and attached to post-production paperwork. Legal and rights constraints, contributor sensitivities, surreptitious recording and any use of reconstruction should be recorded.

Broadcasters should ensure that the originating production or commissioning department is informed in good time of plans to schedule programmes and must ensure that post-production paperwork is checked for any restrictions on use.

3 CLEARANCE FOR REUSE, CONTRACTS AND RIGHTS

Broadcasters, or those to whom they delegate responsibility, should ensure that any programmes or excerpts of programme material which they plan to re-use can be cleared for that use, and have been cleared prior to transmission. When non-news programmes want to use news material they should always consult the relevant news library.

Artists' contracts should be checked for conditions agreed for re-use. Where there are no artists' contracts, producers need to be aware that their programmes are likely to be re-used and inform contributors of this at the time they record their contribution. Wherever possible it is desirable for producers to obtain consent and rights from key contributors in writing. Where this is inappropriate or impossible, or where consent and rights have been restricted, producers must refer to their Head of Department or Commissioning Executive.

Legal scrutiny of a repeated programme should be as careful as it was at the time of the original transmission. It is no defence in a defamation action to argue that material has already been shown. Special care should be exercised in relation to questions of contempt, for example if someone featured in an original transmission is arrested prior to its repeat.

Re-use of archive material must take into account any findings from the Programme Complaints Unit, which are binding on the BBC, and from the Broadcasting Standards Commission, of which the BBC would want to take careful account. If it is proposed to re-broadcast a programme which has been the subject of an upheld complaint, the relevant chief executive (normally Chief Executive Broadcast) should be consulted in advance.

4 ACCURACY

Archive material can quickly become out-dated and inaccurate. New facts may emerge and contributors' opinions may change over time. Sometimes it will be justified to show such programmes unaltered. However, where programmes have become factually inaccurate, it must be made clear that the programme is no longer up-to-date. Captions, commentary and billings should be used as appropriate. On-air information may also be given when necessary. Post-production paperwork must also be checked so that any use of reconstruction can be clearly labelled prior to transmission.

5 SCHEDULING

Particular care should be taken when programmes are rescheduled to make sure they are suitable for the new slot. Material, including strong language, suggestive dialogue, explicit sexual scenes and violent content, may need to be edited. All BBC television channels in the UK, both public service and commercial, must observe the 9p.m. Watershed policy. The post Watershed period runs from 9.00p.m. until 5.30a.m. the following morning.

6 SENSITIVE PROGRAMMES

When repeats of documentary material, drama documentary or factual reconstruction are scheduled, programme makers should consider whether any contributors, or people portrayed, need to be contacted for contractual or legal purposes, or for reasons of courtesy. Post-production paperwork must be checked. Where necessary, key contributors should be informed of the repeat, preferably by the original production or commissioning department. Care should be taken not to suggest that permission to re-transmit is being sought, unless the original contract so requires.

7 LOCAL SENSITIVITIES AND INTERNATIONAL AUDIENCES

Overseas services need to take local sensitivities into account as regards both content and scheduling. Decisions to broadcast material should be made with due consideration for those featured. Issues such as privacy and fairness must be taken into account, including potential distress, damage and/or danger to contributors, and anonymity ensured when appropriate. Matters of taste and decency and offence to local audiences may also arise. However, in considering local sensitivities, the BBC should do nothing which detracts from its core commitment to due impartiality and accuracy as laid out in Chapter Two of the Producers' Guidelines (see also section 5: "International Audiences" in Chapter 6: Taste and Decency).

8 SUFFERING, DISTRESS AND TRAUMA

There are a minority of programmes involving illness, death, emotional trauma or intimate personal revelation. In such cases, the current status of significant participants must be considered. Some programme material becomes less sensitive with the passage of time. However, when re-use may cause damage and/or distress to the individuals concerned, their next-of-kin or those close to them, the views of contributors or their relatives should be sought where possible. It is preferable that this approach is made by the original production or commissioning department. There may be instances where there is sufficient public interest to override objections to re-use. Such decisions should always be referred to senior management who will need to consider contributor issues, including the likely impact of re-using the material on the channel concerned, and the public interest.

If contributors to such programmes object to re-use, or if they cannot be located owing to the passage of time, the basis on which consent was originally given must be carefully considered. People may be sensitive to material that depicts them as children at an age when they were unable to give informed consent on their own account. In all such circumstances, broadcasters must be satisfied that the grounds for repeating such material are defensible and should seek further guidance.

Where the material covers criminal activity, broadcasters should attempt to inform any victims of serious crime or their next-of-kin before re-use if this is appropriate. The programme should normally proceed against the objections of those concerned only if there is a clear public interest.

9 CRIMINAL ACTIVITY

Consideration should also be given to the stigmatising effect of repeating material that reveals an individual's criminal past. The intention to transmit such material, especially if there are to be many repeats or trails, raises questions about fairness. Broadcasters may need to consider re-editing material, granting anonymity to individuals and/or providing new sequences or updated information via a caption.

10 SURREPTITIOUS RECORDING

Before broadcasters re-use material recorded surreptitiously, they should reconsider public interest, privacy and fairness issues. The re-use of any surreptitiously recorded material must be referred to senior management before transmission and a log kept of any decision.

In the case of commercial channels complying with the ITC Guidelines, such reconsideration must be logged by channel managers at each transmission.

CHAPTER 22

GAME SHOWS AND COMPETITIONS

1 GENERAL

1.1 Competitions run by others

2 SELECTING CONTESTANTS FOR QUIZZES AND GAME SHOWS

3 TREATING CONTESTANTS FAIRLY

4 SAFETY

5 PRIZES

6 DONATED PRIZES

7 ORGANISATION OF COMPETITIONS

7.1 Jointly Organised Competitions

7.2 References to BBC Magazines

8 PRIZES IN JOINTLY ORGANISED COMPETITIONS

9 ENTRY FORMS AND RULES

10 LEGAL CONSIDERATIONS AND PREMIUM RATE LINES

11 CO-SPONSORED EVENTS

12 ITC RESTRICTIONS

1 GENERAL

Game shows, quizzes and viewer or listener competitions should be conducted in a manner which is fair, honest, legal and decent. Careful consideration should be given to matters of taste in game shows to avoid offence.

A variety of programmes may from time to time run quizzes, or viewer or listener competitions. There should always be a clear editorial purpose for any competition which is included in a BBC programme.

The BBC does not normally run game shows or viewer or listener competitions where prizes are offered purely on the basis of chance. In quiz or game shows any significant prizes should be awarded on the basis of games or questions which are a test of skill, knowledge or judgement appropriate to the participants and the target audience. Viewer and listener competitions should always involve a genuine test of skill, knowledge or judgement appropriate to the audience.

It is important that members of the public do not have to pay or

buy anything in order to take part in a BBC quiz programme or game show. They should also not be asked to buy anything in order to enter a viewer or listener competition. For guidance on phone-in competitions see section 10 below.

Exceptionally, when a game is organised as part of an official BBC fundraising appeal such as *Children in Need* it may be acceptable to ask for a donation to the charitable appeal. Any such arrangement must be checked well in advance with Editorial Policy and Programme Legal Advice Department. (See also section 10 below)

When running competitions and awarding prizes, the BBC needs to maintain its editorial independence and should take care not to promote any service, product or publication. We should not normally offer prizes of branded products or services, which are referred to editorially elsewhere in the programme.

Questions in competitions, quizzes or game shows should not refer to any branded goods or services that are provided as prizes.

For guidance on coverage of the National Lottery see Chapter 23.

1.1 Competitions run by others

Programmes must not promote any competition which is not organised by the BBC or in conjunction with the BBC.

For advice on suitable coverage of outside events which include contests and awards ceremonies see Chapter 28 Covering Outside Events.

2 SELECTING CONTESTANTS FOR QUIZZES AND GAME SHOWS

There are a range of ways of choosing suitable contestants for game shows. However, steps should be taken to screen out contestants who are clearly unsuitable such as those who have been convicted of very serious offences. It is advisable to ensure that contestants sign a formal declaration to ensure that they conform to the criteria we require of them and that they are aware of the terms of their appearance on the show. Advice should be sought from the Programme Legal Advice Department and Editorial Policy may also be consulted.

3 TREATING CONTESTANTS FAIRLY

Members of the public who take part in quiz or game shows should be treated honestly and fairly. It is also important to consider their dignity. They probably have never been on television or radio before and we must take care not to exploit or patronise them and to treat them sympathetically. We should explain what is going to happen and, if they are going to appear as figures of fun, they need to feel a party to the joke rather than the object of it. It is particularly important to be cautious with contestants who have been volunteered by family or friends as subjects of escapades, which are covertly recorded (for further guidance on secret recording in entertainment programmes see section 9 of Chapter 5: Surreptitious Recording).

Where game shows or entertainment shows involve contributors recounting anti-social activities, this should only involve minor matters. Clearly the BBC must not be seen to endorse serious wrongdoing.

4 SAFETY

We should not put contestants to any significant risk to their health or safety and participants must not be asked to do anything which involves danger to life. Where games and competitions are physically demanding it may be appropriate to ask participants to complete a medical questionnaire to ensure their fitness to take part.

We must take care to minimise and control any inherent risks and a suitable risk assessment should be carried out. BBC producers should consult the appropriate BBC safety manager about safety checks and procedures. For independent productions the Commissioning Executive must check that the company has appropriate health and safety arrangements and access to a competent person to advise on health and safety matters (see also section 12 “Health and Safety” of Chapter 37: Matters of Law: General).

Programmes must ensure that the participant recognises and accepts any risks which may be involved. So that the audience does not think we are acting irresponsibly it may sometimes be appropriate to make it clear on air that we have taken suitable safety precautions and that the participant is aware of any risks.

5 PRIZES

BBC programmes should normally pay for the prizes they offer in game shows and viewer and listener competitions. Programme makers should aim to offer original, rather than expensive prizes. It is inappropriate to spend Licence Fee or Grant in Aid money on prizes of excessive value.

If there is a range of prizes there should be a range of brands or suppliers. Shots of brand logos should be avoided and programmes should not normally refer to brand names or give details about the manufacturer or supplier of a prize. In exceptional circumstances some details may be given on the grounds that description of the prize would be inadequate without them, but there must be no element of plugging.

Cash prizes should be avoided in viewer and listener competitions and should never be offered in children’s programmes. Any proposal to offer a cash prize in a game show or studio-based competition must be referred to the Head of Department or Commissioning Executive and the output Controller should also be informed.

6 DONATED PRIZES

We should aim to pay for competition prizes and only modest donated prizes should normally be accepted such as theatre tickets, football tickets, books, records or CDs. We may accept prizes of visits to special events, including the hospitality offered at the event, but programmes should pay for the travel and accommodation costs involved.

Donations of modest household or consumer goods or services may occasionally be accepted, but only with the approval of the Head of Department

Donations of more substantial prizes are permissible only in exceptional circumstances which do not bring the BBC’s editorial integrity into question. For example it might be possible to accept a more substantial prize if offered by an educational institution or a research foundation. Such prizes can be accepted only with the written approval of the Head of Department who may wish to consult Editorial Policy.

If programmes accept donated prizes, the changes should be rung to ensure that the BBC does not appear to favour any institution or company. If tickets are accepted we must avoid giving undue prominence to one particular performer or company.

Programmes must never give an assurance that there will be an on-air credit or any publicity in exchange for the donation of a competition prize. Prizes should be described in an informational, non promotional manner. The name of the supplier should not normally be given and the brand name should be mentioned only if it is strictly necessary editorially. In such cases only one reference should be made. Television programmes should take all reasonable steps to avoid showing brand logos.

7 ORGANISATION OF COMPETITIONS

The BBC must ensure that any game show or competition is organised in a proper manner which would bear public scrutiny.

7.1 Jointly Organised Competitions

Occasionally a viewer or listener competition may be run jointly with a suitable outside body such as an academic or artistic institution. Programmes should not mount viewer and listener competitions in conjunction with commercial organisations. However, in exceptional circumstances, it may be possible to join with a publication or other media organisation to run a competition for a co-sponsored educational award or an award for skills associated with broadcasting such as journalism, music or drama. Local radio stations may join with a local publication to present an award for service to the community. It is not possible to run any other type of on-air competition with a publication. (for advice concerning off-air competitions organised with publications see section 15 of Chapter 24: Commercial Relationships and Appropriate Programme Funding).

Programmes should obtain the written approval of the Head of Department before any agreement is reached for a jointly organised competition. Chief Adviser Editorial Policy (Multimedia and Commercial) should also be consulted. The BBC must pay a substantial part of the costs of any jointly organised competition and no money from the outside organisation should flow into any programme budget.

7.2 References to BBC Magazines

There are restrictions on mentions of BBC magazines in programmes. If BBC programmes run a viewer or listener competition in association with a BBC magazine the programme should not refer to the magazine. For detailed guidance see Chapter 27: On-Air References to BBC Publications, Products and Services.

Any proposal to mention a BBC magazine in relation to an awards ceremony or an outside event must be referred to Chief Adviser Editorial Policy (Multimedia and Commercial). For detailed guidance see Chapter 28: Covering Outside Events.

8 PRIZES IN JOINTLY ORGANISED COMPETITIONS

The same guidelines apply as for competitions organised solely by BBC programmes. The organisers should only accept modest donated prizes from a third party. No mention of a third party donor should be given on air.

From time to time a BBC publication may print details about a programme competition. However, a BBC publication may not accept large donated prizes from a third party for any

on-air competition.

9 ENTRY FORMS AND RULES

If a viewer or listener competition requires entry forms, these must be available by telephoning, writing or e-mailing the BBC or the relevant programme. Forms may also be available at BBC premises. No information should be given on air about entry forms or further details being available in any publication or via any other outlet.

Although BBC publications may include details about programme competitions, no radio or television programme should tell viewers or listeners that there are entry forms or competition details in the *Radio Times* or any other BBC magazine.

However, World Service Radio may tell listeners that entry forms are available in their publication *BBC on Air*. Such references are not permissible in BBC Worldwide television programmes. (See section 12 below on ITC Restrictions.)

Any game show or competition must have clear rules, which conform to legal requirements. The rules and terms of entry to any competition should be checked with the Programme Legal Advice department.

10 LEGAL CONSIDERATIONS AND PREMIUM RATE LINES

There may be a number of legal issues to be addressed when organising competitions and producers should seek the advice of the Programme Legal Advice Department about the arrangements for any new type of competition or game show.

In particular, producers should be aware of the legal constraints imposed by the Lotteries and Amusements Act 1976. The Act may be contravened if a viewer or listener competition is based on a game of chance and some sort of donation, purchase or contribution is made to enter.

The use of premium rate telephone calls for a competition may be deemed to be the making of a financial contribution to enter. If premium rate lines are used, skill must be required to win; otherwise the competition may be interpreted as gambling or a lottery. Competitions which involve predictions about future events are not normally permissible. Producers should refer to the Programme Legal Advice Department before arranging any competition involving premium rate lines.

See also Chapter 32: Phone Ins and the Use of Telephone Services in Programmes.

11 CO-SPONSORED EVENTS

From time to time, the BBC mounts public events, particularly in the arts field, which are co-sponsored by outside bodies. Such events may be run as contests or competitions, for example a co-sponsored contest for best singer or best musician. For further guidance see Chapter 28: Covering Outside Events.

12 ITC RESTRICTIONS

In addition to these guidelines, the ITC Code of Programme Sponsorship and the ITC Programme Code include further detailed provisions concerning game shows, prizes, viewer competitions, jointly run competitions and entry forms. These ITC provisions must be observed by any commercially funded BBC Joint Venture television service broadcast in the

United Kingdom or any BBC commercially funded international channel uplinked from the UK

CHAPTER 23 COVERAGE OF THE NATIONAL LOTTERY

- 1 GENERAL
- 2 DETAILED PROVISIONS
- 3 USE OF LIBRARY PICTURES OF LOTTERY PROGRAMMES

1 GENERAL

The National Lottery is an institution which is regulated by Act of Parliament. It interests millions of our viewers who either buy lottery tickets or who are recipients of Lottery grants. National Lottery draws are national events and the BBC covers these draws as a service to viewers and listeners.

2 DETAILED PROVISIONS

All trails for programmes which carry National Lottery draws or games should be promotions for the BBC programme not the National Lottery. They should not include or reflect Lottery logos, Lottery advertising slogans, the music from Lottery adverts or any elements of Lottery advertising or any advertising undertaken by the Lottery Operator, currently Camelot.

We should not use elements of Lottery advertising campaigns in our Lottery programming. Official National Lottery logos may appear on the Lottery draw machines themselves and the stand they are placed on as these are elements of the draw itself controlled by the Lottery Operator. No lottery logos or elements of them should appear elsewhere on the set or in the programme. There should be no lottery logos on the programme's superimposed graphics.

In order to avoid directly promoting the purchase of Lottery tickets or cards, BBC lottery programming and trails for lottery programming should not show Lottery tickets or cards on air and should not give details about how and where they may be purchased. It is, however, acceptable for the mechanism of Lottery draws to be explained on air in a non promotional manner. Some indication may be given of the chances of winning a prize.

Though the term "National Lottery" may be used on air where appropriate there should be no on-air credits for the Lottery Operator. Any on-air reference to the Lottery operator should be for sound editorial reasons.

Children under sixteen should not be present in the studio and lottery programming should not be specifically aimed at children under sixteen.

Purchase of a lottery ticket must not be a pre-requisite of being on the show. The audience of a lottery programme must not have paid to attend or take part in the show.

The prizes for the National Lottery's own draws or games which are covered by the BBC are provided by the National Lottery prize fund. Apart from the prizes for the National Lottery's own draws or games any other prizes should be provided by the BBC. The National Lottery Operator's promotional budget should not be used to pay for any BBC programme prizes.

The Lottery Operator is responsible for the costs of running and administering Lottery draws and the provision and maintenance of all necessary equipment. All broadcasting and programme costs must be paid for by the BBC.

The BBC will pay for the expenses of any programme contestants who take part in BBC game shows which include Lottery draws.

The BBC retains editorial control over all BBC programmes and trails which feature National Lottery draws or games.

The BBC retains right of approval over all promotional material or activities bearing the BBC brand or featuring BBC programmes which carry National Lottery draws or games.

3 USE OF LIBRARY PICTURES OF LOTTERY PROGRAMMES

Other BBC programmes proposing to use library pictures of BBC lottery programming to illustrate items about the Lottery should be careful not to confuse the programmes which cover it with the Lottery itself. The Lottery itself is a matter for government, the Lottery Regulator and the Lottery Operator. Programmes which cover Lottery draws are a matter for the BBC. The only element which is controlled by the Lottery Operator is the mechanism for the draws.

Programmes wishing to illustrate stories purely about the Lottery itself should not use library pictures of Lottery programmes beyond shots of the draws. They should not use pictures of the presenters or titles, or use the title music without consulting Editorial Policy. They should also consult the Programme Legal Advice Department who will advise on legal restrictions concerning pictures from Lottery programmes and the use of the Lottery logos.

The relevant Lottery programme production team may approve use of footage of parts of Lottery programmes which are purely entertainment, such as musical acts, if no reference is to be made to the Lottery.

CHAPTER 24

COMMERCIAL RELATIONSHIPS AND APPROPRIATE PROGRAMME FUNDING

- 1 GENERAL
- 2 BBC COMMERCIAL POLICY GUIDELINES
- 3 INDEPENDENT PRODUCTIONS
- 4 ADVERTISING AND SPONSORSHIP
- 5 ITC REGULATION
- 6 BBC ADVERTISING AND SPONSORSHIP GUIDELINES
- 7 COVERAGE OF SPONSORED EVENTS
- 8 SPONSORSHIP OF BBC EVENTS
- 9 BBC ORCHESTRAS
- 10 CO-PRODUCTIONS
- 11 CO- FUNDING
 - 11.1 Suitable Co-Funding Partners
 - 11.2 Credits
 - 11.3 Support Material
- 12 HOSTED PROGRAMMES
- 13 JOINT EDITORIAL INITIATIVES
- 14 ON-AIR PROMOTIONS
- 15 OFF AIR PROMOTIONS WITH PUBLICATIONS

- 16 COMMERCIAL PRODUCTS ASSOCIATED WITH PROGRAMMES
- 17 NATIONAL AND LOCAL RADIO
- 18 COMMERCIAL REFERENCES REGISTER

1 GENERAL

The BBC operates in an increasingly commercial broadcasting market, involving many relationships with a commercial dimension. However, the BBC must clearly retain its reputation for editorial integrity whilst reflecting a real world.

Audiences must be able to trust the integrity of BBC programmes. They should be confident that decisions are made only for good editorial reasons, not as a result of improper pressure, be it political, commercial or special interest. They should never have reason to suspect that the BBC's integrity has been compromised by any financial pressure or commercial inducement from any outside organisation or interest group.

2 BBC COMMERCIAL POLICY GUIDELINES

The Producers' Guidelines are concerned with editorial issues and the BBC's programme making activities and any on-air references to commercial products or organisations. Advice on the BBC's commercial activities and exploitation of the BBC brand can be found in the BBC's Commercial Policy Guidelines. They cover questions such as the acceptability of BBC commercial ventures and how they should be undertaken, use of the BBC brand, promotional activities and fair trading.

3 INDEPENDENT PRODUCTIONS

The Producers' Guidelines apply to all independent productions made for the BBC and contracts between the BBC and independent producers must reflect this. Contracts must also ensure that the BBC knows and agrees all sources of funding before the commission is confirmed. BBC commissioning executives responsible for supervising independent productions should ensure that independents are fully aware of guidelines concerning editorial integrity and the financing of programmes. The BBC must approve all promotional material for any independent production made for the BBC.

4 ADVERTISING AND SPONSORSHIP

No BBC service funded by the Licence Fee or Grant-in-Aid may carry advertising or sponsored programming.

The BBC's international commercially funded channels and BBC Joint Venture channels are permitted to take advertising and some programme sponsorship in accordance with relevant guidelines and codes of practice.

5 ITC REGULATION

All UK commercial television services are regulated by the ITC, for this reason BBC commercially funded television services uplinked from the UK are required to conform to all relevant ITC codes as well as to the BBC Producers' Guidelines. On the whole, the Producers' Guidelines are more exacting and comprehensive than the ITC Programme Code, but those responsible for output on BBC commercial channels should ensure that they are aware of the provisions of The ITC Programme Code as well as The ITC Code of Advertising Standards and Practice, ITC Rules on Advertising Breaks and The ITC Code of Programme Sponsorship.

BBC Knowledge is a special case. It is a publicly funded channel, but at its launch in June 1999 it was temporarily placed on a commercial multiplex. While on this multiplex the channel should be treated in regulatory terms in the same way as others on that multiplex and should be consistent with ITC as well as BBC guidance. In most cases conforming to the BBC Producers' Guidelines will satisfy all ITC requirements, but there are specific issues relating to on air references to support material see section 13 ITC Regulated Services of Chapter 31: Programme Support Services and Support Material;.

6 BBC ADVERTISING AND SPONSORSHIP GUIDELINES

In order to guarantee its own editorial integrity and impartiality the BBC has drawn up its own guidelines on standards for advertising and sponsorship for its commercial television service. These guidelines embody core BBC principles and contain some provisions not specified by the ITC Codes, for example the BBC will not carry religious advertising or take sponsorship for programming giving general consumer advice.

Specific BBC guidelines have been drawn up for the BBC's Joint Venture Commercial Channels in the UK and for BBC International Television Channels. There are also specific guidelines for jointly branded international channels and BBC branded television channels broadcasting to specific countries and uplinked from outside the UK. All these guidelines are available from Editorial Policy.

7 COVERAGE OF SPONSORED EVENTS

The BBC covers a wide range of sporting fixtures and other outside events. Many of these are now supported by sponsorship. For guidance on appropriate coverage see Chapter 28: Covering Outside Events.

