

BBC protocol B2 – Editorial standards

December 2010

Editorial standards

What is a protocol?

'Protocols' are formal documents which set out how the BBC Trust will carry out its functions as required by the BBC's Royal Charter and Framework Agreement. Protocols set out the Trust's processes, and the respective roles and responsibilities of the BBC Trust and the BBC Executive Board.

The Charter and Agreement

The Royal Charter is the constitutional basis for the BBC. It sets out the public purposes of the BBC, guarantees its independence, and outlines the duties of the BBC Trust and the BBC Executive Board.

The Agreement sits alongside the BBC's Royal Charter. It provides detail on many of the topics outlined in the Charter and also covers the BBC's funding and its regulatory duties.

What this protocol is about

This protocol explains how the BBC Trust works to ensure that BBC output meets appropriate editorial standards.

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Editorial standards

Approach and principles

- 1.1 This protocol sets out the way the BBC Trust works to ensure that BBC output meets appropriate editorial standards. This covers three key areas:
- (a) development and review of the BBC's Editorial Guidelines
 - (b) ensuring compliance with the Editorial Guidelines and other relevant codes and guidelines (including considering appeals and proactive Trust review of specific areas)
 - (c) setting policy regarding the inclusion of Party Political Broadcasts (PPBs), Party Election Broadcasts (PEBs) and Referendum Campaign Broadcasts (RCBs) on the BBC's services and approving Election and Referendum guidelines, which form part of the Editorial Guidelines.
- 1.2 The Trust oversees the BBC's compliance with the BBC's Editorial Guidelines (including Election and Referendum Guidelines¹) and with other relevant regulatory codes. This includes being the final appeal body for the BBC in case of editorial complaints considered against standards set by the BBC Editorial Guidelines and the final appeal body in case of complaints about the allocation of PPBs, PEBs and RCBs. (Complaints are handled in accordance with the BBC Complaints Protocol,² the PPBs, PEBs and RCBs Complaints Procedure and the editorial complaints procedure, set by the Trust.)
- 1.3 The Director-General is the Editor-in-Chief of the BBC and is accountable for the BBC's editorial and creative output.³ The BBC Executive Board is responsible for the BBC's editorial compliance on a day-to-day basis.
- 1.4 The Trust has oversight to ensure appropriate content standards are maintained for the whole of the BBC's public service output (the UK Public Services and the International Public Services – see protocols C1 and C2). Some content broadcast on the BBC's UK Public Broadcasting services is governed, for some content standards, not only by the Trust but also by the Office of Communications (Ofcom). A Memorandum of Understanding⁴ sets out the relationship between Ofcom and the Trust and the areas of interaction between the two bodies.

Scope

- 1.5 This protocol is divided into the following sections:
- (a) Part A, Development, review and amendment of Editorial Guidelines
 - (b) Part B, Ongoing compliance with Editorial Guidelines and other relevant codes and guidelines

¹ Election Guidelines include a code of practice for elections regarding the participation of candidates in items about the electoral area during the election period: Political Parties Elections and Referendums Act 2000 Section 144. Referendum Guidelines will give editorial guidance in the case of referendum campaigns (but do not have a statutory basis).

² This contains the Complaints Framework set by the Trust following public consultation.

³ BBC Charter, Article 40(3)

⁴ Memorandum of Understanding between Ofcom and the BBC Trust 2007 and Addition 2008

- (c) Part C, Elections and Referendums
- (d) Part D, Party Political Broadcasts.

