

BBC Editorial Guidelines: Trust commentary on the 2010 edition

Introduction

The Editorial Guidelines are one of the most important documents the BBC publishes. We know that the public rightly expect the highest standards from the BBC and these Guidelines set out the standards required of everyone making programmes and other content for the BBC.

The public expect the information they receive from the BBC to be authoritative, and the Guidelines accordingly place great stress on standards of fairness, accuracy and impartiality. Without these, the key role of the BBC in supporting an informed democracy cannot be achieved.

The public also expect high standards from the BBC's entertainment output in all its many forms. Here a balance has to be struck. On the one hand there is the BBC's responsibility to protect the vulnerable from harm, to avoid unjustifiable offence, and to safeguard the welfare of children and young people. On the other is the BBC's right to broadcast challenging and innovative work that tests assumptions and stretches horizons.

These are difficult things to get right. But when the BBC does get them right it earns a high return: the public's trust.

The Guidelines exist to guide producers in making considered editorial decisions that balance freedom of expression with their responsibilities to audiences, contributors and others. The Guidelines apply to all programme makers, content producers and performers working for the BBC, whether they are members of the BBC staff or independents, and they apply to all platforms on which BBC content is published. The Guidelines are the framework against which editorial complaints are considered.

The new edition published today updates the last edition, published in 2005. The revision takes account of developments in editorial thinking since then, sometimes (though not always) prompted by editorial or fair trading complaints. The revision also reflects a number of regulatory rulings by the Trust. In addition, the new edition takes account of editorial issues raised by technological developments such as mass audience voting by phone, email and text, and the availability of material from social media. The new edition covers BBC Online, which was previously covered by a separate set of guidelines.

Key changes

The most significant change from the 2005 edition concerns impartiality. The guideline has been extensively revised to take account, in particular, of the Bridcut report¹ on

¹ *From Seesaw to Wagon Wheel: Safeguarding Impartiality in the 21st Century.*

www.bbc.co.uk/bbctrust/assets/files/pdf/review_report_research/impartiality_21century/report.pdf

impartiality in the 21st century published by the Trust in 2007, but also of extensive feedback on the wording of this guideline as originally proposed.

The new guideline makes clear that 'due impartiality' applies to all subjects covered by the BBC. This goes further than the duty of impartiality laid on the BBC by the Charter and Agreement. The new guideline also makes clear that achieving impartiality will often involve more than a simple balance between opposing viewpoints. The BBC must be inclusive, consider the broad perspective, and ensure that the existence of a range of views is appropriately reflected. In addition the new guideline extends the definition of "controversial" subjects beyond those of public policy and political or industrial controversy to include controversy within religion, science, finance, culture, ethics and other matters.

Other significant changes include a new guideline on intimidating and humiliating behaviour. This has been informed by the report² on taste and standards at the BBC commissioned by the BBC Executive at the request of the Trust in 2009 following the Ross/Brand incident.

The new guideline makes clear that unduly intimidatory, humiliating, intrusive, aggressive or derogatory remarks aimed at real people (as opposed to fictional characters or historic figures) must not be celebrated for the purposes of entertainment. The caveat about real people is worth underlining: the new guideline is not intended to curtail the depiction of intimidating or humiliating behaviour in BBC fiction, whether comic or serious.

Other new guidelines include advice to take account of the cumulative effect that repeated mentions of a particular brand or product over a short period may have in giving the brand or product undue prominence. This followed complaints about BBC coverage of a tour by Coldplay, the launch of an album by U2, and a day of events on BBC Radio One linked to the launch of a Harry Potter film.

Other noteworthy changes include:

- The addition of 'trust' to the BBC editorial values
- The introduction of the concept of 'due accuracy' and of a guideline against 'materially misleading our audiences'
- The introduction of the concept of 'generally accepted standards' (in line with the Communications Act 2003) as a touchstone against which to judge, for example, the degree of protection the public should be offered against the inclusion of offensive and harmful material
- The guideline on strong language now emphasises that 'the use of strong language must be editorially justified and appropriately signposted to ensure it meets audience expectations, wherever it appears'
- The Fairness section now includes a guideline on protecting the BBC's international contributors or sources from repercussions within their own countries

²Taste, Standards and the BBC: Public attitudes to morality, values and behaviour in UK broadcasting.