8 SPONSORSHIP OF BBC EVENTS

From time to time the BBC mounts outside events for which it may accept co-sponsorship from an outside body. Money from an outside sponsor can only be used to enhance the event itself and must not be used to pay for any element of the broadcast coverage. For detailed guidance see Chapter 28: Covering Outside Events.

9 BBC ORCHESTRAS

BBC Orchestras may seek commercial support and sponsorship for aspects of their work which go beyond broadcasting, for example in undertaking education and outreach projects, giving public concerts or making national or international tours. The core broadcasting activity of the orchestras, however, should not be sponsored and any arrangement that could reasonably be perceived as direct sponsorship of the orchestra's broadcasting activities should not be accepted. The BBC should retain the right of advance approval for all promotional material and activities associated with any sponsored orchestral event or project.

10 CO-PRODUCTIONS

For co-productions, funding is provided in exchange for broadcasting and other rights. The BBC may consider co-productions with other broadcasting companies, recognised programme and film distributors, independent producers, record or video companies and audio publishers. The BBC may also arrange co-productions with theatres, ballet, opera or music companies or other institutions involved in education and the arts.

The BBC should not enter into co-production arrangements with any organisation whose activities could lead to doubts about the editorial integrity of the programme.

Co-productions should not provide a back door for sponsors and BBC producers should make sure they are aware of any funding, sponsorship or promotional agreements which potential co-production partners have with third parties. The same applies to any arrangements proposed by an independent producer. Concerns about funding arrangements for co-production partners should be reported to the Head of Department or Head of the Independent Commissioning Group.

Credits for co-production partners should be simple and non-promotional. Television producers should refer to the BBC Television Credit Guidelines.

11 CO- FUNDING

In strictly limited cases and for strong public interest reasons it may be appropriate to supplement licence-fee or grant-in-aid funding for programmes with grants from appropriate non-commercial outside bodies. Such co-funding must not give rise to any suspicion that the BBC's editorial independence or integrity has been compromised or that it is willing to broadcast sponsorship messages.

Co-funding differs from co-production in that it is not undertaken with conventional co-production partners and is not in exchange for broadcasting rights.

On the BBC's domestic services co-funding would not be appropriate for programmes aimed at a general audience. The subject matter of any co-funded programme must be uncontroversial and uncontentious and outside the area of public or political debate. Co-funded programmes must be designed to meet the specific needs of a limited or clearly defined section of the audience. Such outside funding should only be considered when it might seem questionable to meet the entire cost of programming of such a specific nature from the licence fee. For example co-funding might be acceptable for specialised educational or minority language broadcasts.

World Service Radio takes co-funding for some educational programming and for "lifeline" programming which provides an emergency service of humanitarian information for audiences severely affected by war or major disaster.

Co-funding must never be accepted for news, current affairs or consumer advice programming on any BBC domestic or international service.

All co-funding projects must be approved in writing by the Director of Education, or relevant Director. Controller Editorial Policy should also be consulted.

11.1 Suitable Co-Funding Partners

Funds must not be accepted from any organisation whose interests or activities could lead to doubts about the objectivity of the programme. Suitable co-funders might include publicly funded bodies, charities, charitable trusts or voluntary bodies. Commercial funded charitable trusts might be acceptable in some cases as long as the trust is run at arm's length from any commercial interest. Funding from any UK government body or European Union body must be treated with great caution in order to protect the BBC's impartiality and independence. Although it may be legitimate for international agencies to co-fund certain programmes, funds must not be accepted from individual foreign governments.

The BBC retains total editorial control over any co-funded production and it is essential that programmes do not promote the funder or the funder's image.

Further detailed guidance is available from Editorial Policy.

11.2 Credits

For reasons of transparency we should always acknowledge the source of co-funding on air. There should be a single non promotional reference, with no element of advertising.

A credit for the co-funder should be at the end of the programme. For television programmes the credit should be in the final captions, there should be no verbal reference and the co-funder's logo should not be used. Television producers should also refer to the BBC Television Credit Guidelines.

11.3 Support Material

Programme co-funders may also meet some or all of the costs of support material. The source of funding for support material should not be given on air unless there is a particularly strong editorial reason to do so, though a credit may be included on the support material itself. Those responsible for arranging support material should also consult Chapter 31: Support Services and Support Material for further detailed guidance.

12 HOSTED PROGRAMMES

In certain specific cases where there is some specific educational need such as vocational training for a targeted small audience it may be acceptable for the BBC to transmit programmes which have been made and funded by outside bodies. These programmes are placed in off-peak slots targeted at specific niche audiences.

Any such programme must be accurate and impartial and must not have any political purpose. It must meet the standards of the Producers' Guidelines and must also conform to the BBC's detailed guidelines for such programmes available from Editorial Policy. The BBC will retain final editorial control over any hosted programme and must approve the programme before transmission.

Programme providers should be non-profit making, non-commercial bodies such as official training bodies, official bodies representing the professions and voluntary organisations.

Director of Education and Chief Executive Broadcast must approve the areas of BBC output where it is acceptable to take such programming.

13 JOINT EDITORIAL INITIATIVES

Programmes may sometimes enter into a joint editorial initiative with an outside body such as an educational institution. This initiative may take the form of mounting an event or running a competition for an award. In exceptional cases for clear editorial reasons, such an initiative may be undertaken with a magazine or newspaper, though the initiative must not require BBC viewers or listeners to purchase the publication. It is essential that no money from the outside body goes into any programme budget.

Any joint editorial initiative must be agreed in advance by the Head of Department who should consult Editorial Policy. Further detailed guidance can be found in section 7.1, "Jointly Organised Competitions" of Chapter 22: Game Shows and Competitions and

section 7.3, “Joint Debates and Forums” of Chapter 28: Covering Outside Events.

14 ON-AIR PROMOTIONS

The BBC cannot agree to give on-air promotion for an outside organisation or publication in return for their promotion of the BBC or a BBC programme or BBC service. Any such arrangement would be contrary to the terms under which the BBC is permitted to broadcast. When organising joint editorial initiatives with outside bodies, care needs to be taken to ensure that they are not compromised by any agreement for mutual promotion.

15 OFF AIR PROMOTIONS WITH PUBLICATIONS

Off-air promotions for programmes should be treated with great caution as it is essential that they reflect the BBC’s editorial values. From time to time, newspapers or magazines may wish to run competitions or other interactive promotions in association with BBC programmes. Such arrangements are only rarely acceptable. Any such promotions must be editorially driven and the BBC must not enter into the arrangement for financial gain. There must be no mention on air of the newspaper or magazine and associated advertising should not imply BBC endorsement of the publication.

Interactive promotional competitions arranged with publications require the prior approval of the relevant Director and the Chief Adviser, Editorial Policy (Multi-media and Commercial) should also be consulted. Detailed guidelines are available from Editorial Policy.

16 COMMERCIAL PRODUCTS ASSOCIATED WITH PROGRAMMES

The BBC produces a range of commercial products which arise from programmes and which support, extend and enhance the service offered to the public. BBC products must not be promoted within programmes. However there are special on-air trails for BBC publications, videos, tapes and CD Roms which complement an associated BBC programme and extend access to its subject matter. Such products need to reflect the BBC’s core values and standards and must conform to the BBC’s Commercial Policy Guidelines. There can be no on air promotion for other BBC merchandise associated with programmes (see Chapter 27: On Air References to BBC Products, Services and Publications).

Particular care must be taken if independent producers have rights to develop merchandise associated with programmes. The BBC’s reputation for integrity could be compromised by inappropriate arrangements concerning commercial products or retailers as there is a risk of implied endorsement by the BBC. Contracts with independent producers should stipulate that the BBC must approve any promotional material related to associated merchandising. All such commercial activity licensed by the BBC must conform to the BBC’s Commercial Policy Guidelines.

17 NATIONAL AND LOCAL RADIO

The BBC’s radio stations in the Nations and BBC local radio stations welcome local participation in their activities, but they must not accept any sponsorship for programmes nor can they accept money or facilities in exchange for broadcast publicity.

In exceptional circumstances, editors may consider offers of practical help from appropriate bodies of a non-political or non controversial nature for programmes concerning matters such as education, the arts or religious affairs. They should not accept assistance from local

councils. Editorial control must remain with the BBC and there must be no implication that the BBC is favouring any religious denomination or outside organisation. All proposals for outside support must be approved by the Director, National and Regional Broadcasting.

18 COMMERCIAL REFERENCES REGISTER

Each Directorate maintains a current register of co-sponsored events, sponsored support material, sponsored support services, co-funding, co-sponsored competitions, donated competition prizes and sponsored events covered in programmes. The purpose of this register is to ensure that the BBC is aware of the level of its overall involvement with any outside organisation.

CHAPTER 25

PRODUCT PROMINENCE AND FREE OR REDUCED COST PRODUCTS AND FACILITIES

1 PRODUCT PROMINENCE

1.1 Product Placement

1.2 Undue Prominence of Branded Products and Services in Programmes

1.3 Products used as props

1.4 Reviewing Products and Services

1.5 Testing Products

1.6 Details of products

1.7 Books and Other Publications

1.8 Commercial Recordings

1.9 Use of Commercials

2 USE OF FREE OR REDUCED COST PRODUCTS

2.1 Consumer and lifestyle programmes

2.2 Supply of Props

3 USE OF FREE OF REDUCED COST FACILITIES

3.1 Holiday and travel programmes

3.2 Media facility and fact finding trips

4 CREDITS

5 ONLINE, CEEFAX AND DIGITAL TEXT SERVICES

1 PRODUCT PROMINENCE

BBC programmes need to reflect the real world and from time to time reference will be made to commercial products and commercial concerns. However, programmes must never give the impression that they are endorsing or promoting any product, service or company.

References in programmes to all products and services must be editorially justifiable and not promotional.

We should always have good reasons for naming a particular company, product or service in a news or factual report. We must remain on guard against featuring too readily any story which has been generated on behalf of a commercial company. A skilful public relations company may make simultaneous approaches to several programmes. The BBC's reputation for impartiality is not enhanced if the same commercially-orientated story appears on several programmes over a short period of time. Journalists and producers should think carefully about editorial justification, integrity and labelling before deciding whether to use material provided by a commercial company (see also Chapter 26: Material Supplied by Outside Organisations).

Presenters, reporters and production staff should have no substantial connection with products and firms featured in stories they are covering (see Chapter 10: Conflicts of Interest).

1.1 Product Placement

A product or service must never be included in sound or vision in return for cash, services or any consideration in kind. This is product placement and it is expressly forbidden in BBC programmes. It is illegal to make any such arrangements in the UK or anywhere else within the European Union.

1.2 Undue Prominence of Branded Products and Services in Programmes

References to trade and brand names should be avoided where possible and made only if they are clearly justified editorially. No undue prominence should be given to any branded product or service and there must be no element of plugging. When featuring branded products or services, we must take great care not to give an impression that the programme is being influenced in any way by a commercial concern. Television shots should not linger on a brand name or logo unless justified for strong editorial reasons.

No BBC programme must ever accept free or reduced cost products or services in return for an on-air credit or any visual or verbal reference to the product or the provider (see also section 3).

For BBC ONLINE, a hot link must never be included in return for cash, services or any other consideration in kind. Editorial references to companies or outside organisations should not normally contain any use of their logo. For further advice, see the BBC ONLINE Guidelines.

1.3 Products used as props

In drama, comedy and entertainment, programme producers have to consider whether there is a really strong editorial justification for using branded products. If products are used, as props, setdressing or elsewhere in drama or entertainment they must be varied as much as possible to ensure that there is no suggestion of a particular brand being promoted. As far as possible, labels and logos should be turned away from the cameras and close-ups, which show the branding, should be avoided. Verbal references to brands may be more intrusive than visual ones and should be used sparingly both on television and radio. It is hard to justify a simultaneous visual and verbal reference to a branded product used as a prop and if possible verbal references to the brand should not be included in any scene which includes a product in vision (for further guidance on the supply of props see section 2.2).

1.4 Reviewing Products and Services

Consumer programmes and many other types of programmes frequently review products or services. Care should be taken to cover a range of products. If for some strong editorial reason one product or service is reviewed in detail, there should normally be reference to others which are comparable. Where this is not possible on some holiday and travel programmes, every effort should be taken over a period of time to mention a range of tour operators.

Where a consumer programme reviews a product or service, it may be editorially appropriate for Ceefax, digital text or the online support page to give non-promotional details of the products reviewed. Pages reviewing products or carrying details of products should never give an impression of BBC endorsement. See the BBC ONLINE Guidelines for specific

advice about hotlinks to the sites of the manufacturers, suppliers or retailers of any goods or services mentioned.

Companies which have received a favourable review may wish to state this in their promotional literature or point of sale displays. This may be acceptable in some limited circumstances, though no impression should be given of BBC endorsement and no BBC logos should be used (for further guidance see sections 4.26 and 4.27 of the BBC's Commercial Policy Guidelines).

1.5 Testing Products

The type of testing featured in programmes may vary from experts deciding which product tastes best to a programme undertaking carefully controlled experiments. A range of products should be featured and the precise nature of the tests should be made clear. It is important that we report the results in a non-promotional manner. We should simply say how products have fared in the test and which may be good value. Every effort should be made to ensure that where outside experts are used to assess products they have no vested interest in promoting any of them.

1.6 Details of products

We do not normally give details of how to obtain products. We should only do so where it is strictly editorially justifiable, and we should cover a full range of suppliers.

1.7 Books and Other Publications

Mentions of publications within programmes should be editorially justified and there must be no element of promotion. If experts from magazines or newspapers are interviewed, care should be taken over time to vary the publications whose experts are featured (for further guidance on references to BBC publications, see Chapter 27: On Air References to BBC Products, Services and Publications).

Chat shows and people shows often interview celebrities who have recently published a book, however, we should take care that the interview focuses on the person and the subject matter of the book, rather than appearing to encourage people to go out and buy it. Television programmes should not normally show a close up or still of the book cover unless the programme includes a measured and critical review of the work in question. An item which merely marks the publication date or interviews the author does not necessarily count as a review.

Credits are normally given when books are reviewed. If material is quoted from a book under review, there is an obligation under the Copyright Act to mention the title and author. Reference is also usually made to the publisher. Details about publications under review should normally be given within the programme itself, rather than in continuity announcements (see also Chapter 40: Matters of Law: Copyright and Other Intellectual Property Rights).

1.8 Commercial Recordings

It is important that we are not seen to plug particular recordings or artists on our music programmes. Though presenters may express a personal view about a recording, they should not urge listeners either to buy it or not to buy it. It is essential that the music played is chosen

for sound editorial reasons and that the choice is not improperly influenced by any record company or music promoter.

Specialist music presenters are employed on Network Radio because of their knowledge of a particular area of music and the credibility this gives them with the audience. However, as they are key figures in their respective genres, in some cases they do have some financial connection with the music industry. Where this is the case such a connection must be registered with the network and all playlists must be approved in advance by the Head of Music Policy (or equivalent) for the network.

1.9 Use of Commercials

Programmes may use excerpts from television or radio commercials only for sound editorial reasons such as consideration of how a company is promoting itself or how advertisers promote products. Great care must be taken to ensure that the BBC does not appear to be promoting any product or service by showing sections from advertisements.

There are also copyright considerations concerning use of advertisements which must be checked with the Intellectual Property Department.

Advice on the use of BBC presenters, characters or brands in non BBC commercials can be found in Chapter 10: Conflicts of Interest and Chapter 29: Advertising, Promotional Activities and the BBC Brand.

2 USE OF FREE OR REDUCED COST PRODUCTS

Products used by BBC programmes must be selected for sound, non promotional reasons. Products which are actually featured on programmes must be selected on editorial grounds. Products which are not shown, but are used as part of the programme making process, must be selected on grounds of suitability.

In order to resist commercial pressures and to retain its impartiality, the BBC should normally pay for the goods it uses. However programmes may take advantage of the BBC's size and purchasing power to negotiate discounts providing these discounts are in line with similar discounts offered to other large organisations.

Only a few specific programme areas may accept free or substantially reduced cost products (see 2.1 and 2.2 below).

We do not normally credit the suppliers of products. Any on-air reference to products should be for very sound editorial reasons (see section 4 below).

No products or services should be used or accepted as the result of any inducement or pressure from the provider.

Under no circumstances should those working for the BBC receive personal benefits from the providers of goods or services.

2.1 Consumer and lifestyle programmes

Consumer and lifestyle programmes which review or feature a wide range of products may under certain circumstances accept products free or at considerably reduced cost. This is permissible because the very large number of products featured enables programmes to ensure that they are not favouring any particular product or supplier.

- Any programme which accepts free or reduced cost products must keep an accurate record of all such arrangements. This should include details of the product, when and how it was used and what information if any was included on support material. The producer must be able to demonstrate that no supplier or manufacturer is being favoured or discriminated against. It is essential that products are not featured merely because they can be secured free or at a very reduced cost
- Suppliers should be reminded in writing of the BBC policy in this area and should be informed that there can be no question of the product being accepted in exchange for an assurance of an on-air reference
- No guarantee can be given that the product will be reviewed in a favourable light, or that it will feature in the programme at all
- Suppliers should not be afforded an editorial say in the programme nor a preview of it
- Programme makers should be wary of the promotional dangers posed by unsolicited offers of free or reduced cost products from manufacturers or suppliers. Any placement of products in exchange for reduced cost is prohibited (see section 1.1 above)

Heads of Department are responsible for ensuring that proper records are kept and that the acceptance of any reduced cost products is appropriate within the terms of these guidelines (see section 3 below for guidance on facilities and trips).

2.2 Supply of Props

In drama and entertainment care must be taken to ensure that products supplied by any outside agencies or other organisations are selected only at the producer's initiative. Suppliers of props, set dressing or clothing should be informed that there is no guarantee that the product will be used or that it will be shown in a favourable light. Props should not be accepted from suppliers if they are subject to editorial restrictions on their use.

If any programme accepts props free or at greatly reduced cost accurate records of all such arrangements should be kept in accordance with section 2.1 above.

3 USE OF FREE OF REDUCED COST FACILITIES

Programmes should pay for travel, accommodation and other facilities. Discounts can only be accepted if they are in line with discounts offered to other large organisations.

Trips should only be accepted free in exceptional circumstances when acceptance is the only way to cover a significant event (see section 3.2 below)

3.1 Holiday and travel programmes

Holiday or travel programmes which regularly review a range of travel facilities and accommodation must not accept trips free and must pay a significant contribution towards the costs. They must never cover holidays offered by one company merely because they are offered to them at a particularly advantageous rate. A range of tour operators should be covered in the course of a series. Detailed records must be kept of all facilities which have been accepted at a reduced cost in accordance with 2.1 above.

3.2 Media facility and fact finding trips

From time to time, BBC programmes and people working on them receive invitations from public or private bodies to go on expenses paid trips. These may be for the purposes of gathering material for broadcasting (i.e. a media facility trip), or they may be for briefing and background information. These invitations can come from a variety of different organisations e.g. the British Armed Forces, foreign governments, lobbying groups, the European Commission. The following principles should be observed:

- Such invitations must not be accepted by individuals or programmes if their acceptance might adversely affect the BBC's editorial integrity or its reputation for impartiality
- Any programme maker proposing to accept the offer of either a media facility or a fact finding trip must receive the approval in advance of their Head of Department
- The BBC should be free to decide who, if anyone, accepts the invitation. Where invitations are open only to named individuals rather than programmes, the presumption should be against acceptance.

The BBC will not accept an offer of a free place or places on a media facility trip to gather material *unless* it is the only way to report a significant event, such as an inaugural flight or voyage or military operation. Where a trip is open to a range of media, the programme must be satisfied that the trip is editorially necessary. The programme should point out in writing that it is not normal policy to accept such trips and should offer to make a realistic contribution to the costs involved.

If a commercial operator provides the facility, there should not normally be any reference - verbal or visual - to the operator. If there is a clear editorial need to make a reference, it must avoid promoting or endorsing the operator. In those rare circumstances where a reference to the commercial operation is considered editorially justifiable it must be discussed with and approved in advance of transmission by the Head of Department.

On briefing and fact-finding trips, the BBC must take care that its editorial integrity would not be compromised by the acceptance of such a trip. Any acceptance needs to be able to pass the test of public reaction were the nature of the trip to be publicised. Again, the BBC should offer to make a realistic contribution (e.g. air fares) towards the costs involved. If such an offer is refused the presumption should be against acceptance.

4 CREDITS

In some specific cases, the BBC may decide to give a credit to the provider of services whether they have been secured at full or reduced cost. For example, it may be editorially necessary to credit a research library or the supplier of archive material. In some cases the BBC will have negotiated supply of information from an outside supplier and a credit will be required (see Chapter 26: Material Supplied by Outside Organisations).

Heads of Department have the discretion to authorise a credit where there is strong editorial justification, and the credit does not promote or endorse the product or service. The company logo or type face should not be used as part of the programme's graphics nor in any end credits.

Any credits in support material should be editorially justifiable, non promotional and should not be in exchange for free or reduced cost facilities.

The granting of a credit is at the BBC's discretion. Under no circumstances can programme makers agree to a credit as a precondition for the offer of free or reduced cost products or services.

5 ONLINE, CEEFAX AND DIGITAL TEXT SERVICES

The BBC ONLINE Guidelines give further details on references to products and services and on appropriate hot-links.

There are also detailed guidelines for references on digital text and Ceefax to products, services and publications.

CHAPTER 26

MATERIAL SUPPLIED BY OUTSIDE ORGANISATIONS

1 INFORMATION FROM OUTSIDE SOURCES

1.1 Varying the sources of outside information

1.2 Crediting outside information

1.3 Crediting a recognised library, archive or research institute

1.4 Computer credits in sports coverage

2 RECORDINGS SUPPLIED BY OTHERS

3 VIDEO OR AUDIO NEWS RELEASES

4 EMERGENCY ANNOUNCEMENTS

4.1 Police SOS Messages

5 GOVERNMENT INFORMATION FILMS AND OFFICIAL MESSAGES

1 INFORMATION FROM OUTSIDE SOURCES

BBC programmes use a considerable amount of information supplied by others, including commercial and non-commercial organisations. Examples include weather reports, sports results, exchange rates, and pop charts. News bulletins also draw on information provided by reputable news agencies.

Much of this information, including news agency copy, is paid for. However, when it is provided free particular care has to be taken to ensure that the BBC does not promote the supplier.

Care should also be taken that the supplier of the information does not make improper use of its relationship with the BBC for promotional purposes. The BBC must have right of approval over any use of the BBC's name in the supplier's promotional material.

1.1 Varying the sources of outside information

In some cases we rely on a single source for a particular type of information. For example a programme might include financial information supplied by a particular bank. Where practicable we should vary the source of such information over time if there are other suppliers which are equally reliable.

However, in the case of information supplied by official departments or local authorities, it may not be necessary to vary the source, even if equally accurate information is available elsewhere.

1.2 Crediting outside information

It is often appropriate to state the source of outside information for sound editorial reasons:

- to enable the viewer or listener to assess its authority, or accuracy. For example we would name organisations which have conducted opinion polls or we would say that we have obtained weather information from the Met Office
- to indicate that this is information which is unique to one supplier and cannot be obtained elsewhere
- to make it clear that the BBC has not verified the information. We might name a news agency as a source if we were relying solely on a report from one agency.

The decision on whether to mention the source or to give a formal credit, such as a caption or an announcement, must be made on editorial grounds. We must not accept information free or at reduced cost in return for providing on air or off air publicity to the supplier. All references to the suppliers of information must be brief, factual and non promotional. There must be no element of plugging. No logo of an information provider should appear in any visual credit. Television producers should also refer to BBC Television guidelines for opening and closing screen credits.