A DEVELOPMENT, REVIEW AND AMENDMENT OF EDITORIAL GUIDELINES

Role and duties of the BBC Trust

- A1.1 The Trust will commission the Executive Board to draft the BBC's Editorial Guidelines which set out the standards all BBC content is required to meet. The Trust will review and, when it is satisfied, approve Editorial Guidelines presented by the Executive Board.⁵ These will include a code on due accuracy and impartiality⁶ and reflect the Ofcom Broadcasting Code⁷ as it applies to the BBC. The draft Editorial Guidelines may be subject to public consultation.
- A1.2 Once approved, the Editorial Guidelines will be reviewed not less than once every five years. More frequent reviews may be conducted depending on the circumstances. The Trust or the Executive Board may decide to hold a review, for example, if Ofcom issues a new Broadcasting Code or the external context changes such that a review of the Editorial Guidelines is necessary.

Role and duties of the BBC Executive Board

- A2.1 The Executive Board is required by the Trust to draft the Editorial Guidelines which set out the standards all BBC content is required to meet.
- A2.2 Once reviewed and approved, the Executive Board will be responsible for ensuring the Editorial Guidelines are implemented and published.

Procedures

Review

- A3.1 The Editorial Guidelines are reviewed in the first instance by the Executive Board, which may be directed to conduct such a review by the Trust.
- A3.2 The Executive Board shall submit new draft Editorial Guidelines to the Trust for its review and approval. The Trust will consider, review and approve the draft Editorial Guidelines and will require the Executive Board to publish these.
- A3.3 The draft Editorial Guidelines must include the following:
- (a) high-level editorial principles

⁵ Charter, Article 24 (2) (d) and BBC Agreement 2006 Clause 43

⁶ BBC Agreement 2006, Clause 44

⁷ BBC Agreement 2006, Clause 45 and 46

- (b) detailed practices – these detail the ways of working normally required to help meet the high-level principles
- (c) in particular, the Editorial Guidelines must address the requirements of the Charter and Agreement.⁸ The Editorial Guidelines will incorporate the required impartiality and accuracy code. They will also reflect applicable parts of the Ofcom Broadcasting Code.

A3.4 It is intended that the Editorial Guidelines will be a practical guide for content producers and will be publicly available. It is further intended that they will be used as a basis for the consideration of editorial complaints and appeals.

Amendment to the Editorial Guidelines

A3.5 Following a review of the Editorial Guidelines, the Executive Board may propose or the Trust may decide to amend the Editorial Guidelines. Any material or substantive amendment to the Editorial Guidelines is subject to the review and approval of the Trust. Any question as to what constitutes a material or substantive amendment shall be determined by the Trust.

Guidance

A3.6 The Executive Board may supplement the Editorial Guidelines with 'guidance notes' consistent with the high-level editorial principles. These do not ordinarily require approval by the Trust. However, the Executive Board must inform the Trust of any significant guidance notes before they are issued. Where necessary and appropriate, the Trust may require that significant guidance notes are subject to Trust approval before being issued.

Outputs and timings

A4.1 This section sets out a summary of the key outputs and, where known, timings as set out in part A 'Development, review and amendment of Editorial Guidelines' of this protocol.

- (a) A review of, or proposed amendment to, the Editorial Guidelines may result in revisions to the Guidelines. Such revisions may, as appropriate, be the subject of a public consultation by the Trust. The Editorial Guidelines will be published once approved by the Trust.
- (b) The Editorial Guidelines will be reviewed not less than once every five years. More frequent reviews may be carried out from time to time.
- (c) Guidance will be published from time to time as required by the Executive Board but will be reviewed every five years or sooner.

⁸ BBC Agreement 2006 Clauses 44-46

B ONGOING COMPLIANCE WITH EDITORIAL GUIDELINES, AND OTHER RELEVANT CODES AND GUIDELINES

Role and duties of the BBC Trust

- B1.1 The Trust will monitor and hold the Executive Board to account for the BBC's compliance with the BBC Editorial Guidelines and other relevant codes and guidelines.⁹ In particular, the Trust will do all that it can to ensure that the accuracy and impartiality code is complied with.¹⁰
- B1.2 The Trust will ensure that the BBC World Service maintains high standards of editorial integrity, programme content and quality having regard (to the extent that the Trust considers relevant) to the particular requirements that apply to the UK Public Services.¹¹