www.bbc.co.uk/aboutthebbc/reports/pdf/taste_standards_june2009.pdf

- The Privacy section refines the guideline on public interest as a justification of intrusion to include the concept of proportionality: 'the greater the intrusion, the greater the public interest required to justify it'
- The Privacy section also now states that the programme makers should 'pay particular attention to the expectations of privacy of people under 16 and those who are vulnerable. It also offers advice on the re-use of material from social media
- The section on Religion includes a new mandatory referral: 'Any content dealing with matters of religion and likely to cause offence to those with religious views must be editorially justified as judged against generally accepted standards and must be referred to a senior editorial figure'
- The section on External Relationships and Funding takes account of regulatory documents already published by the Trust on sources of funding other than the licence fee, and on funding prizes and awards. The guideline covers such things as co-funding, sponsorship and the funding of makeovers. The guideline on competition prizes includes in its definition of prizes the offering of opportunities such as those provided by programmes such as Dragon's Den or Any Dream Will Do
- The section on Interacting with Our Audiences reflects the problems with BBC competitions and premium rate telephony services uncovered in 2007. There is also a guideline on the use of user generated content, and a new editorial principle covering audience interactivity. This states that 'All audience interactivity must be conducted in a manner that is honest, fair and legal' and makes clear that, for example, winners must always be genuine and never invented, and that audiences must be made aware if the opportunity for interactivity is no longer available when content is repeated
- The Guidelines now include an additional section on Re-use and Reversioning, setting out the steps necessary to make BBC's valuable archive available to the public.

Updating the Guidelines

The Trust has a duty under the Charter of 'approving guidelines designed to secure appropriate standards in the content of the BBC's services'. By convention, the whole of the BBC's Editorial Guidelines are reviewed about once every five years, and after appropriate changes have been approved a new edition is published.

The latest review was set in train in 2009. A fresh draft of the Guidelines was drawn up by the Executive in consultation with the Trust's Editorial Standards Committee. The Trust decided that, for the first time, these draft Guidelines should be put out to public consultation. The consultation ran from October to December 2009 alongside complementary audience research and other engagement work.

The consultation was structured around four key questions identified by the Trust at the start of the review:

- Do the new Editorial Guidelines lay out appropriate standards for BBC programme makers and other content producers?

- Do they reflect licence fee payers' expectations of the BBC?
- Do they appropriately reflect the findings from existing audience research and impartiality reviews and the broader lessons learned from editorial failings and complaints?
- Are the Guidelines clear?

The Trust received a large number of responses from individuals, industry bodies and interest groups. Some raised policy issues; others raised concerns about lack of clarity in some areas of the draft. The Trust considered the points raised and, where appropriate, asked the Executive to redraft.

An example of a policy issue raised in the consultation was the concern that, as originally drafted, the new guideline on intimidating and humiliating behaviour would restrict certain kinds of comedy. The Executive re-drafted the guideline to make it clear the guideline applied only to behaviour towards real people, not fictional characters.

Where clarity is concerned, an example of the issues raised was that the original draft of the section on Harm and Offence used 'strong language' and 'offensive language' with no clear or obvious distinction. The section was redrafted to standardise the wording as 'strong language' or 'the strongest language.'

Concern about clarity of language was also raised in connection with parts of the section on impartiality. The Trust felt that as accuracy and impartiality are editorial issues over which the Trust has sole responsibility, it was particularly important that this guideline is clear and easy to apply. Substantial revision took place to meet this objective.

Annex 1

Summary of changes as a result of the public consultation

The public consultation invited responses on key editorial guideline issues. These were:

- "Due Accuracy" and Due Impartiality"
- Strong Language
- Aggressive behaviour
- The clarity of the guidelines.

The results of the independent audience research, the Audience Council engagement and the public consultation are all broadly in-line.

In brief, the public welcomed the opportunity to engage with guidelines. For the most part they recognised that the guidelines were a handbook for programme makers and not aimed at a general, lay audience. They also recognised that the guidelines strived to strike the balance between good firm advice and prescription which would limit creativity. They recognised that the guidelines had to be considered alongside good editorial judgement. Some industry and interest group responses raised non guideline issues, but sought instead a general change in BBC output in one direction or another. Others raised fair trading issues, and issues around commercial matters. Where the points raised related to the drafting of the guidelines they were considered by the Trust and where relevant the BBC Executive was asked to redraft the guidelines to accommodate the points made.

Key issues raised by Industry and Interest Groups and by the public

There were 1630 online responses and 15 written submissions from the public. Please see note below giving fuller detail about those who replied.