There may be occasions when the BBC decides to enter into a formal contractual agreement with an information supplier. This agreement may include a provision that the BBC will reflect the source of the information. Any formal agreement about credits should be made for editorial rather than commercial reasons. Arrangements of this kind should be made only with the approval of the relevant Director or Chief Executive.

(See also Chapter 25: Product Prominence and Use of Free or Reduced Cost Facilities)

1.3 Crediting a recognised library, archive or research institute

Occasionally it may be appropriate to credit outside institutions, such as libraries, which have provided information or considerable research assistance. Decisions about credits should be separate from any financial arrangements.

1.4 Computer credits in sports coverage

Guidelines have been agreed among members of the European Broadcasting Union for credits given to companies which provide timing or computer-based services for sports coverage (see also Chapter 28 Covering Outside Events).

2 RECORDINGS SUPPLIED BY OTHERS

Many BBC programmes use pictures or sound recorded and provided by other organisations or individuals. We cannot always vouch for the circumstances under which such material was recorded so we should take particular care in how we use it.

In many cases material is supplied by other reputable broadcasters or agencies on a contractual or reciprocal basis. If it is provided by people who may have a personal or professional interest in its subject matter we must be certain we are using it for the best editorial reasons and avoid giving the impression that we endorse a product, organisation or cause. In general material supplied by interested parties should be labelled to make its provenance clear.

Programme makers should assess the overall editorial value of such material rather than simply its pictorial impact. Video from the emergency services may raise serious issues of privacy and intrusion - for instance where victims or patients are concerned.

Programme makers may be asked to sign contracts before being given such material, and they may contain unacceptable editorial restrictions. Seek advice through Heads of Department, from Editorial Policy and Programme Legal Advice before agreeing.

For guidance on use of CCTV footage see section 6 of Chapter 4: Privacy.

3 VIDEO OR AUDIO NEWS RELEASES

Increasingly, official bodies, commercial companies and campaigning organisations provide broadcasters with video or audio news releases or other material. Sometimes the material will have been recorded by the organisation itself, sometimes by others acting on their behalf. Such material may purport to cover stories from an objective standpoint, but is usually slanted to promote the viewpoint of the supplier. We do not normally use any extracts from such releases if we are capable of gathering the material ourselves. If we do use such material for sound editorial reasons we should always ensure that it is clearly labelled on air.

The following points should also be borne in mind:

- we should not normally use video or audio releases of news events or news conferences from which the BBC has been deliberately excluded by the organisers. If, in exceptional cases, such material is used, its source and status should be made clear on air, as should the fact that we were prevented from gathering it ourselves
- we should not normally use any interviews or sound clips from such releases. When there are powerful reasons to do so the source of the material must be made clear on air
- we must be wary of using a News Release to illustrate a story about the organisation which provided it, particularly if it gives an unrealistic or overly favourable impression of the organisation. We should normally use such material only to illustrate the way in which the company or organisation is promoting itself
- sequences which include incidental music or commentary provided by the supplier should be used only to show how the company or organisation tries to portray itself
- if we use any Video News Release material to illustrate a more general story, we must try to select shots which do not promote the supplier or their products. We should try to use it in conjunction with other illustrative material
- we should not accept any editorial restrictions which the supplier places on use of the material.

4 EMERGENCY ANNOUNCEMENTS

Requests are sometimes received from British or foreign governments or from official bodies for the broadcast of emergency announcements. The BBC gives careful consideration to such requests in the light of the emergency in question. Local Radio should be especially ready to assist the police and other official bodies in informing the local community about serious

accidents and emergencies.

4.1 Police SOS Messages

From time to time, BBC Radio will broadcast police SOS messages. These messages must adhere to strict guidelines: reference should be made to the Head of Presentation, Radio.

5 GOVERNMENT INFORMATION FILMS AND OFFICIAL MESSAGES

The Central Office of Information makes films for broadcast on television. The BBC will broadcast only genuinely non-political public information under these arrangements. Broadcasting and Presentation decides which films will be broadcast and where they will be scheduled.

There is provision for government departments to approach broadcasters to relay official messages or information films about issues which involve a degree of public or political controversy. Any such approach must be referred through Controller Editorial Policy and Chief Executives to the Director-General. Such material will normally be accepted only if the BBC is satisfied that the public interest requires this type of initiative and that the information can be conveyed in a manner consistent with the BBC's commitment to accurate, thorough and balanced treatment.

CHAPTER 27

ON- AIR REFERENCES TO BBC PRODUCTS, SERVICES AND PUBLICATIONS

1 GENERAL

2 TRAILS

3 BBC MAGAZINES

3.2 Mentions of magazines within programmes

3.3 Events organised by BBC Magazines

4 BBC MAGAZINES: REFERENCES ON RADIO AND ONLINE

5 COMPETITIONS RUN IN ASSOCIATION WITH BBC MAGAZINES

6 ON AIR REFERENCES TO OTHER BBC MERCHANDISE

6.1 Local Radio Campaigns

6.2 Online

7 CEEFAX AND DIGITAL TEXT SERVICES

8 REFERENCES TO BBC COMMERCIAL TELEVISION CHANNELS

9 COMMERCIALY FUNDED BBC ONLINE SITES

1 INFORMATION FROM OUTSIDE SOURCES

BBC programmes use a considerable amount of information supplied by others, including commercial and non-commercial organisations. Examples include weather reports, sports results, exchange rates, and pop charts. News bulletins also draw on information provided by reputable news agencies.

Much of this information, including news agency copy, is paid for. However, when it is provided free particular care has to be taken to ensure that the BBC does not promote the supplier.

Care should also be taken that the supplier of the information does not make improper use of its relationship with the BBC for promotional purposes. The BBC must have right of approval over any use of the BBC's name in the supplier's promotional material.

1.1 Varying the sources of outside information

In some cases we rely on a single source for a particular type of information. For example a programme might include financial information supplied by a particular bank. Where practicable we should vary the source of such information over time if there are other suppliers which are equally reliable.

However, in the case of information supplied by official departments or local authorities, it may not be necessary to vary the source, even if equally accurate information is available elsewhere.

1.2 Crediting outside information

It is often appropriate to state the source of outside information for sound editorial reasons:

- to enable the viewer or listener to assess its authority, or accuracy. For example we would name organisations which have conducted opinion polls or we would say that we have obtained weather information from the Met Office
- to indicate that this is information which is unique to one supplier and cannot be obtained elsewhere
- to make it clear that the BBC has not verified the information. We might name a news agency as a source if we were relying solely on a report from one agency.

The decision on whether to mention the source or to give a formal credit, such as a caption or an announcement, must be made on editorial grounds. We must not accept information free or at reduced cost in return for providing on air or off air publicity to the supplier. All references to the suppliers of information must be brief, factual and non promotional. There must be no element of plugging. No logo of an information provider should appear in any visual credit. Television producers should also refer to BBC Television guidelines for opening and closing screen credits.

There may be occasions when the BBC decides to enter into a formal contractual agreement with an information supplier. This agreement may include a provision that the BBC will reflect the source of the information. Any formal agreement about credits should be made for editorial rather than commercial reasons. Arrangements of this kind should be made only with the approval of the relevant Director or Chief Executive.

(See also Chapter 25: Product Prominence and Use of Free or Reduced Cost Facilities)

1.3 Crediting a recognised library, archive or research institute

Occasionally it may be appropriate to credit outside institutions, such as libraries, which have provided information or considerable research assistance. Decisions about credits should be separate from any financial arrangements.

1.4 Computer credits in sports coverage

Guidelines have been agreed among members of the European Broadcasting Union for credits given to companies which provide timing or computer-based services for sports coverage (see also Chapter 28 Covering Outside Events).

2 RECORDINGS SUPPLIED BY OTHERS

Many BBC programmes use pictures or sound recorded and provided by other organisations or individuals. We cannot always vouch for the circumstances under which such material was recorded so we should take particular care in how we use it.

In many cases material is supplied by other reputable broadcasters or agencies on a contractual or reciprocal basis. If it is provided by people who may have a personal or professional interest in its subject matter we must be certain we are using it for the best editorial reasons and avoid giving the impression that we endorse a product, organisation or cause. In general material supplied by interested parties should be labelled to make its provenance clear.

Programme makers should assess the overall editorial value of such material rather than simply its pictorial impact. Video from the emergency services may raise serious issues of privacy and intrusion - for instance where victims or patients are concerned.

Programme makers may be asked to sign contracts before being given such material, and they may contain unacceptable editorial restrictions. Seek advice through Heads of Department, from Editorial Policy and Programme Legal Advice before agreeing.

For guidance on use of CCTV footage see section 6 of Chapter 4: Privacy.

3 VIDEO OR AUDIO NEWS RELEASES

Increasingly, official bodies, commercial companies and campaigning organisations provide broadcasters with video or audio news releases or other material. Sometimes the material will have been recorded by the organisation itself, sometimes by others acting on their behalf. Such material may purport to cover stories from an objective standpoint, but is usually slanted to promote the viewpoint of the supplier. We do not normally use any extracts from such releases if we are capable of gathering the material ourselves. If we do use such material for sound editorial reasons we should always ensure that it is clearly labelled on air.

The following points should also be borne in mind:

- we should not normally use video or audio releases of news events or news conferences from which the BBC has been deliberately excluded by the organisers. If, in exceptional cases, such material is used, its source and status should be made clear on air, as should the fact that we were prevented from gathering it ourselves
- we should not normally use any interviews or sound clips from such releases. When there are powerful reasons to do so the source of the material must be made clear on air
- we must be wary of using a News Release to illustrate a story about the organisation which provided it, particularly if it gives an unrealistic or overly favourable impression of the organisation. We should normally use such material only to illustrate the way in which the company or organisation is promoting itself
- sequences which include incidental music or commentary provided by the supplier should be used only to show how the company or organisation tries to portray itself

- if we use any Video News Release material to illustrate a more general story, we must try to select shots which do not promote the supplier or their products. We should try to use it in conjunction with other illustrative material
- we should not accept any editorial restrictions which the supplier places on use of the material.

4 EMERGENCY ANNOUNCEMENTS

Requests are sometimes received from British or foreign governments or from official bodies for the broadcast of emergency announcements. The BBC gives careful consideration to such requests in the light of the emergency in question. Local Radio should be especially ready to assist the police and other official bodies in informing the local community about serious accidents and emergencies.

4.1 Police SOS Messages

From time to time, BBC Radio will broadcast police SOS messages. These messages must adhere to strict guidelines: reference should be made to the Head of Presentation, Radio.

5 GOVERNMENT INFORMATION FILMS AND OFFICIAL MESSAGES

The Central Office of Information makes films for broadcast on television. The BBC will broadcast only genuinely non-political public information under these arrangements. Broadcasting and Presentation decides which films will be broadcast and where they will be scheduled.

There is provision for government departments to approach broadcasters to relay official messages or information films about issues which involve a degree of public or political controversy. Any such approach must be referred through Controller Editorial Policy and Chief Executives to the Director-General. Such material will normally be accepted only if the BBC is satisfied that the public interest requires this type of initiative and that the information can be conveyed in a manner consistent with the BBC's commitment to accurate, thorough and balanced treatment.

CHAPTER 28 COVERING OUTSIDE EVENTS

1 GENERAL

2 COVERAGE OF SPONSORED EVENTS

2.1 Titles

2.2 Placards carrying the name, logo, or slogans of the sponsor

2.3 On-air credits for sponsors of events

2.4 Presentations

2.5 Credits for sports events

2.6 Tobacco Sponsorship

2.7 Events organised by outside organisations and sponsored by BBC Magazines

3 ADVERTISING AT OUTSIDE EVENTS

4 ADVERTISEMENTS ON CLOTHING AND BACKDROPS

5 RELATIONS WITH EVENT ORGANISERS

6 PROMOTION OF NON-BBC EVENTS

7 BBC ORGANISED EVENTS

7.1 Performance Based BBC Events

7.2 Detailed Provisions for Organising Co-sponsored BBC Events or Exhibitions

7.3 Promotions by event sponsors

7.4 Joint debates and forums

7.5 Coverage of events organised by BBC Magazines

7.6 Programme related events

8 ON AIR PUBLICITY FOR OUTSIDE EVENTS

1 GENERAL

The BBC covers a wide range of outside public events, such as sporting events and concerts. All programme and broadcasting costs for coverage of any event must be borne by the BBC or shared with other broadcasters.

The event organiser may pay for all costs associated with the mounting of the event, including performance rights and fees. The costs for mounting the event may be defrayed by sponsorship but sponsors and event organisers must not pay for any programme costs. The BBC can take no money from a sponsor or organiser for coverage of an outside event.

The BBC has a tradition of mounting public events in the arts and mounting events associated with programmes. For guidance see section 7 below.

2 COVERAGE OF SPONSORED EVENTS

When covering sponsored events, programme makers should ascertain whether the event is free-standing. Events we cover should not be created by a sponsor merely to attract broadcast coverage. The BBC should not allow its coverage to be used as a vehicle for the sponsors' goods, services or opinions. Producers must never agree to display or mention the sponsor's goods or services.

The BBC's contract for the broadcasting of all outside sponsored events should be with the event organiser or the organiser's nominee, not with the sponsor.

2.1 Titles

The incorporation of the sponsor's name into the title of some sporting events has become established, but the BBC does not necessarily use the sponsor's name in the title of the programme covering the event. Sponsors' names are not as frequently incorporated into the titles of artistic events and their use in programme titles may be inappropriate.

2.2 Placards carrying the name, logo, or slogans of the sponsor

Sponsor banners or placards are established features of sporting events, and reflections of sponsor messages painted on the pitch are also now being frequently used. Sponsor messages should not be so prominent that they distract from the action of the event and they should not be placed between the viewer and the action. The number and type of banners acceptable will depend on the event and the size of the venue. Detailed guidance can be obtained from the Head of BBC Sport, the Controller Television Sport or the relevant National Controller.

Banners and prominent sponsor messages are not common in the more formal environment of theatres or concert halls and are unlikely to be appropriate during the coverage of arts events, such as concerts or recitals.

In covering an awards ceremony, some discreet signage for the sponsor may be acceptable, but all reasonable efforts must be taken to ensure that it is not to be included in the main shots. When covering such award ceremonies producers should refer to their Head of Department, who would normally consult Chief Adviser, Editorial Policy (Multimedia and Commercial).

2.3 On-air credits for sponsors of events

The BBC seeks to credit fairly the enabling role played by event sponsors. It is essential that any credits make it clear that it is the event that has been sponsored and not the programme. All decisions on credits rest with the BBC. Normally only the prime sponsor will be credited, but there are some occasions when more than one sponsor may be acknowledged. Crediting more than two sponsors should be avoided.

There should normally be a maximum of two verbal credits for the overall event sponsor and they should be delivered in a non-promotional style. When coverage lasts for many hours, the Head of Department will decide on appropriate verbal credits.

On television there may also be a single visual reference in end credits. The event sponsor's logo should not be used. Written credits must appear in the same style and type as other programme credits. Credits should always be agreed with the Head of the Department responsible for coverage.

When covering events outside the sports area, television producers should refer through their Head of Department before making any commitments concerning credits.

2.4 Presentations

The presentation of an award by someone associated with the sponsor is an accepted part of many sporting competitions and artistic award ceremonies. The BBC should endeavour as far as possible to limit the number of sponsor references during such presentations. Normally there should be only one mention of the sponsor in the introduction to the presentation and if possible the person presenting the award should be asked to restrict themselves to a single reference to the sponsor. If the design of the award or trophy itself prominently reflects the sponsor's name, slogans or logo care should be taken to ensure that it does not dominate main shots.

2.5 Credits for sports events

Television Coverage

As the sponsor's name is often reflected visually at a sports ground, a written end credit is not usually given for sports coverage. However, if a sponsor's name is incorporated into the title of a sports event, it is acceptable to include the name of the sponsor on the scorecard or results information.

The suitability of credits will vary according to the type and duration of the event. Some major international sporting events may require specific types of credits. Advice may be obtained from the Head of BBC Sport or the Controller Television Sport.

Television News

Event sponsors should be mentioned only for sound editorial reasons. Detailed guidelines for sports events are available from the Sports News Organiser, Television News.

Radio Credits

Detailed guidelines have been drawn up for sponsor credits for sports coverage on Network Radio and for mentions of sponsors in news bulletins. These guidelines are available from the Managing Editor, BBC Sport.

Computer Credits

Guidelines have been agreed among members of the European Broadcasting Union for broadcasting credits to be given to companies which provide timing or computer-based services for sports coverage. Both radio and television editors should take care to restrict these credits as far as is reasonably possible within the terms of the relevant agreements.

2.6 Tobacco Sponsorship

A number of major sports events are sponsored by tobacco companies. Particular care must be taken in the coverage of such events.

Coverage of tobacco sponsored sports events in the United Kingdom is subject to official regulation. However, the BBC has its own more stringent restrictions on coverage of sport sponsored by tobacco companies in the UK and retains the right to impose further conditions. The BBC will not sign new contracts to cover tobacco-sponsored sports or other tobacco sponsored events which it has not previously covered.

Programme makers wishing to cover a sports event which attracts a significant degree of tobacco sponsorship should consult Head of BBC Sport or Controller Television Sport about any further BBC restrictions.

Stills in News and Current Affairs Programmes

When selecting stills, care should be taken to try to minimise tobacco images. For example, when selecting stills of Formula One racing drivers to illustrate a general point, if possible pictures should be used from races in countries where cars and drivers' clothing are not permitted to carry tobacco sponsors' names.

Non-Sporting Events Sponsored by Tobacco Manufacturers

Tobacco sponsorship is less frequent for arts events decisions about coverage are made on an individual basis. Any proposed coverage of a non-sporting tobacco sponsored event should be referred to the Head of Department and the relevant Controller. Advice should also be sought from Chief Adviser (Multimedia and Commercial) Editorial Policy.

Events sponsored by tobacco related brands

Some tobacco brand names, have been used for non – tobacco products. **Any proposal to mount coverage of an event sponsored by a tobacco related brand should be referred to the Chief Adviser Editorial Policy (Multimedia and Commercial).**

2.7 Events organised by outside organisations and sponsored by BBC Magazines

There are particular restrictions on references on television to BBC magazines.

In exceptional circumstances a BBC magazine may sponsor an established outside event mounted by a non - BBC organisation. In such circumstances it may be possible to mention the magazine's role as sponsor but any coverage must not give more prominence to the BBC magazine than that given to other sponsors of similar events (see sections 2.2 – 2.5 above). **Since the BBC must ensure compliance with its undertaking to the OFT, Chief Adviser Editorial Policy (Multimedia and Commercial) must be consulted about any such sponsorship at a very early stage before any commitment is made. Reference should also be made to Chief Adviser about proposals for sponsorship by any other type of BBC commercial publication or service.**

For guidance on coverage of an event which has been directly staged by a BBC magazine see section 7.3 below.

3 ADVERTISING AT OUTSIDE EVENTS

There are often advertising boards at outdoor events. In negotiating contracts with event organisers the BBC must stress that it does not wish coverage of sport or any other event to be used as a vehicle for advertising. Advertising of a party political nature is unacceptable at any event covered by the BBC, and this should be made clear to events organisers.

Producers responsible for coverage should make every effort to ensure that the advertising does not interfere with the action of the event. Cameras should follow the action and not dwell on any perimeter or billboard advertisements

Advertisements painted onto the pitch can severely interfere with the viewing of the event, where ever possible cameras should not dwell on them (see also 2.2 above). In negotiating contracts with event organisers, the BBC should seek to restrict any such advertisement.

Further advice may be obtained from the relevant Head of Department, Controller Television Sport or the relevant Controller.

4 ADVERTISEMENTS ON CLOTHING AND BACKDROPS

Sponsorship now forms such an integral part of sport that in some cases it is impossible to avoid showing some reflection of sponsors on clothing or on backdrops at press facilities.

However, the BBC should try to avoid giving undue prominence to sponsors' or advertisers signage. Close-ups of advertisements on the clothing of participants should be avoided where at all possible.

5 RELATIONS WITH EVENT ORGANISERS

Even when events are not sponsored, the BBC may need to take care to ensure that coverage does not unduly promote the event organiser. For example events organised by pressure groups or charities should be treated carefully.

There must be no suggestion that BBC coverage of the event is an endorsement of one charity over another. BBC coverage should not be used as a method of direct fundraising except for BBC nominated appeals such as Children in Need and Comic Relief. The BBC reserves the right not to include the name of a charity in the title of the broadcast programme. Any such proposal should be referred to the Department Head and the Charity Appeals Secretary, advice may also be sought from Chief Adviser, Editorial Policy (Multimedia and Commercial). See also Chapter 30: Social Action Programming, Campaigning Groups and Charities.

6 PROMOTION OF NON-BBC EVENTS

Sponsors or events organisers may run promotions or advertising campaigns to publicise an event which the BBC is covering. This may well give details of the BBC's scheduled coverage. Such advertising should not exploit the BBC's name in support of the event organiser or the sponsor. If this happens, the BBC may decide to withdraw from coverage.

7 BBC ORGANISED EVENTS

The BBC may be involved in staging several types of event.

These include events mounted primarily for programme coverage, such as concerts. In general these events are organised by production departments.

The BBC may also be involved in staging events such as exhibitions which are a showcase for BBC brands. These events are usually mounted by BBC Worldwide. Even when these events or exhibitions are not covered by BBC broadcast services, they still need to conform to these guidelines. The event must properly reflect the values and editorial standards of the programme or service that it is promoting. If these events are mounted in conjunction with a BBC magazine it is essential that any coverage conforms to the BBC's undertaking to the Office of Fair Trading (see section 7.5 below).

See also the BBC's Commercial Policy Guidelines sections 4.29-4.34.

7.1 Performance Based BBC Events

In its role as patron of the arts and of innovative and original entertainment, the BBC may wish to mount a range of freestanding musical, theatrical and other events. These freestanding performances are staged at outside venues with an audience. The BBC may also wish to broadcast coverage of these events. In some circumstances it is acceptable to supplement the cost of mounting the event, but only the event, with co-sponsorship from a suitable outside body.

It is essential that money from the co-sponsor is used only to enhance the event itself and no sponsorship money may be used to pay for any broadcast coverage. Clearly separated accounts must be kept to show the distinction between event costs and broadcasting costs. No money from the co-sponsor may go into the programme budget.

The contractual and commercial arrangements must not lead to any suggestion that the BBC's broadcast programmes have been sponsored.

It is essential that the choice of co-sponsor is appropriate. Any proposal for co-sponsorship should be agreed with the Head of Department in consultation with the Chief Adviser Editorial Policy (Multimedia and Commercial). See also detailed provisions in section 7.2 below and section 2.3 concerning on air credits.

7.2 Detailed Provisions for Organising Co-sponsored BBC Events or Exhibitions

The following guidelines should be observed for the staging of any a BBC event or exhibition. They apply to all such events irrespective of whether they are likely to be covered on air by the BBC.

- the BBC should not enter into a sponsorship arrangement with any partner whose commercial activities could call the suitability of the association into question
- any commercial sponsorship should normally be associated with the company or organisation's generic name or brand. We would not normally accept sponsorship directly tied to one specific product made by the sponsor
- any organisation involved in organising or financing the event must be consistent with the overall values and reputation of the BBC and the choice of sponsor should not cast any doubt over the editorial integrity of any associated programme

- there should be no direct connection between the sponsor's activities and the event theme or that of a related programme or service
- there must be no suggestion either implicit or explicit, that the BBC or a BBC programme endorses any third party products or services
- there must be clear separation between the sponsor's brand and the BBC brand, sub brand or programme brand
- it is not acceptable for the sponsor's name, logo or slogan to appear in the title of the BBC event
- any broadcast event held on BBC premises may not be sponsored
- events connected with news or current affairs programmes may not be sponsored
- events based on consumer advice programmes dealing with a range of topics may not be sponsored

Any proposal for outside sponsorship of a BBC event should be referred well in advance to the Chief Adviser Editorial Policy (Multimedia and Commercial) who will advise on suitability of sponsors and appropriate arrangements. The Commercial Policy directorate representative should also be consulted for events involving BBC Worldwide.