The role and duties of the Executive Board

- B2.1 The Director-General is the Editor-in-Chief of the BBC and is accountable for the BBC's editorial and creative output. As such, the Director-General is responsible for ensuring compliance with editorial standards on behalf of the Executive Board.
- B2.2 The Executive Board is responsible for ensuring compliance with the Editorial Guidelines, the Ofcom Broadcasting Code as it applies to the BBC and any other relevant codes, policies and guidelines and is accountable to the Trust for such compliance in all BBC output.¹² In particular, the Executive Board must do all it can to ensure that controversial subjects are treated with due accuracy and impartiality in all output that consists of news, or deals with matters of public policy, or of political or industrial controversy.¹³
- B2.3 The Executive Board will ensure that the BBC World Service maintains high standards of editorial integrity.
- B2.4 The Executive Board is required to submit an editorial compliance report to the Trust twice a year and an impartiality and accuracy report to the Trust twice a year. The Executive Board is required to inform the Trust of serious editorial breaches as they arise. The Executive Board shall, as required by the Trust, also provide the Trust with a report on any serious editorial breach (the potential gravity of any editorial breach shall be determined by Trust).
- B2.5 The Executive Board will be responsible for ensuring actions required by the Trust are undertaken.

⁹ BBC Charter Articles 24(2)(f) and 24(1)(c)

¹⁰ BBC Agreement 2006 Clause 44(5)(b)

¹¹ BBC Agreement 2006 Clause 64 (5). Refer also to Protocol C2 International Public Services.

¹² BBC Agreement Clauses 43 to 46

¹³ BBC Agreement Clauses 44(1) and (8)

Procedures

B3.1 The Trust will:

- (a) commission reports from independent authors on editorial standards matters, when it identifies a need to inform itself on a particular subject or issue. It will consider these reports, publish the Trust's conclusions and where necessary require actions by the Executive Board
- (b) commission, consider and publish the outcome of independent impartiality and accuracy reviews
- (c) monitor and ensure the BBC's compliance with editorial standards, including through its work of considering, determining and publishing its decisions on editorial appeals made by the public and other stakeholders, in accordance with the editorial appeals procedure established by the Trust
- (d) commission, consider and publish reports of investigations undertaken by the Executive Board into acknowledged serious standards breaches. It will consider these reports, publish the Trust's conclusions and where necessary require actions by the Executive Board.

B3.2 The Trust may also commission special projects – for example, tracking studies, audience research and specialist advice. In order to discharge the Trust's functions in respect of content standards, the Trust may also conduct investigations into areas of concern.

B3.3 The Trust will require the Executive Board to submit an editorial compliance report on its compliance with the Editorial Guidelines and other relevant codes and guidelines twice a year. The Trust will determine, in consultation with the Executive Board, dates for receiving reports. The reports should, as a minimum:

- (a) summarise changes to the Executive Board's procedures for ensuring compliance, and summarise initiatives such as training
- (b) report all serious breaches of the Editorial Guidelines (whether there was a complaint or not)
- (c) report on upheld Ofcom and BBC Editorial Complaints Unit findings, and action taken
- (d) report all serious issues that have raised audience concerns as to the BBC's ability to remain accurate and impartial (whether there was a complaint or not) and actions taken
- (e) report on any significant 'not upheld' findings
- (f) report on other editorial issues of significance
- (g) report on the work of the Editorial Policy department
- (h) summarise themes in complaints and action taken, including compliance with any remedial action required, with particular emphasis on any service undergoing a review of its service licence at the time of the report
- (i) report on the observance or otherwise of the Election Guidelines, including the election code of practice, in any relevant elections in the preceding six months.