Substantive responses were received from 11 industry and interest groups. They can be found [here](#).

The Trust requested the Executive to change the guidelines as a result of the following key issues raised in these responses.

The Voice of the Listener and Viewer response was critical of the drafting of the section on impartiality. Research with the public and many responses to the consultation also suggested that this section could be clarified.

The National Union of Journalists requested a change to the wording in the Guideline on Conflict of Interest to allow elected members the right to comment on industrial matters concerning the BBC.

Pact, the industry body representing the interests of independent producers pointed out some inconsistencies in what the guidelines say with regard to the practices of commissioning independents.

The Radio Centre, which is the trade body for commercial radio services in the UK, suggested that the guidelines should take account of the cumulative effect that repeated mentions of a particular brand or product over a short period may have in giving the brand or product undue prominence.

Many of the public submissions raised issues of clarity. An example of the point raised was that the original draft of the section on Harm and Offence used 'strong language' and 'offensive language' with no clear or obvious distinction. This was amended. However the guidelines are a tool for content producers and some phrases which some of the public felt were unclear have remained in the final version of the Editorial Guidelines because they are important considerations for content producers, for example, requiring content producers to consider the 'likely audience expectation' or what is 'adequate and appropriate' in context.

There was public support for the new guideline on Humiliation and Intimidation in the chapter on Harm and Offence. This was drafted in response to the BBC Executive's Taste and Standards Report of 2009.

There was also some concern expressed which fell into two camps: those worried about the impact on comedy and those concerned that the guideline only mentioned comedy and not other forms of programming and may restrict certain kinds of comedy. This guideline has been redrafted to make it clear that it applies to all content and applies only to content about real people, not about fictional characters.

Note: detail on public submissions. The consultation attracted a wide age range of respondents, two thirds of whom were male. The majority were from England, but there were significant representations from Wales, Scotland and Northern Ireland. A predictable majority described themselves as White British. In order to be more fully representative of all sections of society, the commissioned audience research was planned specifically to target those harder to reach groups. There is more detail on this below.

Audience Research

The audience research conducted by Kantar Media explored the guidelines on Accuracy, Impartiality and Harm and Offence in more detail. The research was qualitative.

Discussion groups covering men and women aged 18-70 across the social spectrum met across the UK to discuss the draft guidelines. Other specially convened sessions were held with people less likely to be represented within the main sample. There were also interviews with community leaders and sessions with teenagers.

The research was held to ensure that the views of those who might not naturally reply to a consultation were taken into account by the Trust. The language in which the guidelines are written was difficult for many respondents. Researchers therefore worked with the discussion groups to assist them to understand the application of the guidelines through the use of clips.

The research indicated that the draft guidelines were generally well received in principle. They were considered by many to cover the right points, striking the right balance between freedom of expression on the one hand and protection on the other. There was

wide recognition of the need to balance protection of audiences with allowing the BBC to make programmes and content that people have come to enjoy and value.

The full report is available [here](#).

Changes following the public consultation

There have been a number of minor changes to the text, in the interests of clarity and consistency, which are not recorded here.

Section 1: Editorial Values

1.2.3: Amended in line with revisions to the Impartiality section.

Section 2: Using the Guidelines

2.2.8: Clarification on the referral process for independent production companies,

2.4.1: Clarification of the definition of 'editorial justification'.

Section 3: Accuracy

Introduction and Principles: Revised to remove direct quotes from the BBC Agreement, since the standards of Due Accuracy in the Editorial Guidelines go beyond the standards in the Agreement and the chapter could be considered confusing by quoting both.

Section 4: Impartiality

This section has been substantially revised, primarily to simplify the presentation and clarify that the BBC applies due impartiality to all subjects in all its output, a higher standard than that set by the Agreement.

Section 5: Harm and Offence

5.2.2: Now includes the phrase 'and young people' in the principles section.

5.4.15: Content producers are advised to consider the effect of online users arriving at challenging content following direct links on third party sites, rather than clicking through to it within the BBC site.

5.4.25: The single use of the term "offensive language" has been replaced by 'strong language which causes offence'. In addition, paragraphs 5.4.22 to 5.4.25 have been restructured for clarity.

5.4.32: The new guideline on humiliation and intimidation has been clarified to emphasise that it applies only to real people and not to fictional or historical characters. The recognition that some comedy can be cruel is extended to content in other genres.