Arrangements and credits for sponsored events must be agreed with the Head of Department and all publicity material for the event must be approved by the BBC before it is published.

7.3 Promotions by event sponsors

Care must be taken to ensure that sponsors do not use their sponsorship to imply any BBC endorsement. While sponsors may wish to publicise the event the BBC must approve all such publicity material in advance. The material should always focus on the event rather than the sponsor's involvement. There must be clear separation of brands and it must be clear that the BBC does not endorse the sponsor's brand, product or service.

7.4 Joint debates and forums

Occasionally programmes may wish to organise an event such as a debate or forum in conjunction with an outside body. Such a debate or forum may be mounted with an academic, educational, professional or artistic institution. They should not be mounted in conjunction with a commercial organisation, though in exceptional circumstances for clear editorial reasons they may be mounted with a suitable publication. The choice of partners for the mounting of any such joint event should be referred to Editorial Policy and approved by the relevant Director of Television or Radio or equivalent.

See also Chapter 24: Commercial Relationships and Appropriate Programme Funding.

7.5 Coverage of events organised by BBC Magazines

If programmes cover a BBC event which is mounted in conjunction with a BBC magazine, great care has to be taken to ensure that any coverage does not promote the magazine or could be deemed an encouragement to buy the magazine. Such an event must be covered only for

editorially robust reasons. References to the magazine should be avoided as far as possible and producers should avoid shots of magazine logos. Cameras should not dwell on any other symbols or words on display which clearly represent the magazine. Live coverage of events should be planned to advance to minimise the risk of incidental shots showing placards or symbols carrying magazine logos.

Coverage of such events must comply with the OFT undertaking about promotion of BBC magazines and the Chief Adviser, Editorial Policy (Multimedia and Commercial) must be consulted about coverage in advance (see also Chapter 27: On-air References to BBC Products, Services and Publications).

Careful consideration should be given to covering directly comparable events mounted by others to ensure that we are not giving preferential treatment to BBC commercial events.

7.6 Programme related events

BBC Worldwide may run events connected to individual BBC programmes. Programme producers should ensure that any on-air mention of the event is clearly editorially justifiable. While programmes may legitimately cover such BBC events and give details of them, such coverage should not put a BBC commercial event at an unfair advantage over a commercial rival.

8 ON AIR PUBLICITY FOR OUTSIDE EVENTS

Care must be taken when giving any information in programmes about events organised by the BBC or other bodies. Information should be editorially justified and non promotional.

Continuity announcements will not normally carry information about events apart from giving details of the BBC's on air coverage. However, some details may be given in continuity announcements about special public service events run by the BBC.

CHAPTER 29

ADVERTISING, PROMOTIONAL ACTIVITIES AND THE BBC BRAND

1 GENERAL

2 PROTECTING THE BBC'S BRANDS AND PROPERTIES FROM EXPLOITATION BY ADVERTISERS

3 PROMOTIONAL ACTIVITIES UNDERTAKEN BY INDIVIDUALS ASSOCIATED WITH THE BBC

3.1 Promotions undertaken by presenters, reporters or programme experts

3.2 Promotional activities undertaken by artists

3.3 Artists who perform as BBC owned characters in programmes

3.4 Artists and producers who own rights to characters and formats in programmes broadcast by the BBC

1 GENERAL

The BBC needs to ensure that outside interests and commercial companies do not undermine its brand values of impartiality and integrity. It is therefore essential that no advertising or promotion by an outside company or organisation gives the impression of BBC endorsement of their product or service.

In many cases we can and should take action to prevent exploitation by advertisers of the BBC brand and BBC properties such as programme titles, formats and characters. In other cases careful judgements need to be made about how far we can restrict the activities of artists and performers. The lawyers in the BBC's Intellectual Property department can advise on the BBC's legal position in relation to any advertising. See also Chapter 4 of the Commercial Policy Guidelines.

2 PROTECTING THE BBC'S BRANDS AND PROPERTIES FROM EXPLOITATION BY ADVERTISERS

The BBC will not normally agree to its name, initials, logos, channel names, programme titles, formats or characters being used by commercial advertisers or in any promotions for outside organisations.

Some very limited exceptions may be permitted for testimonials and point of sale material for goods or services used, tested or reviewed by the BBC (see BBC Commercial Policy Guidelines Chapter 4 sections 25 – 27).

Any other proposed exceptions must be referred to Controller, Editorial Policy who will consult Chief Executive, BBC Broadcast.

3 PROMOTIONAL ACTIVITIES UNDERTAKEN BY INDIVIDUALS ASSOCIATED WITH THE BBC

Presenters, programme experts, actors and other artists who appear on BBC programmes may of course wish to undertake non-BBC advertising or promotional work.

But the acceptability of this work to the BBC will depend the nature of the individual's contribution to BBC programmes and the nature of the promotion. Heads of Department will initially make judgements about the acceptability of any promotional work in line with the principles set out in this chapter and the guidelines set out in Chapter 10: Conflicts of Interest. In cases of difficulty Editorial Policy and BBC Broadcast or BBC News management should be consulted.

However if individuals do appear in promotions or adverts it is essential that they do not refer to the BBC or any BBC programmes in which they appear

3.1 Promotions undertaken by presenters, reporters or programme experts

Regular presenters or reporters in News must not associate themselves with the advertising, promotion or endorsement of **any** non BBC product, service or company.

Presenters or reporters on other BBC programmes should not undertake advertising or promotional work associated with the subjects of any of the programmes in which they appear.

Care should also be taken to ensure that expert contributors to programmes do not undertake promotional work that might give rise to doubts about their objectivity or compromise the programmes in which they appear. They may be able to endorse products that are not connected to the theme of their BBC programmes, but expert contributors who give consumer advice must under no circumstances advertise or endorse products in the area on which they give advice.

For further detailed guidance it is essential to consult section 5 and 6 of Chapter 10: Conflicts of Interest.

3.2 Promotional activities undertaken by artists

In certain cases the commercial value an artist can derive arises largely from the prominence achieved from their connection with BBC programmes. We must ensure that these associations are not exploited inappropriately.

Some artists who appear in BBC programmes carry out advertising and promotional activities for non BBC products in addition to their BBC commitments. It is a fundamental requirement that such outside work must pose no risk to the BBC's reputation. Such activities must not suggest BBC endorsement of outside organisations, products or services (see also Chapter 10: Conflicts of Interest).

Before contracting artists and experts there must be comprehensive and open discussions to establish what, if any, commercial work they are committed to, or are considering, to avert the risk of editorial compromise.

3.3 Artists who perform as BBC owned characters in programmes

Where the BBC owns the rights to characters, we ensure that the artists who play them do not undertake, in those roles, any advertising or promotional activity which may suggest an association between them, the BBC and the programmes in which they appear. The standard Equity contract stipulates that the artist should not appear in an advert or promotion which associates them with "their" character without the written permission of the BBC.

However, we do not wish to prevent professional performers from carrying out commercial work outside their commitments to BBC programmes. It may therefore be acceptable for actors and professional performers to appear in promotions or advertisements for products or services providing they do not appear as 'their' BBC character and the advertisements or promotions do not replicate or reflect BBC programmes. Such work must not bring the BBC into disrepute and should not imply BBC endorsement.

3.4 Artists and producers who own rights to characters and formats in programmes broadcast by the BBC

In some cases, particularly in entertainment, the artists own the rights to characters they perform in programmes, or these rights are held by someone outside the BBC; independent production companies may also own the rights to characters and formats that are used for BBC programmes. Advertisers may seek to use such characters and formats in promotional campaigns and in such cases we would ask to be consulted. It should be clear that such commercial activities associated with these characters must exclude anything which might be harmful to the BBC or its reputation; for example, advertisements or promotions for tobacco. Similarly, we ask them to avoid involvement in any television advertisements at times which coincide with the broadcasts of the related BBC programmes. We may also feel it is appropriate to offer advice on proposed advertisement scripts. In the unlikely event of the unwillingness of an artist or producer to co-operate, this may make it more difficult to contract them in future.

CHAPTER 30

SOCIAL ACTION PROGRAMMING, CAMPAIGNING GROUPS AND CHARITIES

- 1 SOCIAL ACTION PROGRAMMING
- 2 IMPARTIALITY AND SOCIAL ACTION PROGRAMMES
- 3 CAMPAIGNING GROUPS
- 4 CHARITIES AND CHARITABLE APPEALS
 - 4.1 Emergency Appeals
 - 4.2 Appeals Charter and the Charities Act
 - 4.3 Specific BBC Fundraising Projects
 - 4.4 Outside Fund Raising Events
 - 4.5 Joint Initiatives
 - 4.6 Programmes and Items about Charitable Work
 - 4.7 Fact Sheets and Further Information
 - 4.8 National and Regional Broadcasting
 - 4.9 Premium Rate Telephone Calls

1 SOCIAL ACTION PROGRAMMING

Social action programming differs from other programming in that it not only raises awareness of important social issues, but also encourages the audience to take action. Director Radio, Director Television, Director Education, the relevant National Controller or equivalent must approve plans for any social action initiative.

Social action programming covers areas of social need such as health, social welfare and adult education. Producers need to be sure that they offer adequate back-up for such programmes (see Chapter 31: Support Services and Support Material). Further guidance on support services for Social Action programmes is available from the BBC's Social Action Co-ordinator or the Head of Learning Support, Education.

2 IMPARTIALITY AND SOCIAL ACTION PROGRAMMES

Such programmes require the utmost care and the BBC must always be seen to set its own social action agenda and decide on its own priorities. Social action programming may sometimes coincide with government campaigns but it is important that we maintain a proper arms length relationship with governments and individual politicians. The BBC must not be thought to be acting on behalf of the government in any area of possible controversy. Even when the cause is non controversial politicians may try to gain advantage through association with a BBC campaign and we must guard against this. In particular we must take care to ensure that politicians and lobbyists do not use BBC programme settings or brands for political advantage.

Social action programming should maintain a sceptical approach to its subject matter and should ask awkward questions where appropriate. News and factual reporting of BBC social action campaigns needs to maintain clear objectivity.

3 CAMPAIGNING GROUPS

To protect the BBC's independence and integrity we need to ensure that we do not get involved with campaigning programming which is politically contentious. Programmes should not embrace the agenda of a particular campaign or campaigning group and we need to take great care in all our programming that we treat campaigning groups objectively. Any proposal to mount programmes in association with a particular campaigning group must be referred well in advance to the Controller, Editorial Policy.

In coverage of campaigning issues where there are several pressure groups or lobbying organisations we should be careful to remain even handed in our coverage of the range of

groups involved.

4 CHARITIES AND CHARITABLE APPEALS

The BBC broadcasts regular appeals for charitable causes on BBC Television and Radio 4. The responsibility for allocating these appeals rests with the BBC Governors and the BBC Appeals Advisory Committee (AAC). The AAC also advises on general policy matters relating to BBC appeals.

The AAC is appointed by the Governors and consists of specialist external advisers who represent a broad range of interests across the charitable field. The AAC aims to spread appeals as widely and equitably as possible among suitable charities and makes recommendations to the Governors on the allocation of appeals. Detailed guidelines concerning the broadcast appeals are available from the Appeals Secretary.

There are also charity appeals in Northern Ireland, Scotland and Wales which are allocated by Appeals Advisory Committees in the Nations (see section 4.8 below on National and Regional Broadcasting).

When serious emergencies occur, there is a special approval procedure for any emergency broadcast appeal (see section 4.1 below on Emergency Appeals.) In addition the BBC is involved in specific fund-raising projects such as *Children in Need* and *Comic Relief* which are also subject to scrutiny by the AAC and the BBC Governors. BBC programmes made as part of such fund-raising projects should take care to avoid campaigning on controversial areas of public policy.

Apart from these specific BBC wide fund-raising projects, programmes should not endorse particular charities or make any appeal for funds. It is important that programmes do not give any particular charity an advantage over others and do not distort the careful balance which the AAC seeks to achieve in regular appeals. The BBC should normally avoid programme proposals intended to promote charitable causes. See section 4.5 below on Joint Initiatives.

4.1 Emergency Appeals

The BBC may decide to broadcast a special appeal when a serious emergency occurs. Requests for emergency appeals must be made through the BBC Secretary. Such appeals need to be approved by the Chairman on behalf of the Board of Governors. Emergency appeals are usually also broadcast by other broadcasters. If the emergency is in the United Kingdom, a public fund must have been set up to meet the needs of the victims. Appeals for emergencies abroad are normally given on behalf of the United Kingdom Disasters Emergency Committee, which is composed of U.K. charities involved in overseas relief work.

Any proposal to use a BBC journalist to present an international, national or regional emergency appeal must be considered with great care at a senior level to ensure that the objectivity of our journalism is not compromised.

4.2 Appeals Charter and the Charities Act

The BBC and ITV, together with others involved in broadcast appeals, have drawn up a charter of good practice for television and radio appeals. This takes account of the requirements of the Charities Act (1992). Copies of the charter can be obtained from Broadcasting Support Services. Local radio producers can obtain further specific guidelines from the Directorate Secretary, National and Regional Broadcasting. In Northern Ireland,

Wales and Scotland advice can be obtained from The Secretary.

4.3 Specific BBC Fundraising Projects

Separate guidelines exist for the BBC Children in Need appeal. Copies of the guidelines and further advice can be obtained from the Director, Children in Need and the relevant Directorate representative. In the Nations these guidelines are available from the Children in Need Trust National Co-ordinator.

Advice on coverage of other BBC wide fundraising projects such as Red Nose Appeal should be sought from Editorial Policy.

4.4 Outside Fund Raising Events

Any proposal to give broadcast coverage to an outside fund-raising event, such as a major charity pop concert, must be notified to the Appeals Secretary at an early stage. In the Nations, The Secretary must be notified. The BBC may appear to be associated with the cause concerned and the implications may need to be discussed with the AAC or its Chair. Producers should also refer to Editorial Policy for advice on the nature of any on-air coverage (see also section 5 Relations with Event Organisers in Chapter 28: Covering Outside Events).

4.5 Joint Initiatives

There is a danger that the BBC's balanced approach may be distorted by programmes launching campaigns or aligning themselves with specific charities. In exceptional circumstances directorates may decide to schedule programmes which are connected to a campaign, but the decision to schedule such programmes must be made at Director or Chief Executive level. A proper balance must be struck between competing charities and causes. Advice should be sought at an early stage from the Appeals Secretary or The Secretary in the Nations.

4.6 Programmes and Items about Charitable Work

None of the BBC's news outlets, whether international, national or regional, should associate themselves with direct appeals on behalf of a charity. News programmes must be perceived as objective and should not be involved in any campaigning or fund-raising activity. The fact that an Emergency Appeal is to be broadcast may be judged newsworthy enough to be reported in a news programme, but the programme should not itself make or endorse the appeal.

If a news report is likely to produce a large public response from people wishing to give donations, the BBC Information Office should be alerted so that it can provide the name and address of the charity concerned.

Documentary or magazine programmes which feature a charity or charitable venture should take care to treat the subject objectively and must avoid any direct or indirect appeal for funds. Any discussion of the charity's financial needs or targets must be justified strictly on editorial grounds. Care should be taken not to promote one charity when there are also others working in the same field. BBC dramas should also not appear to endorse any charity or charity appeal.

Programmes concerned with a range of issues from medical problems to wildlife may also draw on the expertise of charities but they should draw on as wide a range of expertise as possible and not endorse any particular charity.

On-air references to charities should be given only for clear editorial reasons. Addresses or telephone numbers should not normally be given. Any references to charities in programme credits should be cleared with the Appeals Secretary, or The Secretary in the Nations and where appropriate with Broadcasting and Presentation.

If unsolicited donations are sent to the BBC as a result of a programme, they should be acknowledged and passed on to the appropriate charity, or if this is not feasible returned to the sender.

4.7 Fact Sheets and Further Information

Domestic Services

If a fact sheet or literature is produced in association with a programme, we should not normally distribute it through any particular charity. Normally it should be distributed by the BBC. If any charity is mentioned on the fact sheet, all other significant organisations working in the field should also be listed.

Advice on support material, helplines and other support activities which may involve charities can be obtained through Heads of Department from the Appeals Secretary or The Secretary in the Nations. See Chapter 31: Support Services and Support Material.

A number of local radio stations organise back-up services in conjunction with Community Service Volunteers. Advice on suitable partnership arrangements with CSV can be obtained from National and Regional Broadcasting.

BBC World Service and BBC Worldwide Television

To enable efficient distribution abroad, fact sheets and support material for World Service Radio programmes and Worldwide Television programmes may be distributed via appropriate charities, non-governmental agencies or other international agencies. Advice on this should be sought from Directorate Secretary, World Service or Head of Programming, International Networks, BBC Worldwide.

4.8 National and Regional Broadcasting

The Nations have a number of scheduled appeals on television and radio for nationally and regionally based charities. Appeals Advisory Committees in Northern Ireland, Scotland and Wales allocate these appeals and scrutinise arrangements. The Secretary in each Nation is responsible for the administration of the relevant AAC.

There must be no charity appeals in any national or regional news programmes on radio or television. From time to time other national and regional television or radio programmes may wish to be associated with a charitable initiative or emergency appeal which is of specific relevance to the Nation or Region. In the Nations, The Secretary should be consulted in advance. Any such proposal in the English regions should be notified in advance to National and Regional Broadcasting which will notify the Appeals Secretary. The Chair of the AAC may also be consulted.

Local radio stations are sometimes involved with appeals and other initiatives connected with charities at a local level. This is part of their involvement in the community, but producers must take care to ensure that appeals are never broadcast as part of the news output of stations. The guidelines in this chapter apply to all such activities. There are also further specific guidelines for National and Regional Broadcasting.

Local Radio Advisory Councils have been given formal responsibility by the Board of Governors to advise stations on appeals and in some cases charitable trusts have been established to handle appeals. However, any major appeal or charitable initiative planned by a local radio station must be notified to the Director National and Regional Broadcasting before it is undertaken. The Appeals Secretary and the Chair of the AAC will be consulted if necessary.

4.9 Premium Rate Telephone Calls

Normally the BBC avoids using premium rate telephone lines in connection with any fundraising activity with which it is directly involved. However, there may be occasions when programmes using premium rate calls for votes or competitions may wish to donate any net revenue to charity. Such donations are controlled by the Charities Act 1992. Heads of Department should consult Editorial Policy about the suitability of any arrangements. (For more advice on premium telephone lines, see Chapter 32: Phone-ins and the Use of Telephone Services in Programmes)

CHAPTER 31

PROGRAMME SUPPORT SERVICES AND SUPPORT MATERIAL

- 1 GENERAL
- 2 COPING WITH DEMAND
- 3 HELPLINES AND BBC AUDIENCE LINES
 - 3.1 Audience Feedback and Confidentiality
- 4 AUTOMATED INFORMATION SERVICES
- 5 FACTSHEETS AND BOOKLETS
- 6 FUNDING FOR SUPPORT SERVICES
- 7 OUTSIDE FUNDING FOR PROGRAMME SUPPORT SERVICES
- 8 CREDITS FOR SUPPORT MATERIAL
- 9 JOINT INITIATIVES
- 10 DISTRIBUTION OF SUPPORT MATERIAL
- 11 TRAILS
- 12 ONLINE SERVICES
- 13 ITC REGULATED SERVICES

1 GENERAL

The BBC offers a range of off-air support services for its programmes. These give viewers and listeners the opportunity to extend their knowledge, enjoyment and understanding of BBC programmes and offer advice and support to them in dealing with issues raised in our output.

The range of support services available includes fact sheets, helplines, information lines, booklets, audiotapes and videos, information on Ceefax, CD Roms, information on the Internet and off-air events such as roadshows.

Support services may be offered free or on a cost recovery basis. They must not be designed to make a profit. Any publication or service designed to make a profit is a commercial venture and is subject to the BBC's Commercial Policy Guidelines.

Though support services provide a useful backup, it is important to remember that only a small proportion of the audience takes advantage of such services. Producers should ensure that the programmes are meaningful and enjoyable by themselves. Producers must avoid getting involved in the provision of support services which are not directly linked to particular programmes.

BBC support services should not promote any particular agency, charity or organisation and they should not carry advertisements for any merchandise supplied by any organisation or company. Where possible we should give details of the range of agencies which may offer help or advice. If information is given about products we should give a range of comparable products and not promote any manufacturer or supplier.

2 COPING WITH DEMAND

Support services should only be offered if we are confident that we can cope with the likely demand – whether in print, on the phone or via e-mail. This is particularly important if we offer a telephone helpline after a sensitive programme. There must be sufficient telephone capacity and a sufficient number of trained staff or trained volunteers to offer a high quality service to viewers or listeners. Early planning is vital.

3 HELPLINES AND BBC AUDIENCE LINES

A telephone helpline staffed by trained people can provide information or support concerning issues raised by BBC programmes or it may refer callers to suitable advice agencies. When a programme has dealt with distressing issues, helpline staff can provide support or advice on obtaining counselling. In other cases a helpline may offer factual information about the issues discussed in the programme and give advice on where further information can be obtained. It is essential that all the information provided is impartial and objective and gives details of a wide range of agencies, charities and statutory organisations. No agency should be promoted at the expense of others.

BBC Audience Lines provides helplines and action lines for Radio, National and Regional Broadcasting and Learning Support. Other areas may use BBC Audience Lines or other service providers. Care must be taken to ensure that any outside agency which runs a helpline is capable of providing an objective, high quality service. Heads of Department should seek advice from the Head of Learning Support or Editorial Policy.

We do not generally trail helplines run by charities or pressure groups though it may be appropriate to do so in cases where one group, such as The Samaritans, offers a particular service. Any proposal to trail a helpline provided by an outside organisation or charity should be referred to Editorial Policy.

Helplines are usually offered on freephone numbers. **Premium rate lines must never be used for helplines.**

Programmes should consider well in advance if helplines will be needed and budget accordingly. The use of lines should be discussed with the Head of Learning Support or the Audience Lines manager (see also Chapter 32: Phone Ins and Telephone Services in Programmes).

3.1 Audience Feedback and Confidentiality

Take-up of support services such as helplines can help the BBC to get a better picture of the needs, interests and concerns of viewers and listeners. However, there are issues concerning confidentiality if we publicise comments from particular callers or distribute details about them widely within the BBC.

In some cases callers are eager to tell their stories and are keen for them to be developed into programme items. But it is essential that we make it clear on what terms we are gathering information from people. Callers who voluntarily “opt-in” to give their story to the BBC should know what to expect.

Those organising helplines may alert programmes or programme areas to stories but they should never distribute callers’ names or telephone numbers generally throughout the BBC. Programme makers, who are interested in the story, will be required to ring Audience Lines or any other provider of the service to obtain any personal details.

4 AUTOMATED INFORMATION SERVICES

Programmes may from time to time wish to offer “dial and listen” information services. The recorded message must be simple, factual and non-promotional and directly relevant to the programme. The duration of calls should be kept to a minimum. For strong public service reasons, such lines may sometimes give information about goods or products featured on a programme, but they must not promote any commercial product, retailer or supplier. Details of how to obtain merchandise should be given only if the merchandise is not widely available. Information lines must never be used as a means of selling BBC commercial merchandise or any other commercial merchandise.

A range of telephone call rates is available including national call rates and local rates. Premium rate lines should not be used for information lines associated with social action programmes or for programmes concerned with education or welfare issues. Further advice is available from BBC Audience Lines. See also Chapter 32: Phone Ins and the Telephone Services in Programmes.

5 FACTSHEETS AND BOOKLETS

When the BBC produces fact sheets or booklets, they should offer accurate and objective information, which does not promote any particular agency, charity or other organisation. Where possible, they should give details of a range of agencies which may be able to offer help or advice. If fact sheets accompany consumer programmes all details must be given in a non-promotional manner. We should aim to include a range of comparable products.

6 FUNDING FOR SUPPORT SERVICES

Careful judgements need to be made as to whether support services should be free or charged on a cost recovery basis. If programmes wish to offer such services free, consideration must be given as to whether it is justified to use licence fee or Grant-in- Aid funds or whether financial support should be sought from outside organisations. Support services paid for principally by the Licence Fee or Grant-in- Aid must offer a genuine educational, social, cultural or other public service benefit to the target audience.

If it is decided to charge on a cost recovery basis for support services or support material, advice should be sought from the Directorate Commercial Policy representative (see also the BBC’s Commercial Policy Guidelines).

7 OUTSIDE FUNDING FOR PROGRAMME SUPPORT SERVICES

Seeking funds for support services from an outside organisation may enable programmes to offer support services free or at a reduced cost to the licence payer. However, the BBC must not accept funding from any individual or organisation whose interests or commercial activities could lead to doubt about the objectivity of the programme or the support service. Support services for news, current affairs or consumer advice programmes should not normally receive any funding from outside organisations.

Funds for support services may be sought from government departments, agencies, publicly funded bodies, charities, professional associations, certain trade associations and independent trusts. Acceptance of funds from commercial bodies must be treated with great caution. No support material may be used to promote any outside body.

If outside funding is agreed, editorial responsibility for the support material must rest entirely with the BBC.

8 CREDITS FOR SUPPORT MATERIAL

There should be no on-air credits for the outside funding organisation and no credit on any telephone line. However, print material may carry a discreet credit. If telephone support lines are sponsored, the sponsor should not normally be credited, unless there is a particularly strong editorial reason to do so. Advice may be sought from Editorial Policy. For ITC regulated services including BBC KNOWLEDGE see section 13.

9 JOINT INITIATIVES

Where particular expertise is required, the BBC may wish to offer support material or support services in conjunction with an appropriate outside body which is well respected in the field, such as a charity or educational institution. The BBC must remain editorially responsible for the broadcast programme.

But if there is joint editorial responsibility for the support material or support service, the outside body may be credited on print material. The body should only be mentioned on air if there are sound editorial reasons for an on-air reference (see also section 10 below on distribution of support material).

Sometimes we may wish to offer as support material a leaflet or booklet produced entirely by a reputable charity or agency, or a helpline may be provided by a reputable outside agency (see section 3 above). In such cases there may be strong editorial reasons for stating on air which body is responsible for the support material or helpline. Heads of Department can seek advice on this from the Head of Learning Support or Editorial Policy.

If we distribute material produced by others we must ensure that we are not unduly promoting any particular charity or agency when there are other comparable organisations working in the same field. We must not distribute material which contains appeals for money. The only exceptions to this rule are in connection with approved BBC charity appeals broadcasts or recognised BBC charity campaigns such as *Children in Need*.

10 DISTRIBUTION OF SUPPORT MATERIAL

Support material is normally distributed by programmes or through Learning Support. Some Local Radio stations work in partnership with local voluntary organisations to produce and distribute support material. In addition, programmes may also wish to distribute tapes or

booklets, produced by the BBC, via publications or magazines. In such cases we should take care that the publication is editorially appropriate. Editorial Policy should be consulted on suitable partnership arrangements. The BBC should approve all promotional material which includes any reference to the tape or booklet. We should choose publications which are available from a range of outlets so as to avoid any suggestion of BBC endorsement of a particular retailer. It is essential that we do not refer on air to any publication or retailer involved in the distribution of the material. This restriction applies to BBC publications as well as to publications published by others. See also Chapter 26: On Air References to BBC Products, Publications and Services.

If support material is available as a “give away” with a publication, it must also be available elsewhere. Viewers and listeners, who contact the BBC to obtain the material, should not be asked to pay more than they would pay if they bought the magazine.

See section 4.2 of Chapter 32: Phone-Ins and the Use of Telephone Services in Programmes for advice about the use of premium rate calls for the distribution of support material.

11 TRAILS

Support services and back-up material may be trailed within programmes and in continuity announcements providing the material or service is free or provided on a cost recovery basis.

On television, all information concerning support services should be included within programmes or their closing credits, if possible. Mentions of support services within continuity announcements are at the discretion of Broadcasting and Presentation. If a programme considers it necessary to trail a helpline in a continuity announcement, Broadcasting and Presentation should be warned at the earliest opportunity.

It may be useful to say within a programme that details about support material or a support service will be given at the end of the programme to allow viewers or listeners time to find a pen.

Trails for any BBC back-up material designed to make a profit are subject to very tight rules. Such material cannot be trailed within television programmes and trails in continuity announcements are subject to tight restrictions (see Chapter 26: On Air References to BBC Products, Services and Publications).

12 ONLINE SERVICES

It may be appropriate to provide support services online via the Internet if this is a suitable method of reaching the relevant target audience. Support material should appear on the BBC’s publicly funded Internet pages, not on any commercially funded pages. The standards, which apply to the BBC’s broadcast services, apply also to BBC material on the Internet. See the BBC ONLINE Guidelines for detailed advice.

13 ITC REGULATED SERVICES

The ITC Code of Programme Sponsorship requires on-air sponsor credits for support material. The following BBC guidance for our commercial television services also applies. There may only be a discreet written credit in the same font as any other text displayed. Logos may not be used. There should be no verbal credit. There should be no reference to the

outside funders of support material within the programme and it should be clear that it is only the support material and not the programme that has outside funding.

BBC KNOWLEDGE is a special case. It is temporarily on a commercial multiplex and therefore needs to be treated equally, in regulatory terms, with others on that multiplex, notwithstanding that it is a BBC public service channel. While this service stays on the commercial multiplex, on air credits for sponsors of support material should be consistent with ITC rules on such credits for its commercial services.

CHAPTER 32

PHONE-INS AND THE USE OF TELEPHONE SERVICES IN PROGRAMMES

1 GENERAL

2 PHONE-INS

3 WHICH TYPE OF CALL TO USE

4 PREMIUM RATE TELEPHONE NUMBERS

4.1 General

4.2 Financial and Technical Requirements

4.3 Paying for Support Material via Premium Rate Calls

4.4 Price Messages and Call Cut Offs

4.5 Children's Services

4.6 Phone Services and Competitions

4.7 Voting by Phone

4.8 Donations to Charity and Charity Appeals

4.9 Services not controlled by the BBC

5 EVENT INFORMATION LINES

5.1 Event Information Lines Provided by the BBC

1 GENERAL

Telephone services can be used to enhance programmes by allowing the public to give their point of view or to interact directly with programmes. Both Factual and Entertainment programmes use telephone lines in a wide variety of ways in order to provide individual contributions to programmes or to get an immediate mass response from thousands or even millions of people.

Telephone information lines can provide useful back-up information for the audience and helplines offer advice and support (see also Chapter 31: Support Services and Support Material).

2 PHONE-INS

Phone-ins play an important role in BBC programming. They allow the public direct access to air their own views and to question politicians and other public figures.

BBC phone-ins are generally live in order to provide genuine spontaneity. This means that producers must constantly be alert to the possibility of callers breaking the law or causing widespread offence in matters of taste, decency or language. To minimise the risks involved, potential contributors should be called back and should not normally be put straight on the air.

Producers should ensure that presenters are properly briefed on the law and BBC guidelines, and are able to extricate the programme from a difficult situation with speed and courtesy. When the subject matter of a phone-in programme leads a producer to anticipate particular problems, callers, as well as presenters, should be briefed before they go on air.

Presenters and producers should also be aware that the law might differ in different parts of the United Kingdom (see Chapter 19: Reporting the United Kingdom).

3 WHICH TYPE OF CALL TO USE

Programme makers will normally use local rates for local and regional programme phone-ins and the national rate for UK wide phone ins. In some cases local calls rates may be used for calls from all over the UK, but the cost of this to the BBC needs to be justifiable.

The freephone rate is appropriate for helplines or where the BBC is offering an essential service. It may also be used then the caller is being asked to help the BBC on some way.

Premium rate calls are used for a variety of reasons and are subject to detailed guidelines below. Premium rate lines should never be used for phone-in discussion programmes or helplines.

It may be advisable to state on air what sort of rate is being used.

Programmes must always specify when a premium rate line is being used (see section 4.3 below).

4 PREMIUM RATE TELEPHONE NUMBERS

4.1 General

Using premium rate telephone numbers may sometimes be the only way to offer certain services to programmes as these numbers enable large volumes of calls to be handled. Using premium numbers may be the only viable way to register mass audience reaction quickly, as with voting for the *Eurovision Song Contest*. As premium rate numbers can sometimes generate profits, it is particularly important that we only use them for clear editorial objectives and that the cost to the public is kept a minimum.

When using premium rate telephone numbers, such as those beginning 0891, programme-makers should remember:

- licence fee payers should be able to get enjoyment from a programme without being encouraged to pay more by making a premium rate call
- before a premium rate line is provided, production staff should have established that a similar service cannot be provided on a non-premium rate service
- durations should be kept to a minimum. Most calls should last no more than a minute; in many cases they will be shorter. We should not encourage people to ring back or ring another premium rate number
- premium rate lines should never be used for phone-in discussion programmes or for helplines. They should also not be used for 'dial and listen' information lines associated with education, welfare, or social action programming (see Chapter 31: Support Services and Support Material).

- independent productions made for the BBC may use premium rate telephone lines only with the express permission of the Commissioning Executive responsible for supervising the production.
- programmes may choose an appropriate provider for the service, subject to the arrangements outlined below.

4.2 Financial and Technical Requirements

Under no circumstances should programmes use premium rate lines with the aim of generating revenue.

Arrangements in the telephone industry mean that use of premium rate lines may generate a profit, however in order to guard against premium rate lines being used inappropriately the BBC has restricted the percentage of revenue raised by premium rate lines which can be returned directly to production departments or independent producers. Guidelines concerning these financial arrangements are available from BBC Commercial Policy.

All service providers and programmes must comply with the Code of Practice issued by the independent supervisory body, ICSTIS. Programmes should ensure that any provider of a premium rate service signs a contract which ensures that they will comply with the BBC's financial and technical requirements. They must be able to provide enough line capacity to cope with the likely volume of calls.

4.3 Paying for Support Material via Premium Rate Calls

Where a programme wishes to offer programme support material on a cost recovery basis, it may be appropriate, for convenience to the recipient, to defray the cost of producing and delivering the support material by using a premium rate number. The total amount should be strictly limited. Every care must be taken to calculate costs so as to break-even, not to generate revenue. If this cannot be done, the method should not be used. One drawback is the relatively high percentage of lost orders because of transcription difficulties. Producers should refer to their Head of Department before making any arrangements.

4.4 Price Messages and Call Cut Offs

It is essential that the cost of ringing in on a premium rate line is made clear on air:

- the maximum cost of a call should be given or in some cases it may be more appropriate to give the cost per minute along with the maximum cost which can be incurred. The prices given must include VAT and should cover all relevant time periods
- on television the information should be given in vision. The caption must be horizontal and the characters should be clearly visible. The charge must be shown simultaneously with the telephone number. In some cases it may be advisable to voice the information as well
- on radio, where the price message can only be voiced, it must be done explicitly, not as an aside

Call cut-offs automatically end a call after a given time. They protect the caller from running up heavy charges. Call cut-offs should normally be used on any premium rate services run in

association with BBC programmes.

4.5 Children's Services

For all children's services, call cut-offs must be used.

- children must be told on air to seek permission from parents or bill-payers before calling
- the cost of calls for children's services should normally be no more than the cost of writing in
- if in exceptional circumstances calls last more than a minute the message needs to begin by telling children that permission should have been obtained.

4.6 Phone Services and Competitions

Programmes must never use premium rate competitions as means of making money. If questions are too simple, the suspicion may be aroused that the competition is designed as a money making venture. All BBC competitions involving viewers or listeners must provide a genuine test of knowledge, judgement or skill appropriate to the target audience (see also Chapter 22: Game Shows and Competitions).

The Lotteries and Amusements Act 1976 prevents broadcasters from running gambling or lotteries. If premium rate lines are used, skill must be required to win, otherwise the competition may be considered to be gambling or a lottery. Producers must refer to the Programme Legal Advice Department before arranging any competition involving premium rate lines.

The cost of a call for a competition should not normally be more than the cost of writing in. Viewers and listeners should be given sufficient information on air about how to enter rather than having to rely on information provided on the premium rate line.

4.7 Voting by Phone

Call cut offs must be used. Programmes should guard against using the results of a phone-in poll as a valid opinion poll. For further detailed guidance on the limitations of phone-in polls, see Chapter 35: Opinion Polls.

4.8 Donations to Charity and Charity Appeals

If programmes wish to give some of the proceeds from premium rate calls to charity they must first check what is permissible under the Charities Act. Guidance should be sought from the Programme Legal Advice Department.

The BBC provides opportunities for broadcast appeals by charities in accordance with the charity appeals procedure (See Chapter 30) Once appeal slots have been granted, it is for the charities concerned to decide whether to use premium rate numbers, but the BBC must ensure that the appeal includes appropriate details of the cost of the calls.

4.9 Services not controlled by the BBC

BBC programmes should not give out premium rate numbers for services which are not under the BBC's editorial control except for numbers associated with a broadcast charity appeal. Those responsible for pages on Ceefax or digital text services should take care that they do

not include numbers for non-BBC services.

5 EVENT INFORMATION LINES

The BBC may trail telephone numbers for lines provided by the BBC or outside organisations which give ticket information and other details about events. These lines may be trailed on-air only if they give information about events or performances which will be covered by BBC programmes. The information given on-air must be brief and non promotional and the lines should not be described as ‘ticket-hotlines’. Premium rate information lines should not be trailed. The line should not be used as a means of buying tickets by credit card though it may refer callers to another number for telephone sales. Any proposal to trail an event information line must be referred to the relevant output Controller.

There should be a maximum of one verbal and one visual reference to the telephone number in any television programme. In a radio programme there should be a maximum of two verbal references. However there may be a verbal trailer earlier in the programme saying that the number will be given later.

5.1 Event Information Lines Provided by the BBC

BBC channels or programmes may provide their own information lines about outside concerts or other performances which they are covering. These should not be premium rate lines and none of the costs should be met by an outside event organiser or event sponsor. Such lines must not be used as means of buying tickets by credit card, though the telephone number of the relevant box office may be given.

CHAPTER 33 POLITICS AND POLITICIANS

- 1 POLITICAL IMPARTIALITY
- 2 POLITICAL INTERVIEWS
 - 2.1 Interviews With Party Leaders
 - 2.2 Payment To MPs
- 3 PARLIAMENTARY BROADCASTING
 - 3.1 Parliament at Westminster
 - 3.2 The Scottish Parliament
 - 3.3 The National Assembly for Wales
 - 3.4 The Northern Ireland Assembly
 - 3.5 The European Parliament
 - 3.6 Legal Protection

1 POLITICAL IMPARTIALITY

The BBC’s Charter and Agreement sets out certain principles, which are central to the BBC’s coverage of politics.

- it requires programmes to “contain comprehensive, authoritative and impartial coverage of news and current affairs in the United Kingdom and throughout the world to support fair and informed debate at local, regional and national levels”
- it requires the BBC to treat controversial subjects with “due accuracy and impartiality, both in the Corporation’s news services and in the more general field of programmes dealing with matters of public policy or of political or industrial controversy”.

In practice this means that the BBC aims over time, to give due prominence to all the main strands of argument and to all the main parties. Although the government of the day will often be the primary source of news, the voices and opinions of opposition parties must also be aired and challenged.

All networked coverage must also reflect the different disposition of political parties in Scotland, Wales and Northern Ireland. For this reason specific party labels are preferable to general descriptions of ‘the opposition’. The exception to this is in phrases like “the Official Opposition” and titles like ‘The Leader of the Opposition’ which in the Westminster context has a formal and specific meaning.

The agreement (5.1.c) also explicitly commits the BBC to refrain from “expressing the opinion of the Corporation on current affairs or matters of public policy”. This does not mean that judgements may not be made by correspondents – indeed these are an important part of the BBC’s service to its audience. It does mean that a broadcaster’s personal views on any aspect of public policy should not be evident on air (see also section 2.2 of Part One of Chapter 2 Impartiality and Accuracy).

2 POLITICAL INTERVIEWS

Requests for political interviews should be unambiguous about the programme and context for which they are intended.

When a politician is invited, but refuses or is unable to appear, this should not normally act as a veto on the appearance of other politicians or outside speakers holding different views. However, there may be occasions where the refusal of a key player to take part, invalidates the idea behind the programme proposal.

Anyone has a perfect right to refuse to appear in a programme. It is not normally necessary to mention such a refusal on air. However when the audience might reasonably ask why an individual, viewpoint or party is not represented, it may be appropriate to explain that they were invited and chose not to take part. Programmes should refrain from speculating about the reason for such a refusal.

Politicians or indeed other contributors will sometimes try to place conditions upon programmes before agreeing to appear. Any arrangements must stand public scrutiny and must not prevent the programme asking questions that audiences would reasonably expect to hear asked. In particular if the location for a programme is chosen not for editorial reasons, but for logistical ones (e.g. availability in that place in that time of the politician in question), producers should ensure that the context and the immediate environment are determined by the BBC and not chosen by the contributors for possible party advantage.

Politicians often possess expertise outside the political field, which makes them valuable contributors to, even presenters of, programmes across a wide range of subjects and genres. However care must be taken to ensure that the BBC’s casting decisions, made on valid editorial and programme grounds, do not give any politician such prominence as to give them undue advantage over their opponents. Such considerations cannot be confined to election campaigns. The dates of many elections are known months in advance; politicians and potential candidates can gain undue advantage long before an election campaign actually starts. Producers in any doubt on the appropriateness of inviting any contributor or presenter who carries an overt party political label should consult the Chief Political Adviser.

Programmes where invitations to politicians as guests are exceptional rather than regular practice, should seek the advice of the Chief Political Adviser at an early stage of programme planning.

2.1 Interviews With Party Leaders

Except for brief news interviews, any BBC programme proposing to interview any of the leaders of parties in the United Kingdom must refer to the Chief Political Adviser in advance. The Chief Political Adviser should also be notified whether such invitations are refused or accepted.

The referral ensures that:

- the BBC as a whole is robust and consistent in its dealings with the party leaders
- at all times of high demand for one or more party leaders, bids are rationalised within the BBC
- over time, due weight is given to appearances by all party leaders.

2.2 Payment To MPs

MPs at Westminster, Members of the European Parliament, Members of the Scottish Parliament, Assembly Members of the National Assembly of Wales and the Northern Ireland Assembly and politically active members of the House of Lords, who appear on BBC news programmes, will not normally be paid for their contributions. Their appearances on radio or television to express political views are part of political life, and payment is not appropriate. This applies when they answer questions on subjects such as public policy, international affairs, party politics or constituency issues.

If their contribution to a programme is outside the normal course of their duties, politicians may be paid a fee which reflects the amount of preparation required, the length of time spent making the contribution, and the value of the contributor's particular degree of expertise. The fee should not exceed that which might be paid to other individuals for similar contributions.

Programmes sometimes secure the services of an politicians for a substantial period to make a number of contributions whether on political or other matters during the course of a programme. In these circumstances a fee may be paid which would recognise, among other things, that contributors may have to decline other offers including invitations from other broadcasters.

For any contribution politicians may be paid a "disturbance fee" to cover factors such as substantial travel time to a BBC location or attendance during unsociable hours (after 10pm, before 8.00am, or on Sundays). However this will usually be a nominal amount and must relate to real inconveniences. It must not be used to circumvent the guideline on payment of fees.

Politicians who hold government office or executive office in any elected assembly or who have party front bench responsibilities do not qualify for a fee under any circumstances, including a disturbance fee. Those who chair Parliamentary Committees and leaders of

political parties do not qualify either.

3 PARLIAMENTARY BROADCASTING

3.1 Parliament at Westminster

There are rules laid down by Parliament for the broadcasting of proceedings in both Houses. These cover, for instance, the nature of shooting and editing. The pictures from both the House of Commons and the House of Lords are made available for the broadcasters by the Parliamentary Broadcasting Unit.

Broadcasters are allowed to use the pictures and sound under certain conditions including:

- no internal editing of speeches. When using two sections of a speech, a definite break must be provided to make clear the two sections are not continuous.
- no graphic enhancement or alteration of the pictures. For example one or a group of MPs must not be highlighted and the framing must not be changed
- no speeding up or slowing down of the pictures or sound.

If in doubt seek detailed guidance from Political Programmes at Millbank.

Parliamentary material can be used only in news and factual programmes or for educational purposes. No Parliamentary recording may be used in light entertainment, or fictional or drama programmes, or programmes of political satire. Parliamentary material may be used in the factual parts of magazine programmes but must always be kept separate from musical, fictional or humorous items.

Parliamentary committees can usually be broadcast even if they are sitting away from Westminster, but the broadcasters have to commission coverage in advance. Again BBC Political Programmes at Millbank can help.

3.2 The Scottish Parliament

As with Westminster, actuality can only be used in news and factual programmes. No recording may be used in light entertainment, as fictional or drama programmes or programmes of political satire.

The rules for coverage are however much more relaxed than those for Westminster. The guiding principle is that of the “gallery surrogate”: that television viewers should be given the chance to witness everything they could see if they were in the public gallery of the Parliament itself. For example:

- internal editing is allowed but “broadcasters should not distort the meaning of MSP speeches in edits”
- cutaways are allowed
- the arrival of prominent members in the Chambers and shots of the public gallery are allowed.

A full copy of the rules of coverage and details of how to obtain access to BBC recordings are available from the Editor of the Scottish Parliament Unit in BH Glasgow.

3.3 The National Assembly for Wales

The same conditions apply on use of material in non-news programmes as those in Westminster and Scotland. The Code of Conduct is similar to that in Scotland with the exception that no demonstration or interference by the public can be shown. A full copy of the code, is available from BBC Wales' political editor and anyone seeking access to BBC recordings should contact the News Organiser in the BBC Wales' political unit in BH Llandaff.

3.4 The Northern Ireland Assembly

The same conditions apply on use of material in non-news programmes as those in Westminster.

3.5 The European Parliament

BBC Westminster can also advise programme makers about how to obtain Coverage from sittings of the European Parliament or its committees. Up-to-date information about recent and forthcoming business is available from the BBC Political Research Unit based at Millbank.

3.6 Legal Protection

Most statements made in Parliament at Westminster, in the other devolved parliaments and assemblies in the United Kingdom and in the European Parliament, enjoy qualified privilege when they are reported fairly and accurately. This gives a defence to libel, but it does not extend to reporting things shouted by non-Members in the Public Gallery or things said by Members overheard talking among themselves. There is no defence of privilege available for reporters or broadcasters when they repeat what is said in Parliament where there is a risk of contempt. There is no automatic legal protection against the risk of contempt during a live relay of a Parliament or Assembly, but the Speaker or Deputy Speaker is normally quick to intervene to stop remarks which risk contempt. There is no qualified privilege for members who repeat allegations outside the house.

Chief Political Adviser is available to offer advice on all aspects of political editorial matters.

CHAPTER 34 BROADCASTING DURING ELECTIONS

- 1 ACHIEVING BALANCE
- 2 MINOR PARTIES
- 3 CONSTITUENCY REPORTS
- 4 USE OF CANDIDATES IN ISSUE BASED PROGRAMME PACKAGES
- 5 DEVOLUTION
- 6 ONLINE
- 7 AUDIENCE PROGRAMMES
- 8 PARTY LEADER INTERVIEWS
- 9 OPINION POLLS
- 10 VOX POPS
- 11 E-MAILS
- 12 GUIDELINES FOR POLLING DAY

There is no area of broadcasting where the BBC's commitment to impartiality is more closely scrutinised than in reporting election campaigns.