Section 6: Fairness

6.4.1: A minor text change for clarity.

Section 8: Crime

8.4.20 and 8.4.21: A minor text change for clarity.

Section 9 Children and Young People as Contributors

9.4.9: This was in the draft of the Guidelines which was consulted upon. It addressed the requirements of the Safeguarding Vulnerable Groups Act 2006. The Home Secretary announced on 15 June 2010 that the registration requirements of the Act would be

postponed and other requirements reviewed. As this paragraph did not set a content standard, and the legislative position was unclear, this has been deleted.

9.4.13: Local authority licensing of performances by children is now referenced explicitly in this section. This is an area where the law is evolving, and content producers are referred to Editorial Policy Guidance, which will be kept under review as the Government implements new policies.

Section 10: Politics, Public Policy and Polls

Minor text changes have been made throughout this section to bring it in line with the wording in the revised Impartiality section.

Section 13: Re-use and Re-versioning

13.4.9: A minor text change in recognition of the fact that the Talent & Rights Negotiation Group would not necessarily be involved in, for example, negotiating repeats of some independent productions.

13.4.11: This now includes the words 'an anti social activity' in the first sentence.

13.4.26: The reference to releasing un-transmitted material for 'training' purposes has been removed because there are many recent examples where rushes can be made available for training purposes without damaging the BBC's editorial integrity and which audiences might consider desirable. For example, observational documentary makers filming operations in hospital have released footage of the entire operation to the hospital (with the consent of the patient) so that medical staff can study and learn from their procedures.

Section 14: Editorial Integrity and Independence

Ofcom is currently consulting on changes to its Broadcasting Code. The regulatory environment for the BBC's commercial services will alter substantially. Many of the Guidelines in this section may be inappropriate to that environment. Consequently, commercial services have been exempted from this section and, instead, separate guidelines will be produced covering similar issues as they apply to commercial services.

There is a new section on product placement, reflecting new government regulations. These include a new mandatory referral at 14.3.1. The new section is included here:

14.4 PRACTICES

Product Placement

14.4.1 Product placement is the inclusion of, or a reference to, a product or service in return for payment or any consideration in kind. The taking of product placement for licence fee funded services is prohibited under the terms of the BBC Agreement.

The BBC must not commission, produce or co-produce output for its licence fee funded services which contains product placement. All programmes made by the BBC or an independent producer for broadcast on BBC licence fee funded services must be free of product placement.

14.4.2 The broadcasting of any programme acquired from a third party, such as an American drama series, which contains product placement but does not require

signalling, must be in accordance with the detailed BBC Guidance on Product Placement, the Ofcom Broadcasting Code and Government Regulations on Product Placement.

BBC licence fee funded services does not broadcast content which requires the signalling of product placement. **If there is any proposition, in any circumstances, to carry output which requires signalling for product placement on licence fee funded services, it must be considered in advance by the relevant divisional director and the Director Editorial Policy and Standards in the first instance, who will refer the proposition to the Director-General for approval.**

(See Guidance online: Product Placement)

14.4.3 BBC commercial television channels may, in some circumstances, take appropriate product placement providing it does not undermine the editorial integrity of the programme or the channel. Any product placement on BBC commercial channels must be in accordance with the Guidelines for BBC Commercial Services on Editorial Integrity and Independence from External Interests, and, where applicable, the Ofcom Broadcasting Code and Government Regulations on product placement.

14.4.3: A new guideline has been added on the consideration of cumulative effect in undue product prominence.

14.4.21: Text changes for clarity.

Section 15: Conflicts of Interest

Introduction: An amendment has been made to address concerns that the Conflicts of Interest chapter could be interpreted to prevent legitimate union activity by elected representatives within the BBC.

15.4.5 – 15.4.6: Clarifying amendments have been made to address confusion that could arise by the use in the earlier draft of the term "serious factual", which has no standard definition. The previous draft also incorrectly applied high standards appropriate for staff who mainly work in News and Current Affairs to those who could be deemed to work in 'serious factual' output.

Section 16: External Relationships and Funding

This section should not prevent legitimate activity by commercial services, and therefore these services have been exempted for this section. Separate guidelines will be produced covering the same issues as they apply to commercial services.

Additional material has been added to clarify the application of the Statement of Policy on Alternative Finance.

Section 17: Interacting with our Audiences

This section contains text changes throughout, clarifying that restrictions on the use of competitions for a commercial purpose apply only to public service output.