Election 2001 will present us with a number of specific new challenges: –

- Devolution has changed the political map of the UK. We are effectively dealing with 3 main parties in England, and a different combination of 4 main parties in Scotland, Wales and Northern Ireland. In addition minor parties, have had significant electoral successes under PR elections which have taken place since 1997.
- This will be the first full Online election.
- The abolition of Section 93 of the RPA will enable programme makers to make far more extensive use of candidates and we will have new guidelines to ensure fairness particularly in constituency reports.

These guidance notes which supplement Chapters 2 and 34 of the Producers' Guidelines, have been drawn up following extensive consultation with a wide range of BBC programme makers across the UK who will have to make them work in practice. They are intended to offer a framework within which –

- Journalists can operate in as free and creative an environment as possible.
- Whilst scrupulously delivering to audiences impartial reporting of the campaign which gives them fair coverage and rigorous scrutiny of the policies and campaigns of all parties.
- This guidance is intended to assist programme makers, editors and the BBC as a whole to achieve fairness.

They apply to all BBC programmes and outlets. Programmes which do not usually cover political subjects or normally invite politicians to participate should consult the Chief Political Adviser before finalising any plans to do so.

1. Achieving Balance

Daily News magazine programmes (in the nations, regions and UK wide) must achieve an appropriate and fair balance in coverage of the main parties in the course of each week of the campaign.

As a working shorthand for the General Election Campaign we will take the main parties in England to be Labour, Conservative, Liberal Democrats; In Scotland these three plus the SNP, in Wales these three plus Plaid Cymru; in Northern Ireland the Ulster Unionists, the SDLP, the DUP and Sinn Fein.

Network programmes must ensure that SNP and/or Plaid Cymru are featured in a fair proportion of items on subjects on which they have distinctive policies. See also Section 5 on devolution.

- This means that each strand (e.g. a drive time show on radio) is responsible for reaching its own targets within the week and cannot rely on other outlets at different times of day (e.g. the breakfast show) to do so for it.
- Single programmes should avoid individual editions getting badly out of kilter. There may be days when inevitably one party dominates the news agenda e.g. when the main party manifestos are launched, but in that case care must be taken to ensure that coverage of similar prominence and duration is given to the other manifesto launches on the relevant days.
- Every edition of the multi-item programmes which cover the campaign e.g. the Regional 6.30 – 7.00 slot, should refer in at least one item to each of the main parties.
- News 24 and television and radio summaries will divide the 24 hour day into blocks and aim to achieve balance across a week in each one.

- Weekly programmes, or running series within daily sequence programmes, which focus on one party or another should trail both forwards and backwards so that it is clear to the audience that balance is built in over time.
- Particular care should be taken over coverage of high profile issues like Europe where there is a multi-faceted debate within and between the parties to ensure a balance of views is maintained.

2. Minor Parties

Minor parties embrace a wide range, from parties which have elected representatives in the European Parliament, the Scottish Parliament, the Northern Ireland Assembly, to those who have not stood before, or who have stood many times with little electoral success. Relevant factors to take into account in deciding how much coverage a party should get are significant levels of previous electoral support, evidence of current support and the number of candidates being fielded.

The following guidance is aimed at ensuring minimum coverage for all those parties. It does not set a maximum. There may well be regional variations in the relative strength of the minor parties and this ought to be reflected in the coverage.

- The manifesto launch of all parties who are standing in at least one sixth of the seats UK wide should be covered on BBC1, BBC2, R1, R2, R4, R5Live, & News 24, in all summaries in the hours following the launch, and with some reference to content in the main news programmes which follow (e.g: the 1, 6, or 10 On BBC1, WATO on R4, Drive on R5, the news belt on Newsnight on BBC2). BBC Parliament will also carry them.
- All daily news and current affairs network programmes should ensure that the policies of each of these parties are explained, and analysed, in at least one substantial item during the course of the campaign.
- All regional programmes in England which report the election should cover the manifesto launch of all parties who are standing in more than one sixth of the constituencies in that region. There should be at least one other substantive item on each of these parties during the campaign.
- All Programme Strands in Scotland, Wales and Northern Ireland which report the election should cover the manifesto launch and do at least one other substantive item in the course of the campaign, on all parties standing in one sixth of the seats in those nations. They should also include a contribution from these parties in some items on those subjects on which they have distinctive policies.
- The audience will be referred, as appropriate to the full list of parties standing on Ceefax, BBC News Online and/or the national and city sites.

3. Constituency reports

Section 93 of the RPA has been abolished but the BBC has a legal obligation to adopt a code of practice in its constituency coverage. All other broadcasters in the UK will adopt the same code.

The abolition of Section 93 of the RPA means that there is no legal distinction for us between the period before close of nominations and the period after it. It also means that candidates who withhold their consent from constituency reports or debates can no longer effectively exercise a veto over all other candidates.

However, this does not weaken in any way the BBC's obligations to fairness. So when the election is called the following guidelines come into effect immediately.

- to be impartial, constituency reports or debates should give due weight to candidates of the main parties. This means that if any candidate takes part in an item about a specific constituency, then candidates of each of the main parties should be offered the opportunity to take part. As a working shorthand for the General Election Campaign we will take the main parties in England to be Labour, Conservative, Liberal Democrats; In Scotland these three plus the SNP, in Wales these three plus Plaid Cymru; in Northern Ireland the Ulster Unionists, the SDLP, the DUP and Sinn Fein.
 - to be authoritative, it is right to make some distinction in the weight of the contribution between these candidates and others. Constituency reports or debates should also include some participation from candidates representing parties with either previous significant electoral support (for example parties which have gained a few seats in other recent elections or individuals who have been elected before under another label) or parties with evidence of significant current support. Where a party or an individual is mounting a significant campaign in a particular region, this should be reflected appropriately in the coverage.
 - to be comprehensive and fair, full-length constituency reports or debates should include a list of all candidates standing. If a constituency is being reported on several times on the same channel in a day, it may be enough to broadcast the full list once a day. Audiences should also be directed to the full list of candidates on Ceefax and Online.
 - programmes may decide to use either candidates or party representatives. But if the candidate from one of the parties is invited to take part, the other participants should, where at all possible, also be candidates. In exceptional circumstances if a candidate is genuinely unavailable the opportunity may be offered instead to a suitable party representative from within the constituency (eg: party official, agent or Councillor) but it should be made clear to the audience that the missing candidate(s) was invited and why they were unable to take part. If a party declines to put forward any representative the item/programme will go ahead without them.
 - advice as to which parties currently fall into which category can be sought from the Chief Political Adviser. We will take care to ensure that particularly in those cases where a particular constituency is featured often, we do not give undue prominence to any single candidate over time.
4. Use of Candidates in issue based programme packages

The abolition of Section 93 of the RPA also gives far greater freedom to programme makers to use candidates in issue pieces. Indeed, giving candidates of all parties a higher profile during the campaign was one of the key arguments used to secure the abolition of the RPA. National figures who are also candidates have always been able to appear as party representatives. Now, for the first time, regional television and local radio can use candidates far more freely to discuss local issues, but this in no way absolves us of our responsibility to be fair between the parties.

In order to achieve fairness across the board, when programmes decide to use a local candidate in a package or debate, the other participants should where at all possible, also be local candidates. But candidates do not have to be from the same constituency – they can come from different constituencies within a region. In local issue round-tables where all the participants are candidates, references to eg: local hospitals, bypasses etc, which would have been difficult under the RPA, will now be allowed.

However, if a candidate is being interviewed as a national spokesperson, we should not allow them to gain an unfair advantage over their constituency opponents by making repeated plugs for their own constituency. This can best be achieved by politely advising them in advance of our policy on this, editing out such references if pre-recorded and swift intervention by the interviewer, if live.

Callers to phone-ins must still be checked to see if they are candidates. Before the abolition of the RPA this would have precluded them from appearing as such. Now they can be encouraged to contribute, but the audience must be clear that they are speaking not as ordinary members of the public but as contributors with a stated political agenda. Care must be taken that over time programmes are not giving undue preference to one candidate over another.

The aim of all these guidelines is to encourage vigorous debate and a higher profile to candidates of all parties in general without giving unfair advantage to one candidate over another.

5. Devolution

This is the first UK General Election since Devolution. In Scotland, the Scottish Parliament, not Westminster, is now in charge of most domestic matters such as education, health and criminal law, most aspects of home affairs and the environment. In Northern Ireland the Assembly is in charge of education, health, and social services, agriculture, environment, urban and regional development. In Wales the National Assembly is in charge of education, agriculture and health.

- It is essential to make clear to the audience which issues will be influenced by the outcome of the election in each part of the UK. The BBC should be frank with its' audience about the changed nature of the campaign in the nations. Indeed it may be newsworthy to raise this as an issue.
- However, it is unrealistic to expect that candidates and parties in Scotland, Wales and Northern Ireland will confine themselves strictly to matters reserved to Westminster, such as defence, foreign affairs, the macro economy and social security and there is no indication at this stage that the UK General Election will be less keenly fought in the Nations. The contest will be a mixed blend: partly Westminster issues, partly a plebiscite on the performance of the parties in the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly. Programmes should reflect that blend to our audience, while making clear who does what in the new political set-up.
- The Scottish Parliament, National Assembly of Wales and the Northern Ireland Assembly may well be in session during the UK General Election campaign, though they are unlikely to sit on polling day itself. All relevant programmes will continue to cover these proceedings on news merit, but the guidelines on balance on the main parties, and other parties with elected representatives in those bodies will apply.
- Civil Servants in the devolved institutions will continue to process policy decisions and announcements during the UK election. We will report such announcements on news merit, but all four of the main parties in each nation should be given the opportunity to comment on them.
- Network programmes, in order to report fully the UK to the UK, should ensure that they cover the key election stories in Scotland, Northern Ireland and Wales. In doing so the guidance on party balance in those nations must be followed.

6. Online

This is the first online general election.

- All editorial content must comply with the same guidelines on balance, use of candidates etc. which apply to television and radio programmes and monitoring should be carried out on the same basis as for programmes.
- BBC News Online, the Nations' and English regions' sites (in close liaison with each other to ensure a consistent BBC wide approach) will publish a complete list of candidates by constituency. Programmes will refer to this list as a matter of course at the end of full constituency reports.
- BBC News Online and Regional sites will list links to any party site, provided that it does not give strong grounds for concern that this breaches the BBC taste and decency guidelines or the law e.g. defamation or incitement to racial hatred.
- We will not link to the sites of individual candidates, unless there is a very strong editorial justification on news grounds and then only for a limited period (e.g. because major player publishes policy on his/her website which contradicts manifesto on their party's website).
- Any speeches which are carried in full will be selected on news value, bearing in mind the need for balance between the parties.
- Forums and message boards: Care must be taken to ensure that forums and message boards are vehicles for lively debate and not hi-jacked by organised campaigns of one particular group or party. This is not easy to achieve but we are more likely to succeed if:
- Open ended message boards on political issues are avoided during the campaign. Hosts will be required to initiate topics with appropriate questions and to steer threads so as to encourage effective debate about the issues.
- The topics are set by journalists and are based on the issues not personalities. Sites which do not usually engage in political issues should seek the advice of the Chief Political Adviser before doing so.
- Poll type questions which attempt to quantify support for a party, politician, or policy issue should be avoided.
- Pre-moderation or hourly postmoderation (e.g. in the case of Nations, the English Regions and Radio sites) will check that messages are not completely stacked in the direction of one party or another. The maximum time any message may be up before being checked on a postmoderated board is one hour. But this should not be taken as the acceptable norm. It may be necessary to check more frequently.
- All moderators and hosts should know how to use BBC Online's escalation strategy where appropriate, to protect a postmoderated message board from e.g. nuisance or abuse. For example, they should know how to switch a board from postmoderation into premoderation, at short notice. This will ensure that if necessary an organised campaign can be blocked.

Revised rules to effect this policy and make it transparent to all users, will be posted on all BBC message boards at the beginning of the election campaign.

- Journalists and moderators will have to make fine judgements between remarks that constitute robust political debate and personal abuse. The rule of thumb should be if we would not broadcast it on radio or TV, it should not be online. Filters for taste and decency and personal abuse will operate as usual but they should not be relied on as a substitute for effective moderation.
- Any live chat or online audio or video interviews by politicians should be subject to the same criteria on balance and fairness as applies to radio and TV interviews. The criteria are set out in these guidelines.

7. Audience Programmes

All programmes planning live audiences should consult the Chief Political Adviser to discuss how they plan to select the audience and to achieve an appropriate balance. All such procedures must stand up to public scrutiny.

8. Party Leader Interviews

In order to ensure that our audiences are served as well as possible during the campaign by a balanced package of robust interviews across a range of outlets, bids will be co-ordinated well in advance of the election so that a coherent and realistic BBC proposition is put to the party leaders.

With the exception of newsgathering interviews gathered on news value on the day, all bids for party leader interviews must be referred to the Chief Political Adviser before parties are approached. Unsolicited offers should not be accepted without consultation with senior managers and a reference to the Chief Political Adviser.

9. Opinion Polls

During the campaign our policy takes into account three key factors:

- that polls should not be ignored during the campaign. They are part of the story and audiences should be informed about them;
- but, context is essential, and so is the language used in reporting them; and
- polls can be wrong. There are real dangers in only reporting the most “newsworthy” polls – i.e. those which, on a one-off basis, show dramatic movement.

So, the rules about reporting polls (chapter 35 of Producers’ Guidelines) need to be scrupulously followed. They are:

- not to lead a news bulletin or programme simply with the results of a voting intention poll;
- not to headline the results of a voting intention poll unless it has prompted a story which itself deserves a headline and reference to the poll’s findings is necessary to make sense of it;
- not to rely on the interpretation given to a poll’s results by the organisation or publication which commissioned it: look at the questions, the results and the trend;
- to report the findings of voting intentions polls in the context of trend. The trend 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 defy trends without convincing explanation should be treated with particular scepticism and caution;
- not to use language which gives greater credibility to the polls than they deserve: polls “suggest” but never “prove” or even “show”
- to report the expected margin of error if the gap between the contenders is within the margin. On television and online, graphics should *always* show the margin of error;
- to report the organisation which carried out the poll and the organisation or publication which commissioned it.

In addition, during the campaign the BBC will:

- pre-select the main polls;
- report the selected polls on a regular basis on the same outlets throughout the campaign;

- report even single polls in context. For example, on television the graphic will never be separated from the explanatory piece;
- Take particular care with newspaper reviews. Polls should not be the lead item in a newspaper review and should always be reported with a sentence of context (e.g: “that’s rather out of line with other polls this week”).

The Producers’ Guidelines make it clear that care must be taken to ensure that a poll commissioned by the BBC is not used to suggest a BBC view on a particular policy or issue. It is particularly important that a BBC poll is not used to imply BBC intervention in a current controversy. For this reason we will not commission voting intention polls in any medium during the election campaign.

Detailed guidance as to how this policy should be implemented in practice will be issued by the Chief Political Adviser before the start of the campaign.

10. Vox Pops

The value of Vox pop to programmes is to allow different sides of an issue in question to be expressed through the voices of the man and woman in the street. But the context should always make it clear that they are an expression of one side of an argument, not an indication of the weight of opinion on either side of it. It follows that special care must be taken with vox pops during an election campaign to edit them in such a way as to ensure different sides of the issue are covered.

11. E-mails

The same principle applies to any e-mails we broadcast. E-mails offer immediacy and interactivity to many programmes but they too are an expression of opinion, not an indication of the weight of opinion on one side or the other of a question. What matters is the balance of what we broadcast, not the balance of those we receive.

Programme makers should be particularly alert during an election campaign to organised e-mail campaigns by parties and pressure groups. During this period they should ask e-mail contributors to include their address and telephone number so that checks can be run if necessary, if mass mailings are suspected.

12 Polling Day Guidelines

The BBC ceases to report election campaigns at 6am (5 GMT) and restricts coverage to factual accounts of the days events until the polls close at 10pm (9GMT). Judgements as to what can or cannot be said should be based on the principle that while the polls are open, nothing in our output should be construed as influencing the ballot.

Factual accounts of the days events would include

- The weather.
- Turnout. But beware of jumping to big conclusions from the evidence of one polling station.
- The new postal voting rules.
- Pictures of national figures voting for example, party leaders are fine but those candidates where the main interest centres on the contest in their constituency are not.

- Online. Although all the archived material remains available, the front page will be cleared of all campaign coverage, and these guidelines apply to all new material. This applies to all programme sites as well.
- Message Boards will be closed down for the day and re-open after the polls close at 10pm.

CHAPTER 35 OPINION POLLS

- 1 COMMISSIONING OPINION POLLS
- 2 REPORTING OPINION POLLS
- 3 POLLS AT ELECTION TIMES
- 4 POLLS FOR USE IN ELECTION RESULTS PROGRAMMES
- 5 SURVEYS
- 6 PHONE-IN POLLS AND STUDIO AUDIENCES
- 7 FOCUS GROUPS AND PANELS
- 8 VOX POPS
- 9 ONLINE AND NEW MEDIA

1 COMMISSIONING OPINION POLLS

There are many circumstances where polls may add value to programmes and augment our journalism but care must be taken to ensure that a poll commissioned by the BBC is not used to suggest a BBC view on a particular policy or issue. It is particularly important that a BBC poll is not used to imply BBC intervention in a current controversy. Only in very rare circumstances does the BBC commission or sponsor opinion polls purporting to sample party political support or voting intentions in the electorate at large. Joint polls with other organisations often carry particular problems of impartiality in presentation and should be avoided.

Any proposal to commission an opinion poll on politics or any other matter of public policy for any BBC service should be referred to the Chief Political Adviser for approval. Technical advice should also be sought from the Political Research Unit.

2 REPORTING OPINION POLLS

The following rules for reporting the findings of voting intention polls in the United Kingdom conducted by any polling organisation must be rigorously applied:

- do not lead a news bulletin or programme simply with the results of a voting intention poll
- do not headline the results of a voting intention poll unless it has prompted a story which itself deserves a headline and reference to the poll's findings is necessary to make sense of it
- do not rely on the interpretation given to a poll's results by the organisation or publication which commissioned it: look at the questions, the results and the trend
- report the findings of voting intentions polls in the context of trend. The trend 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 defy trends without convincing explanation should be treated with particular scepticism and caution

- do not use language which gives greater credibility to the polls than they deserve: polls "suggest" but never "prove" or even "show"
- report the expected margin of error if the gap between the contenders is within the margin. On television and online graphics should *always* show the margin of error
- report the organisation which carried out the poll and the organisation or publication which commissioned it
- report the dates of the fieldwork and draw attention to events which may have had a significant effect on public opinion since it was done (e.g. "The poll was carried out last Monday, before the party announced....").

3 POLLS AT ELECTION TIMES

As with all political reporting, special care has to be taken in reporting polls at election times.

BBC policy takes into account three key factors:

- polls should not be ignored during the campaign. They are part of the story and audiences should be informed about them
- but, context is essential, and so is the language used in reporting them
- polls can be wrong. There are real dangers in only reporting the most "newsworthy" polls – i.e. those which, on a one-off basis, show dramatic movement.

So, in addition to the stipulations about polls in general (see previous section) coverage of polls at election times will:

- pre-select the main polls
- report the selected polls on a regular basis on the same outlets throughout the campaign
- report even single polls, in context. For example, on television the graphic will never be separated from the explanatory piece.

Detailed guidance as to how this policy should be implemented in practice will be issued by the Chief Political Adviser before the start of the campaign.

4 POLLS FOR USE IN ELECTION RESULTS PROGRAMMES

In spite of the considerable thought and effort which has gone into refining the methodology, exit polls have not proved a sufficiently reliable way of predicting the results of elections. Our journalistic credibility is based on the audience's expectation that information the BBC broadcasts is accurate.

Polls carried out on polling day, by whatever method, have their limitations and should be seen for what they are - a device to sustain the programme until the real results come in. They

may give an indication of the way things are going, but because of the pitfalls of sampling error, should always be used in bands, as in “it looks as if x are to be the biggest party with between x and x seats”. A precise seat projection should wait for sufficient real results to establish the actual trend.

5 SURVEYS

Surveys of small specific groups like MPs or health authorities when used responsibly can be a very useful way of informing our audience and gathering information, but like opinion polls they must be both conducted and reported with care and after seeking appropriate advice. Contact should be made at an early stage both with Political Research Unit, who will advise as to whether the survey is practical, and from the Chief Political Adviser, who will advise on the necessary thresholds for responses and on appropriate content.

Surveys must never be reported as polls. The audience should be in no doubt about the status of the information they are receiving. Their remits should not be translated into percentages but reported in straight numbers e.g.: “Of the 81 MPs in this group we spoke to 60, of whom 40 were in favour of x and 20 were opposed to it”.

6 PHONE-IN POLLS AND STUDIO AUDIENCES

Phone - in polls (unlike professionally conducted polls using the telephone) rely on people telephoning in to register a vote. Phone-in polls may accurately be described as “straw polls” even when the subject is serious. Programmes which want to carry them out need to understand their severe limitations. They do not sample opinion; they are simply a programme device which illustrates certain viewpoints. A programme’s audience is self-selected and is never representative of the population. When asked to give views on a topic, a minority, again self-selected, responds. If voting takes place during an extended period it may encourage repeat voting by people who feel strongly about the issue.

Questions in phone-in polls should be as neutrally worded as the context calls for. Slanted questions give slanted results.

Phone-in polls must never be used by programmes as a means of gathering serious information on party political support. In other contexts, phone-in polls may produce interesting, even impressive results (“Ten thousand of our listeners/viewers called in and they are four to one in favour of ...”). But we should make clear that the results have no wider significance.

The results of phone-in polls are not even remotely indicative of wider opinion, and programmes must not treat them in any way which implies that they are. Consequently publicity should not be sought for the results of phone-in polls outside of the programmes in which they are conducted. BBC News programmes should not normally report the results of phone-in polls.

Programmes which feature phone-in polls on the same subject taken at different times (for example at the start of the programme and again at the end) must not present the results in such a way as to suggest that they demonstrate a shift in opinion by the people who voted.

Straw polls of the views of studio audiences should be treated with similar care. No claims should be made for the significance of the views expressed beyond that they represent the opinions of those in the audience at the time, even on those occasions where the audience has

been selected to be broadly representative of, for example, party allegiance. Again, questions need to be properly framed.

7 FOCUS GROUPS AND PANELS

The same principles apply to the use of panels or focus groups. It is inappropriate to imply that the views of panels, however carefully selected, could represent the views of the entire population, and they must not be used as a means of trying to estimate party support in the electorate at large. Panels or focus groups, when properly selected, may be more appropriately used to examine why certain views are held rather than the extent to which they are held.

The advice of the Chief Political Adviser should be sought before commissioning any focus group research on political party issues and the methodology should be checked with the Political Research Unit.

8 VOX POPS

Vox pop interviews do not even remotely indicate wider public opinion. Their value to programmes is to allow different sides of an issue in question to be expressed through the voices of the man and woman in the street. But the context should always make it clear that they are an expression of one side of an argument, not an indication of the weight of opinion on either side of it. It follows that great care must be taken with vox pops on politics or matters of public policy to edit them in such a way as to ensure both sides of the issue are covered.

9 ONLINE AND NEW MEDIA

The principles outlined in this chapter apply with equal force to online sites and to other new forms of interactive voting (e.g. interactive television).

Interactivity of every sort is part of the central appeal of any online site. However, on BBC sites, especially News Online and programme sites which may relate to political or public policy issues, care has to be taken that expressions of opinion are not translated into anything that could be construed either as the BBC's opinion or as an accurate representation of public opinion as a whole. So any summary of online voting or expression of opinion must:

- not be called a poll
- not be reported in BBC editorial content, whether on or off the site
- not be expressed in percentage terms. The results should be expressed in terms of how many hits the yes button has received and how many the no button.

Any summary of online voting or expression of opinion about political or public policy issues must include a disclaimer the effect that "This is not a representative poll and the figures do not purport to represent public opinion as a whole on this issue".

CHAPTER 36 PARTY BROADCASTS

There is no formal legal obligation on the BBC to make airtime available for party broadcasts but in the absence of political advertising in the UK it has traditionally offered unmediated

airtime to the political parties as one element in the range of sources of political information available to the audience.

There are series of election broadcasts in the campaigns for General Elections, and elections to the European Parliament, Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly and Local Authorities throughout the UK.

In addition, broadcasts are offered to the parties at key points in the annual political cycle, for example the Budget and the Queens Speech.

Party broadcasts are quite separate from the BBC's own journalism and their transmission does not imply BBC support for the views contained in them. Parties make these broadcasts at their own expense and are responsible for their content. However they do have to abide by ground rules laid down by the BBC and the ITC, which include an obligation to observe the law, for example on libel, incitement to racial hatred and violence and to the broadcasters' own guidelines on taste and decency. These ground rules are available on request from the Chief Political Adviser.

In truly exceptional circumstances giving rise to widespread national anxiety or concern, the BBC and ITV (Channel 3), provide the opportunity for a direct address to the nation by the Prime Minister or relevant senior minister should this be requested. In this event appropriate arrangements, in as short a time span as possible will be made for responses by the leaders of the opposition parties.

CHAPTER 37

MATTERS OF LAW: GENERAL

- 1 GENERAL
- 2 WHO TO CONTACT
- 3 INJUNCTIONS AND INTERDICTS
- 4 IDENTIFICATION OF CRIME VICTIMS AND WITNESSES
 - 4.1 Identification of children
 - 4.2 Courts Sitting in Private
 - 4.3 Victims of Sexual Offences
 - 4.4 "Jigsaw" Identification
- 5 TRESPASS
 - 5.1 The law in Scotland
- 6 REPORTING OF COMMITTAL PROCEEDINGS
- 7 OBSCENE PUBLICATIONS ACT
- 8 EUROPEAN DIRECTIVE: TELEVISION WITHOUT FRONTIERS
- 9 RACIAL DISCRIMINATION
- 10 DATA PROTECTION ACT
- 11 CONFIDENCE
- 12 USE OF ANIMALS
- 13 HEALTH AND SAFETY
 - 13.1 Flashing Images and Repetitive Patterns on Television ("Strobing")
 - 13.2 Images of Very Brief Duration
- 14 REPEATED PROGRAMMES
- 15 FURTHER ADVICE

1 GENERAL

Great problems can be caused for programme makers by legal difficulties they are unaware of. It is vitally important to seek the views of BBC lawyers whenever problems are encountered or suspected.

No summary can cover all the legal issues affecting broadcasting. Producers would do well to familiarise themselves with one of the following books; McNae's *Essential Law for Journalists* or *Media Law* by Robertson and Nicol, or the 6th Edition of *Scots Law for Journalists* by McKain, Bonnington and Watt. But even these are no substitute for specific legal advice.

There are significant differences between the legal systems of England and Wales and those of Scotland and Northern Ireland. The Channel Islands and the Isle of Man are different again. If not observed these differences can cause serious problems.

There may be occasions, especially overseas, where providing accurate, impartial and fair coverage makes it impossible to remain within the law locally.

Where such cases arise, producers must first consider what effect breaking the law might have on the BBC, on people concerned in the area, and on our future coverage of the region. The Head of Department or Commissioning Executive and BBC Lawyers should be consulted, and if necessary Controller, Editorial Policy. Where our coverage has been distorted or censored by local laws, this must be made clear to the audience (see also section 9 "Observing Local Law" in Chapter 3: Fairness and Straight Dealing).

2 WHO TO CONTACT

Any programme maker can consult BBC lawyers at any stage of production. The earlier the consultation the better, if necessary as soon as the programme idea is conceived. Repeated consultation may be called for.

On matters involving Scottish law consult the in-house lawyer at BBC Glasgow.

Advice on foreign legal matters can be obtained through the Legal Adviser's Division, which keeps a list of lawyers in various countries.

Lawyers in the LEGAL ADVISER'S DIVISION work in six departments:

- **PROGRAMME LEGAL ADVICE DEPARTMENT:** helps programmes to minimise the risk of libel and to avoid breaking the law.
- **LITIGATION:** deals with problems that arise after a programme has been broadcast, as well as attempts at prior restraint and outside requests for programme material for legal purposes.
- **REGULATORY:** deals with EC law, procurement and sponsorship. constitutional matters arising under the Charter and Agreement and the Broadcasting Acts, competition, regulation of the broadcasting and telecommunications industries, TV licensing, Data Protection and European Law including Human Rights, Freedom of Information and public procurement law.

- **INTELLECTUAL PROPERTY:** gives advice on all aspects of the protection and exploitation of the BBC's intellectual property rights and the infringement of such rights.

For copyright advice on contributions to specific TV and radio programmes, programme makers should consult the lawyers (Legal Affairs Section) in the Rights Group in BBC Production.

- **COMMERCIAL:** legal advice, drafting and negotiation involving major commercial contracts, corporate commercial compliance, joint ventures, IT contracts, contracting out/tender documentation, confidentiality agreements, commercial contracts with news agencies, radio sports contracts, insolvency and Company Law.
- The **WORLDWIDE LEGAL DEPARTMENT** provides a comprehensive legal service to BBC Worldwide

3 INJUNCTIONS AND INTERDICTS

An injunction, in Scotland an interdict, is a legal Order by a judge directing a party to do or refrain from doing things specified in the Order.

Anyone, whether individuals or organisations, can seek an injunction or interdict if they think their interests or reputation are about to be damaged by a programme. Applications are often associated with claims for breach of contract or breach of confidence, and may sometimes be sought for defamation.

Orders against programmes are sometimes sought outside court hours: we may have little or no warning. They can be granted and enforced over the telephone at night or at the weekend. Breach of an injunction or interdict is viewed seriously by the court. Fines and/or prison sentences can be imposed on offenders.

In addition to injunctions aimed at particular programmes, injunctions may be granted to prevent the media generally giving certain information, for instance the identification of children in wardship or childcare proceedings. Such injunctions will usually be notified to all programme areas by Programme Legal Advice Department.

Care should be taken when there is an injunction or interdict against another part of the media preventing their publishing certain information. If we broadcast the same material we would not be in breach of the injunction but might be in contempt of court. If in doubt, seek the advice of BBC lawyers.

Programme-makers dealing with highly contentious factual subjects, or with people or organisations with a history of litigation, must be alert to the possibility of injunctions.

Producers must be able to organise at short notice evidence to help the BBC resist applications for injunctions.

The Programme Legal Advice Department must be consulted at the earliest possible stage in any case where there is a risk of a BBC programme being served with an

injunction.

4 IDENTIFICATION OF CRIME VICTIMS AND WITNESSES

In legal cases where the law or editorial policy requires the protection of the identity of individuals, producers should note that anonymity plainly means no name, no address and no photograph. It also means no strong clues.

When contributors ask for anonymity it is important to establish the degree of anonymity sought. It may be sufficient simply to ensure that contributors are not readily recognisable to the general public, or it may be necessary to ensure that they cannot be identified even by friends or family.

Such situations require careful judgement. Err on the side of caution where anonymity is concerned, but do not suppress valid journalism unnecessarily.

There is a range of cases where the identity of one or more of those involved, including witnesses, may not be reported. A breach of such a ruling would be contempt of court.

4.1 Identification of children

There are various laws protecting children from being identified in court proceedings. Refer to Chapter 14; Children And Programmes for full details.

4.2 Courts Sitting in Private

It is a contempt to broadcast detailed accounts of certain proceedings in courts sitting in private. This will include proceedings involving children, e.g. wardship, adoption or guardianship, or proceedings where the court sits in private for national security reasons. In wardship cases it is not a contempt to report the court's order or an accurate summary of it, unless the court expressly forbids this.

4.3 Victims of Sexual Offences

The BBC does not normally reveal the identity of victims of sexual crimes. This has long been BBC policy and, in England and Wales it is now required by law.

The law prevents the identification of victims of rape and other sex crimes, including incest, underage intercourse, child abuse, buggery and indecent assault.

Judges may, on occasion, lift the restriction. At the request of the defence, they can do this to get witnesses to come forward and to ensure a fair trial, or to allow the reasonable reporting of a case of public interest. If a victim were identified in another, unrelated, criminal case, then the reporting of that case would not be restricted.

Victims can be identified if they agree to it. The consent should be in writing and must not be the result of any pressure.

The courts may be asked at times to restrict more information on the grounds that it would lead to the identification of the victim.

4.4 "Jigsaw" Identification

It is not enough that we do not name the victims of sexual crime. We need to take special precautions to avoid what is known as the "jigsaw effect". This happens when different news

organisations give different facts about the victim, which can then be pieced together. The risk is at its highest when reporting sexual crime within the family, where naming the accused and the alleged offence could in effect identify the victim. In 1993 most newspapers and broadcasters agreed in principle that in such cases we will report the name of the accused/convicted person but we will refer to the crime merely as "a serious sexual offence". Where the accused and the victim are related, if we identify the accused we should refer to the victim merely as "a young woman", "a child" and so on.

The objective, however, is to protect the victim. In some individual cases some sections of the media have published details of **the offence**. In these circumstances it may be necessary for the BBC to follow suit and avoid naming the offender. One way or another, we must not complete the jigsaw. In such situations Programme Legal Advice and Editorial Policy should be consulted.

In other cases where there is a danger of the jigsaw effect, we should avoid any detail that might, with corroborating facts, lead to identification. Take care not to give an address, any link with another person in the story, or any link between the victim and the scene of the assault.

These restrictions may make it difficult or impossible to convey in our reporting the incidence of certain sexual crimes by reference to individual cases. Programmes should still address these issues but without referring to identifiable instances.

5 TRESPASS

Trespass can be defined as unauthorised entry onto private property. This should never be taken lightly by programme makers. However, in most cases trespass is a civil offence. It is usually a matter between the BBC and the lawful occupier and there is no question of programme makers committing a criminal act.

In general, we should ask for permission before entering private property. But private property can be anything from an individual's home to a public shopping precinct, and no blanket rule can apply. Programmes must be satisfied that, where permission has not been or could not be granted, it is appropriate in the circumstances for the BBC to proceed.

Whenever we are on private property and are asked by the legal occupier to leave, we should do so promptly.

In some circumstances trespass can also be a criminal offence. The law is designed to cover demonstrations and large gatherings of people on private land. Normal journalistic activity seems unlikely to lead to a prosecution. But the law could affect coverage of demonstrations and "doorstep" interviews on private land.

Programme makers intending to gather material on private land in the open air without permission should:

- ensure their activities do not impede or obstruct people going about their lawful business
- keep the numbers of BBC people present to an absolute minimum
- remain on private land for the minimum amount of time necessary

- limit verbal contact with those going about their lawful activity so that our questioning of them does not disrupt that activity

Police officers present at the scene have powers to order people to leave private land if they reasonably believe that criminal trespass may be committed. If programme makers are present on private land in the open air and are asked to leave by police they should do so immediately, and should not return. The very act of returning could itself constitute a criminal offence.

Programme makers in doubt about gathering material on private land in England, Wales, and Northern Ireland without permission should consult the Programme Legal Advice Department and, through Heads of Department or Commissioning Executives, Controller Editorial Policy.

5.1 The law in Scotland

The laws of trespass in Scotland are different from those of England and Wales, though the Criminal Justice and Public Order Act of 1994 does apply in Scotland and creates the same trespass offences in Scotland as in England, Wales and Northern Ireland. Traditionally the law of trespass is interpreted more liberally in Scotland with free access to the Scottish countryside, irrespective of ownership, being regarded as the norm. Nevertheless programme makers should generally ask for permission before entering private property and observe the guidelines in section 5 of this chapter. Programme makers may seek advice from the BBC's solicitor in Scotland, who is based at Broadcasting House, Glasgow.

6 REPORTING OF COMMITTAL PROCEEDINGS

Reporting of committal proceedings in England and Wales is restricted by the Magistrates Court Act 1980 and earlier legislation. Restrictions may be lifted by the court on application by the accused. If they are not, only the following categories of information can be reported:

- the name of the court and the names of the magistrates
- the names, addresses, occupations and ages of the defendant and witnesses
- the offence in the charge
- the names of counsel and solicitors
- the decision of the court on whether to commit for trial
- the charges on which the defendant is committed
- the court to which the defendant is committed
- the date and place to which any committal is adjourned
- whether bail is granted or refused - but not the reasons for refusal.

7 OBSCENE PUBLICATIONS ACT

The Obscene Publications Act applies to broadcasting as well as printed material. It is an offence to broadcast anything that would "tend to deprave and corrupt". Such a broadcast

could be defended in court if it was "in the interests of science, literature, art or learning, or of other objects of general concern".

Producers should also be aware of undertakings on taste and decency given by the BBC outlined in the Agreement attached to the Corporation's Charter (see also Chapter 6: Taste and Decency).

8 EUROPEAN DIRECTIVE: TELEVISION WITHOUT FRONTIERS

The European Commission TV Without Frontiers Directive 1997 Article 22.1, Protection of Minors, requires Broadcasters in Member States to take "appropriate measures to ensure that television broadcasts ... do not include any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence". Articles 22.2 and 22.3 also require Broadcasters to use "acoustic" or visual warnings to alert viewers to other programmes "which are likely to impair the physical mental or moral development of minors". The BBC must comply with the terms of this directive.

The BBC's policy is that an "acoustic warning", in the form of a presentation announcement is the absolute minimum requirement. It should be clear from the Producers Guidelines that it is inconceivable that the BBC would wish to broadcast a programme that might impair, seriously or otherwise, the physical, mental or moral development of minors. Any programme maker who feels that any material they are dealing with might do this should seek urgent advice from their line management, who must consult Editorial Policy.

The BBC's guidelines on content warnings, presentation announcements, and use of the Watershed are outlined in Chapter 6: Taste and Decency.

9 RACIAL DISCRIMINATION

Section 70 of the Race Relations Act, 1976, makes it "an offence to publish or distribute written matter which is, or to use in any public place words which are, threatening, abusive, or insulting in a case where hatred is likely to be stirred up against any racial group".

An offence can be committed even if there is no intent on the part of the speaker or writer. Journalists must exercise particular caution when reporting events or issues in this area which are contentious (e.g. an inflammatory speech by a politician). The Attorney-General must, however, consent to the launching of a prosecution under this section.

Programmes are also subject to the provisions of the Public Order Act that make it an offence to stir up racial hatred or to possess racially inflammatory material. No action can be taken against a programme without the consent of the Attorney General but there is provision for "search and seizure" of programme material. This could cause difficulties at a time of racial tension.

10 DATA PROTECTION ACT

The Data Protection Act 1998 gives people certain rights in relation to information stored about them. The Act applies to all electronic systems for storing information, including images and sound recordings. There is a limited media exemption for material acquired for "journalistic, artistic or literary" purposes.

Programme makers with any queries about the Data Protection Act should contact the BBC's Data Protection Officer. Any formal requests for information under the Act **must** be dealt with by the Data Protection Officer. Where there is a danger of a prosecution under the Act programme makers should contact Programme Legal Advice and the Editorial Policy Unit.

11 CONFIDENCE

The law recognises various categories of confidential relationship. These occur mainly in the world of commerce and employment, and in domestic life. Confidential information generated or disclosed within such relationships is protected by law, and it is ultimately for the courts to decide whether the information is confidential. A threatened breach of confidence may be subject to an injunction. Moreover, if the BBC is notified of an order against another media defendant, it will be bound by it and will risk being in contempt of court if it fails to observe the terms of the order. Confidence may also attach to formats or ideas for programmes submitted to the BBC by third parties.

In news broadcasting, there will often be a public interest defence, and it is generally a good defence that the material is in the public domain.

12 USE OF ANIMALS

Animals performing in programmes must be registered in accordance with the Performing Animals (Regulation) Act, 1925. Owners and trainers whose animals are used in a programme must comply with the registration provisions of the Act. They should be asked to show their registration certificates before their contract with the BBC starts. Local Environmental Health Officers require notification of any wild animals brought into the studio.

13 HEALTH AND SAFETY

An extensive body of law, civil and criminal, covers the health and safety of employees and the public. Advice is given in a range of BBC publications. Advice should also be sought from the Manager Safety Services, or from BBC lawyers.

Should any material be obtained by recklessly or wilfully endangering a member of the production team, an artist or a member of the public, the BBC may decide not to transmit the material and may take disciplinary action. Those responsible may also be liable to prosecution.

13.1 Flashing Images and Repetitive Patterns on Television ("Strobing")

Fast cutting and flashing or intermittent lights in television programmes can cause problems for some viewers who have photosensitive epilepsy. It is estimated that about one person in four thousand is susceptible. Many of those who experience seizures have their first while watching television. **People under 20 are the most susceptible group and many are unaware of their susceptibility.**

Television presents some inherent risk because it is a flickering medium. But that risk can be reduced by following some basic rules, which have been endorsed by BBC Occupational Health.

Programme content should not flash, flicker or change at a frequency greater than three times per second. This applies where there is a visible change in brightness of more than ten percent of the screen area.

Prominent and regular patterns - especially light and dark bars and checks which cover a large proportion of the screen - should be avoided. Flickering or reversing patterns are particularly hazardous. Those which flow smoothly do not cause problems.

Flashing or flickering images involving red are dangerous and should be avoided.

Where it may be difficult to minimise the effects, for example with a live news report, and there is significant risk, viewers should be given an appropriate warning. But this should not be used as a substitute for careful shooting and editing.

For further guidance, contact Presentation Control

13.2 Images of Very Brief Duration

Section 5.1 (f) of the Agreement associated with the BBC's Charter states that BBC programmes should not "include any technical device which, by using images of very brief duration or by any other means, exploits the possibility of conveying a message to, or otherwise influencing the minds of, persons watching or listening to the programmes without their being aware, or fully aware, of what has occurred." Any programme maker who feels their programme might contain such images should consult their editor, line manager or commissioning executive, who can contact Editorial Policy for further advice.

14 REPEATED PROGRAMMES

When repeated, programmes should be subject to the same legal scrutiny as when they were originally transmitted. Special care should be exercised in relation to questions of contempt, if someone featured in an original transmission is arrested prior to its repeat.

It is no defence in a defamation action to argue that material has already been shown (see also Chapter 21: Re-Use and Reversioning of Television Programmes).

15 FURTHER ADVICE

Programme makers who are in doubt about any aspect of the law as it applies to programmes should consult the Programme Legal Advice Department.

CHAPTER 38 MATTERS OF LAW: DEFAMATION

- 1 GENERAL
- 2 PICTORIAL DEFAMATION
- 3 NEGATIVE CHECKS
 - 3.1 General
 - 3.2 Problem Areas

1 GENERAL

If we broadcast something about an individual, a group or an organisation which is defamatory we may commit libel. The risk exists whether the defamatory statement is scripted or spoken off-the-cuff, and the BBC is liable no matter who speaks the words in its programmes - and no matter whether the programme is a factual programme or a drama, made 'in house' or by an independent, or wherever in the world it is broadcast.

The tests normally applied by the courts to determine if a statement is defamatory include:

- does it reduce a person in the eyes of right-thinking people?
- does it cause a person to be shunned or avoided?
- does it expose the person to hatred, ridicule or contempt?
- does it injure them in their office, profession or trade?

The principal defences to libel are:

- **Justification** ("veritas" in Scotland): proving that the statement is true.
- **Fair comment on a matter of public interest:** showing that the statement was an honest opinion based on provable fact, was not prompted by malice, and was on a matter of public interest.
- **Privilege:** statements made during broadcasts of fair and accurate reports of judicial and parliamentary proceedings and public meetings will have privilege in libel proceedings. This means that for normal purposes we are safe to report comments made as part of parliamentary proceedings or of court proceedings, in certain state documents, or made during the course of meetings which are freely open to the general public.

These are complicated defences which apply to a wide range of programmes and reports. If anything in your programme is potentially defamatory, you should seek the help of the Programme Legal Advice Department.

2 PICTORIAL DEFAMATION

It is possible to defame people by juxtaposition of words and pictures. This may happen by the careless use of general background shots (or "wallpaper"). For example:

- a general view of a football crowd, in which individuals are clearly identifiable, with a commentary about hooligans
- a general view of a children's playground, in which children are recognisable, with a commentary about child abuse
- a graphic of holiday brochures, with a commentary about holiday companies going bust
- a general view of Muslims, in which individuals are clearly identifiable, with a commentary about alcohol

Another way of pictorially defaming people is in the use of imprecise shots: the picture of a plain clothes policeman handcuffed to an arrested man, in which it is not clear which man is the criminal; or the picture of a suburban house which is an alleged bomb factory, in which the numbers of two houses are both shown, and it is not clear which house is being referred to.

3 NEGATIVE CHECKS

3.1 General

The negative check system tries to ensure that a name invented for a BBC programme or publication does not exist in reality or that its use is not defamatory. Expensive legal action could result from misusing a real name.

Negative checks for all output areas are carried out by the Information Research Library at Television Centre.

A wide range of items can be checked including addresses, flight numbers, clubs, companies, products and trade names, dentists, doctors, lawyers, MPs, judges, schools, shops, ships, and so on.

The checking system takes about two weeks. It is best not to ask too early because clearances can become outdated. When a name is submitted, two alternatives should also be included.

Use of some names may infringe the rights of third parties. The checking system includes a basic trade mark search but further advice should be obtained from the Intellectual Property Department if the position is unclear.

3.2 Problem Areas

In the Register of Limited Companies some small firms are listed by area. If a name is to be checked in the Companies Register the precise setting and location of the production should be included; so, too should the period (i.e. 1920s, 1950s etc).

At the Driver and Vehicle Licensing Agency in Swansea fictitious car numbers are available but they must not be used on public roads. To do so is an offence.

Registered trade marks can sometimes mistakenly be used as generic terms. Apart from giving uncalled for publicity when the context is favourable or neutral, there is a risk of legal action when registered trade marks are used generically. Rather than use a term such as "Hoover", "Outward Bound", or "Portakabin" we should use the proper generic "vacuum cleaner", "activity holiday" or "portable building".

The Intellectual Property Department can advise whether terms which are in common use are registered as trade marks.

CHAPTER 39

MATTERS OF LAW: CONTEMPT

- 1 WHAT IS CONTEMPT OF COURT?
- 2 THE DANGERS OF COMMITTING CONTEMPT
- 3 DEFENCES AGAINST CONTEMPT

1 WHAT IS CONTEMPT OF COURT?

Contempt of Court arises if an action or statement gives rise to a substantial risk that the course of justice will be seriously impeded or prejudiced. All courts exercising the judicial power of the state are covered by contempt, from the Coroner's and Magistrates Courts to the House of Lords. Contempt rules also apply to some Royal Commissions and Tribunals.

Courts possess considerable powers in this area and use them frequently. In Scotland, the law is robustly applied. For example, Scottish courts almost invariably regard publication of a picture of a defendant (known in Scotland as an "accused") as a serious contempt of court.

Generally contempt risks arise only when proceedings are 'active'. In most criminal cases the 'active' period starts with the arrest of a suspect or the issue of a summons; in most civil cases, it starts when arrangements are made for a hearing. There are exceptions to this, especially in Scotland. The 'active' period ends once sentence is passed in criminal cases and when judgement is given in civil cases. Consult BBC lawyers in cases of doubt.

2 THE DANGERS OF COMMITTING CONTEMPT

For BBC journalists, the main hazards during the active period are:

- broadcasting pictures or comment which could influence those involved (witnesses, judges, jurors, lawyers and parties in the action). A detailed account of evidence likely to be given in a case would run the risk of contempt if broadcast during the active period
- broadcasting material which could affect the way in which one of the parties conducts the case
- broadcasting an interview with a witness before the case is over
- having dealings with witnesses (e.g. interviews, or negotiations over possible interviews) which might influence or be thought likely to influence their evidence
- speaking to a juror in a case, about the case (see below)
- reporting what a judge has forbidden to be reported
- speculating about the outcome of a case
- commenting on a case due for retrial
- repeating what is said in court in the absence of the jury.

A particular risk of contempt arises where there is a proposal to talk to a juror about the case they are involved in. This applies at any time before, or during the hearing - and applies whether or not the report is actually transmitted. After the case is over it may be permissible to interview jurors but it is a serious offence, for them and for the BBC, if they discuss the deliberations (i.e. statements made, opinions or arguments expressed or votes cast by jurors) in the jury room. This applies whether or not such comments are broadcast. Any proposal to speak to a juror in a case must be referred to Programme Legal Advice.

Although journalists run the most obvious risks, contempt may be committed in other kinds of programmes, for example in a dramatisation of contemporary court proceedings. Any department dealing with a real case must take care.

See also section 3 "Dealing With Witnesses" in Chapter 15: Crime.

3 DEFENCES AGAINST CONTEMPT

The defence of public interest is of very limited value in cases of contempt. Judges may overlook minor or unintentional acts. They may also resist attempts by third parties to use contempt as a means of preventing the broadcasting of material of proper interest to the public.

There is a statutory right to provide a fair, accurate and contemporaneous account of court proceedings heard in public, but this right is qualified. Judges have the freedom to postpone the reporting of an entire case or certain details of it. Reporting is also constrained by statutory restrictions on coverage of committal hearings in magistrate's courts, and of preparatory hearings in Crown Courts, and by restrictions relating to courts dealing with sexual offences, juvenile and matrimonial matters (see also Chapter 14: Children And Programmes).

Programme makers who feel they may be in danger of committing contempt of court should consult the BBC's Legal Advice Department.

CHAPTER 40

MATTERS OF LAW: COPYRIGHT AND OTHER INTELLECTUAL PROPERTY RIGHTS

1 GENERAL

2 COPYRIGHT, MORAL RIGHTS AND PERFORMERS' RIGHTS

2.1 Copyright works

2.2 Use of Copyright Material without Permission

2.3 Music Copyright

2.4 Video and film copyright

2.5 Moral rights

2.6 Performers' Rights

3 TRADE MARKS

4 PATENTS AND PROGRAMMES FEATURING INVENTIONS

5 PASSING OFF

6 CONFIDENTIALITY

1 GENERAL

"Intellectual Property rights" are the legal rights that protect the products of the human intellect. They include statutory rights of copyright, moral rights, performers' rights, trade marks, patents and designs, and rights to prevent "passing off" and breach of confidence.

The Intellectual Property Department in Legal Adviser's Division gives advice on all aspects of the protection and exploitation of the BBC's intellectual property rights, and the infringement of such rights.

2 COPYRIGHT, MORAL RIGHTS AND PERFORMERS' RIGHTS

The laws of copyright exist to protect and reward creators and owners of original work, including books, films, and songs. Copyright is one of the most complex areas of the law affecting programmes. There are no simple answers to some copyright problems.

Producers wishing to commission or clear copyright works for use in BBC programmes or to contract performers must seek advice from the Rights Group in BBC Production. Rights Group will generally provide the contracting service and contact should be made

with them as early as possible.

2.1 Copyright works

Copyright exists in a wide range of creative works, for example:

- literary works: scripts, novels, poems, essays, letters, lyrics or newspaper articles
- paintings, photographs and other visual images
- sculptures, models, architecture and works of artistic craftsmanship
- tables (eg timetables), compilations, databases and computer programs
- dramatic works, plays, dance and mime
- music
- sound recordings, including gramophone records, CDs, audiocassettes and any other sort of recording
- any recording that can produce moving images, eg film, video and videodiscs, or moving images generated on computer displays
- radio or television broadcasts (terrestrial and satellite), cable programmes and online services
- the typographical arrangement of a published work.

2.2 Use of Copyright Material without Permission

Copyright may not have to be cleared if the work or the use of it falls under the categories below. However, these possible exceptions should always be checked with the Rights Group.

- works that are "out of copyright"
- insubstantial part: some short extracts of copyright works can be used without consent - if they are "insubstantial" parts of the whole work
- fair dealing: there are exceptions in the 1988 Act which allow fair dealing with a copyright work for certain purposes. These include criticism or review (with a suitable acknowledgement), or reporting current events

The main UK broadcasting organisations have signed an agreement governing the use of each other's sports footage in news programmes. Programme makers working in this area should consult the Sports News Access Code Of Practice

- incidental inclusion: copyright in a work is not infringed by its incidental inclusion in a radio or television programme, for example a news report or location shot which incidentally includes a painting in the background
- spoken words e.g. interviews

- artistic works in public places: This exception does not apply to paintings (or other graphic works) or photographs
- other exceptions: Ideas as such are not protected by copyright. A succession or combination of ideas such as the plot of a novel may however qualify, and the law of confidentiality may also apply

2.3 Music Copyright

The Music Copyright section in the Rights Group will advise on all aspects of music and recordings of music to be included in BBC programmes.

The BBC has various special arrangements for the music it includes in its output. Music Copyright covers three main areas:

Payment of composers/writers

The BBC has agreements with the societies that collect royalties on behalf of composers (the Performing Rights Society and the Mechanical Copyright Protection Society). These agreements allow the Corporation to broadcast and record the PRS/MCPS repertoire. No advance clearance is needed, nor are any direct charges made to programmes for this material. However, programmes containing "dramatico-musical" works (such as operas, ballets, musicals) and parodies and burlesques are not included.

All music (even an insignificant or background use) must be reported on the programme's music reporting form.

Commercial Gramophone Records, CD's Tapes etc.

The BBC has agreements with Phonographic Performance Limited which collects royalties on behalf of most record companies. These agreements allow the Corporation (with certain limitations) to broadcast and dub (re-record) commercial sound recordings made by PPL members. For advice on the current limitations, please consult Music Copyright.

Material can be broadcast in return for the appropriate payment. There is no exemption for review purposes. Special clearance may be needed for recordings, which are not subject to these agreements.

Special clearance may be needed for recordings which are not subject to these agreements and for records dubbed into television programmes that will be sold outside the UK. The use of all commercial sound recordings must be reported on the music reporting form.

Specially Commissioned Music

The Music Copyright section within Rights Group is responsible for all music specially commissioned by the BBC.

2.4 Video and film copyright

Extracts from commercially produced films or videos are subject to a number of rights agreements. Advice on use of material and relevant payment should be sought from Television Programme Acquisition Department.

2.5 Moral rights

These are the rights to be credited as author or director, not to have one's work subjected to "derogatory treatment", not to have work incorrectly attributed, and of privacy in relation to privately commissioned photographs, videos and films.

Advice on moral rights should be sought from the Rights Group.

2.6 Performers' Rights

A similar right to copyright also exists in performances, for example: dramatic performances (including dance or mime), musical performances, readings or recitations of literary works, a performance of a variety act or similar presentation.

The Rights Group will advise on all aspects of the contracting of performers for BBC programmes. Consent is required from the performer for the recording, broadcast or subsequent exploitation of the performance. Note that sound recordings or footage acquired from other producers or broadcasters may contain performances which require clearance.

3 TRADE MARKS

Trade marks are distinctive names, words or logos which identify a product or service as originating from a particular source.

When deciding on a programme title or character name, producers should consider:

- might the name infringe a third party's rights? (see also section 3 "Negative Checks" in Chapter 38: Defamation)
- does any outside party - for example a performer or independent production company - consider that they might have rights in the title?
- might the BBC wish to register the title as a trade mark (advisable for a long-running series or where "spin-off" products are envisaged)?

Please refer any queries on trade marks to the Intellectual Property Department.

4 PATENTS AND PROGRAMMES FEATURING INVENTIONS

Patents grant monopoly rights to new inventions.

Care should be taken by programmes intending to invite members of their audience to submit ideas for possible inclusion. The act of submitting an idea could be interpreted as making it available to the public, unless a confidentiality agreement is in place, and could therefore invalidate any subsequent patent application.

Programme makers should consider whether any ideas submitted could amount to a new invention, and contain enough detail to describe the invention fully. If so, it may be necessary to incorporate a brief warning about possible patent implications into any material (i.e. on screen announcements, telephone hotlines) that solicits such ideas. Any material received should be treated in strict confidence and should not be broadcast without the specific consent of the contributor.

Please refer any queries on patents to the Intellectual Property Department.

5 PASSING OFF

Broadly speaking, "passing off" means taking advantage of someone else's reputation to promote a product or service. The BBC's rights may be infringed where a third party makes a misrepresentation that is damaging to its reputation and goodwill. This may occur through unauthorised use of a well known programme name, or by suggesting that the BBC has endorsed a product, for example by advertising it "as featured" on a BBC programme. But care should be taken by BBC Producers to avoid the use of a programme title which suggests a connection with a product or service in which a business reputation has been built up by someone else.

Please refer any queries on passing off to the Intellectual Property Department.

6 CONFIDENTIALITY

The law recognises various categories of confidential relationship. These occur mainly in the world of commerce and employment, and in domestic life. Confidential information generated or disclosed within such relationships is protected by law. A threatened breach of confidence may be subject to an injunction. Moreover, if the BBC is notified of an order against another media defendant, it will be bound by it and will risk being in contempt of court if it fails to observe the terms of the order. Confidence may also attach to formats or ideas for programmes submitted to the BBC by third parties, and care should be taken always to put in place appropriate contractual arrangements.

Any queries on breach of confidence should be referred to the Intellectual Property Department.

CHAPTER 41

RELATIONS WITH THE PUBLIC AND THE PRESS

1 GENERAL

2 DEALING WITH ENQUIRIES

3 COMPLAINTS

4 KEEPING PROGRAMMES

5 RELATIONS WITH THE PRESS

5.1 General

5.2 BBC Publicity Departments

5.3 Publicity Material

5.4 The Corporate Press Office

5.5 Controversial issues

5.6 Letters And Articles for Publication

1 GENERAL

As a public institution the BBC must account to the public for all its dealings.

We have to monitor and respond to public concerns, whether these concerns arise in letters, phone calls or e mails, are raised through the press or other media, or through more formal means. It is also important to have opportunities for the public to express opinions about programmes both on air and online. We should try and ensure that every experience of dealing with the BBC is a positive one.

Most of the unsolicited contacts the BBC attracts are from people stimulated by, and supportive of, our programme making. They want more information about something which interests them.

Members of the public make no distinction between programmes made by BBC “in house” and those made by independent production companies. The BBC is accountable for all of them. Independent productions must make adequate arrangements for follow up enquiries or complaints.

2 DEALING WITH ENQUIRIES

Letters, phone calls and e-mails from the public are an important source of information and the BBC aims to respond quickly and courteously to comments and questions.

In the first instance unsolicited enquiries from the public are dealt with by the BBC’s Information Centre in Belfast (or the Scottish and Welsh BBC Information teams), who will then liaise with the relevant department about enquiries that require a more detailed response. Where appropriate, factual information can be provided about programmes in advance to BBC Information, to help them deal with enquiries.

The telephone number for the BBC’s Information Line should not be trailed on air. Programme makers who wish to solicit contacts from audiences should use the BBC’s Audience Lines based in Glasgow (see Chapter 32: Phone Ins and Telephone Services in Programmes).

Where practicable, we should answer all letters, particularly when viewers or listeners raise important questions and complaints, as soon as possible. Where a reply cannot be sent promptly, a holding letter or e mail should be sent, explaining the reasons for the delay. Replies should be courteous and sensitive. Where there has been a genuine error it is best to make a frank admission and offer an apology if appropriate.

If viewers’ and listeners’ letters, phone calls or emails are to be quoted on air, permission to broadcast them should be asked for. The selection of extracts for broadcasting and voices to read them needs to be done with care, to avoid charges of trivialising or patronising the audience

In the World Service, most letters and e-mails about programmes which require answers are dealt with by International Audience Correspondence who also deal with telephone enquiries.

Sometimes requests are made for BBC programme material both transmitted and untransmitted. For detailed guidance on these issues consult Chapter 14: Confidentiality And Release Of Programme Material.

3 COMPLAINTS

Complaints warrant a well-judged and prompt reply. We should ask whether a point made is reasonable. If it is we should do something about it. If it is not we should reject it - courteously.

Remember that viewers and listeners have a right to expect our programmes to have been made in accordance with these Producer Guidelines. If we have departed from them we will need to explain the reasons why.

The BBC's Programme Complaints Unit deals with serious complaints (see Chapter 42). Before referring a member of the public to the PCU, the unit should be contacted to establish whether the complaint is within its remit.

It is important to alert BBC lawyers, through Heads of Department or Commissioning Executives, to enquiries which threaten legal action.

4 KEEPING PROGRAMMES

The BBC and other broadcasters are obliged by law to keep recordings of all programmes broadcast. Television recordings have to be kept for 90 days from broadcast; radio recordings for 42 days. When a programme is repeated the period starts from the day of the repeat.

These recordings are called for to meet the needs of the Broadcasting Standards Commission when they consider complaints (see Chapter 43) and also to satisfy the requirements of the law on obscene publications and on racially inflammatory material.

5 RELATIONS WITH THE PRESS

5.1 General

The Press is a major source of information to the public about the BBC. The Press and Media also provide the BBC with information about its audiences' opinions and attitudes. Good relations are obviously important. All our dealings with the media should adhere to high standards of integrity. Statements, information and publicity material, must uphold BBC values such as fairness, accuracy and impartiality (see section 5.3).

5.2 BBC Publicity Departments

Publicity departments provide a specialist link between programme makers and the press and media. They help producers win attention for their programmes. They also have expertise in dealing with sensitive issues. It is sensible to involve publicity people at an early stage, either in publicising a programme or coping with interest on a controversial matter.

5.3 Publicity Material

The BBC often puts out advance press releases and publicity material to publicise its own programmes. This is an important part of drawing the audience's attention to BBC programmes. However it is important that in rightly trying to sell our own programmes we do not do so in a way which either unfairly distorts or over-simplifies the content of the programme. The impact of a programme over which a great deal of careful judgement has been exercised, in getting the emphasis and tone of the programme just right, can be negated or obscured by a careless or over-hyped press release. BBC publicity material must adhere to the same principles of fairness and impartiality as the programmes which such material publicises.

In particular, care should be taken to ensure that in publicity material:

- quotes from contributors are used in a way which takes account of the context in which they are used in the programme.
- where important elements of context have been included in the programme this is also reflected in the press release

- in programmes with a long lead time it may sometimes be necessary to remind contributors that publicity material about the programme may be released in advance of the programme
- any reporting of the results of polls and surveys in press releases meets the Producer's Guidelines on the reporting of polls (see Chapter 35: Opinion Polls)

Programme and publicity teams should also be aware that press releases can sometimes raise as many legal issues as the programme itself. Programme Legal Advice should be asked to look at any publicity material about a programme which has required legal clearance.

5.4 The Corporate Press Office

The Corporate Press Office deals with the media on all corporate matters and also handles general queries from newspapers.

Outside normal office hours, and up to 11pm every night, the Corporate Press Office acts as the spokesman for all matters relating to the BBC's activities. The Press Office should be informed of developments in any running BBC story so that comments made to the media on behalf of the Corporation are well informed and up to date.

5.5 Controversial issues

BBC programmes can be controversial. This can be known in advance or anticipated; but it can also come without warning before or after transmission. Advance publicity can sometimes be damaging and must be calculated carefully.

Producers should make sure that publicity departments and BBC Information are fully informed about any actual or likely controversy and know who to get in touch with for further information. All contacts with the press on controversial matters - whether to do with BBC policy or programmes - should be handled through Press and Publicity. BBC contracts of employment are specific about relations with the press and media, particularly speaking to or writing for the press. Copies of programmes or of scripts should not be released without approval. In an increasingly competitive broadcasting environment, information is valuable and should not be used carelessly. Inexperienced programme people should be forewarned against attempts to get information and material. Before speaking to the Press or media, approval should be sought from Press and Publicity, who will consider, and advise on, the wider implications of commenting or making a statement.

5.6 Letters And Articles for Publication

BBC people intending to write letters and articles dealing with BBC issues should seek approval from their Head of Department (see also Chapter 10: Conflicts of Interest). Letters should also be cleared by Press and Publicity. Press officers can advise on style, tone and timing and help ensure that letters are published.

CHAPTER 42 PROGRAMME COMPLAINTS UNIT

Viewers and listeners with serious complaints about what is broadcast by BBC licence fee funded services on television, radio and online may write to the Head of Programme Complaints, based in the BBC Secretary's office. The Head of Programme Complaints is

responsible for ensuring prompt investigation and reply. Programme makers are expected to co-operate fully with the Head of Programme Complaints' enquiries.

The Programme Complaints Unit provides a clear route for complainants who wish to take it. However, the fact that complaints can ultimately be dealt with centrally does not lessen the need for programme makers to reply promptly and adequately to letters addressed to them. When complainants are dissatisfied with the programme makers response it may be appropriate to refer them to the PCU- but always check with the Unit first, to establish whether the complaint is within its remit.

The **Governors' Programme Complaints Appeals Committee** considers appeals from viewers and listeners who have complained about what we have broadcast and who are dissatisfied with the response from the Head of Programme Complaints or the relevant Directorate. Programme makers are expected to co-operate with the Committee's proceedings. The point of contact is the secretary to the Governors' Complaints Appeals Committee in the BBC Secretary's office.

The BBC's Board of Governors publish a quarterly bulletin outlining complaints that have been upheld. Where a complaint is upheld the bulletin also shows what action is being taken as a result. The bulletin is a public document, which is available on the BBC's public web site.

The Programme Complaints Unit does not deal with complaints about World Service or the BBC's commercial and international television services. Serious complaints about programmes broadcast by the World Service are dealt with by the Chief Executive, World Service. Complaints about the BBC's commercial and international television services are dealt with by the Head of Programming, International Networks, BBC Worldwide.

CHAPTER 43

THE BROADCASTING STANDARDS COMMISSION

- 1 Publication of codes
- 2 Complaints
- 3 Who can complain?
 - 3.1 Fairness and infringement of privacy:
 - 3.2 Sex, violence and matters of taste and decency.
- 4 What happens if the complaint is upheld?
- 5 What other actions are taken?

The Broadcasting Standards Commission publishes guidance on programme matters and considers complaints from the public about programmes.

1 Publication of codes

Under the Broadcasting Act 1996, the Commission has a duty to publish a code relating to broadcasting standards, offering guidance on the portrayal of violence, sexual conduct and general standards of taste and decency. All broadcasters in Britain are required to "reflect the general effect" of this code, and its provisions have been taken into account in the preparation of the BBC's Producers' Guidelines. The BSC also has a duty to draw up guidance on fairness and privacy, and it also commissions research and other studies.

2 Complaints

The Commission will consider complaints relating to

- unjust or unfair treatment in a programme
- unwarranted infringement of privacy in, or in connection with the obtaining of material included in, a programme
- the portrayal of violence or sexual conduct in programmes
- other matters of taste and decency.

3 Who can complain?

3.1 Fairness and infringement of privacy:

Complaints about unfair or unjust treatment and infringement of privacy are referred to as “fairness” complaints. These may be lodged only by, or on behalf of a person or organisation “affected” by the programme concerned. However, complaints may be made on behalf of those affected - including those who have died within the preceding five years. The Commission may refuse to entertain a fairness complaint if it considers that the complainant has no “direct interest” in the matter, but it may interpret this latter phrase broadly.

Similarly, in considering “unwarranted infringement of privacy” the key word will be “unwarranted”. Secret recording, for instance, may or may not be considered justified according to the circumstances. It is also possible that programme material gathered in a public place may be challenged on the grounds of infringement of privacy. The way that programme makers act in gathering material may constitute breach of privacy even if the material is not transmitted.

The Commission cannot entertain a complaint if it is already the subject of court proceedings in the UK. However, complainants do not have to waive their legal rights in applying to the Commission and, because the line between unfairness and defamation is unclear, a complaint could be a rehearsal for a court action.

3.2 Sex, violence and matters of taste and decency.

Anyone may complain to the Commission about matters of taste and decency - “standards” complaints - within two months of the last transmission of a television programme and within three weeks of the transmission of a radio programme. The Commission has the power to extend these deadlines if it considers it appropriate to do so. The complainant does not need to have any direct interest other than to feel that the programme has breached standards of taste and decency.

4 What happens if the complaint is upheld?

If a complaint about fairness or standards is upheld, the Commission has the power to require broadcasters to publish a summary of the complaint and its findings on the complaint. The broadcaster may be required to publish the finding in the Press as well as on the air. The Commission normally requires publication for upheld fairness complaints, but it is very unusual for it to require publication for an upheld standards complaint.

5 What other actions are taken?

The Commission has no power to punish other than to require the broadcasting and/or publication of findings as set out above.

If it is proposed to re-broadcast a programme which has been the subject of a complaint upheld by the Commission, the Chief Executive Broadcast should be consulted about what changes, if any, are appropriate in the light of the finding.

The contact point in the BBC for the cases before the Commission is The Head of Programme Complaints.

APPENDIX

Section 5.1 (c) of the Agreement associated with the BBC's charter requires the BBC to do all it can to secure that all programmes :

“ treat controversial subjects with due accuracy and impartiality, both in the Corporation's news services and in the more general field of programmes dealing with matters of public policy or of political or industrial controversy, and do not contain any material expressing the opinion of the Corporation on current affairs or matters of public policy other than broadcasting and matter contained in programmes in either House of Parliament or proceedings of a local authority or a committee of two or more local authorities ;”

Paragraph 5.2 also states :

“ In applying paragraph 5.1(c) a series of programmes may be considered as a whole.”

In order to fulfil the provisions of 5.1(c) above the Agreement requires the BBC to draw up an impartiality and accuracy code. The relevant sections of the Agreement are as follows :

Section 5.3:

“ The Corporation shall -

(a) draw up, and from time to time review, a code giving guidance as to the rules to be observed in connection with the application of paragraph 5.1(c) in relation to its services and programmes; and

(b) do all that it can to secure that the provisions of the code are observed in the provision of services and programmes

and the Corporation may make different provisions of the code for different cases and circumstances.”

5.4 The rules specified in the code referred to in subclause 5.3 shall in particular, take account of the following matters:-

(a) that due impartiality should be preserved on the part of the Corporation as respects major matters falling within paragraph 5.1(c) as well as matters falling within that provision taken as a whole; and

(b) the need to determine what constitutes a series of programmes for the purposes of subclause 5.2.

5.5 The rules so specified shall, in addition, indicate to such extent as the Corporation considers appropriate:-

what due impartiality does and does not require, either generally or in relation to particular circumstances;

the ways in which due impartiality may be achieved in connection with programmes of particular descriptions;

the period within which a programme should be included in a service if its inclusion is intended to secure that due impartiality is achieved for the purposes of paragraph 5.1(c) in connection with that programme and any programme previously included in that service taken together; and

in relation to any inclusion in a service of a series of programmes which is of a description specified in the rules:-

(i) that the dates and times of the other programmes comprised in the series should be announced at the time when the first programme so comprised is included in that service, or

(ii) if that is not practicable, that advance notice should be given by other means of subsequent programmes so comprised which included material intended to secure or assist in securing, that due impartiality is achieved in connection with the series as a whole;

and those rules, shall, in particular, indicate that due impartiality does not require absolute neutrality on every issue or detachment from fundamental democratic principles.”

Chapter 2 of the Producers Guidelines constitutes the BBC's code as specified in 5.3 (a) above. Cross references given within Chapter 2 are for convenience to point to related guidance in the Producers' Guidelines. This related guidance does not constitute part of the Impartiality and Accuracy Code.