- B3.4 The Trust will also require the Executive Board to submit an impartiality and accuracy report twice a year. This should report on audience perceptions of trustworthiness, accuracy and impartiality.
- B3.5 The Trust will request from the Executive Board reports on serious editorial breaches as and when they arise.
- B3.6 The Trust may require action from the Executive Board with regard to issues identified in the editorial compliance report, the impartiality report, other standards reports by independent authors and any report regarding a serious editorial breach.

Outputs and timings

- B4.1 This section sets out a summary of the key outputs, and where known, timings as set out in part B 'Ongoing compliance with editorial guidelines and other relevant codes and guidelines' of this protocol.
- (a) The Trust will publish its conclusions regarding reports carried out by independent authors on standards issues, and the outcomes of reviews on impartiality and accuracy which will be agreed by the Trust and published in each case.
 - (b) The Trust will publish findings on appeals in regular Editorial Standards Findings Bulletins. It will also publish findings on acknowledged serious editorial breaches, which will incorporate the report provided to it by the Executive Board after the investigation has been completed and the Trust has reached a finding.
 - (c) The Executive Board will provide a compliance report and an impartiality and accuracy report to the Trust biannually. The Trust will publish a commentary on any serious editorial breaches and upon notable features of the biannual compliance report and biannual impartiality and accuracy report in the BBC's Annual Report and Accounts (which is normally published in July).

C ELECTIONS AND REFERENDUMS

C1.1 This section of the protocol refers to local, national, UK and European-wide elections (it does not apply to by-elections). Elections may be held at short notice and so it may be necessary to adapt these procedures without prior notice or consultation due to the time constraints imposed by an election period or otherwise. This section also covers referendum campaigns as governed by the Political Parties, Elections and Referendums Act 2000 and the Electoral Commission only.

Role and duties of the BBC Trust

C2.1 There are two separate areas addressed by this protocol – Guidelines and party election or referendum campaign broadcasts.

Guidelines

C2.2 The Trust will require the Executive Board to draw up and submit for approval Election Guidelines and Referendum Guidelines. Election Guidelines will include a code of practice for elections regarding the participation of candidates in items about the electoral area during the election period.¹⁴ Referendum Guidelines give editorial guidance in relation to coverage of referendum campaigns.¹⁵ The Trust will review and, when it is satisfied, approve the Guidelines, which may be subject to public consultation.

Party election and referendum campaign broadcasts

C2.3 Prior to any local, national or European election or any referendum, the Trust will review and, when it is satisfied, approve and ensure the publication of allocation criteria for PEBs or (as the case may be) RCBs submitted by the Executive Board. In doing so, the Trust will determine:

- (a) which of the UK Public Broadcasting Services are, in principle, to include PEBs or RCBs (or both)
- (b) the basis upon which such broadcasts are to be included in the UK Public Broadcasting Services
- (c) the terms and conditions subject to which such broadcasts are to be included in the UK Public Broadcasting Services.¹⁶

C2.4 The Trust is the final appeal body in respect of complaints about how the Executive has applied the criteria in allocating PEBs and RCBs.

¹⁴ Representation of the People Act 1983, s.93 (as inserted by the Political Parties Elections and Referendums Act 2000 s.144).

¹⁵ Such Guidelines do not have a statutory basis.

¹⁶ Agreement, Clause 48

Roles and duties of the BBC Executive Board

Guidelines

- C3.1 The Executive Board will draw up and submit for approval Election Guidelines and Referendum Guidelines as and when appropriate, taking into account both when elections or referendums are due and also when they may reasonably be anticipated to take place. The Election Guidelines will include a code of practice for elections regarding the participation of candidates in items about the electoral area during the election period.
- C3.2 The Executive Board will ensure that the Guidelines are implemented.

Party election and referendum campaign broadcasts

- C3.3 The Executive Board will draw up and submit for approval—
- (a) prior to each local, national or European election, PEB allocation criteria for registered parties; and
 - (b) prior to any referendum, RCB allocation criteria for designated organisations.¹⁷
- C3.4 The Executive Board will then apply the criteria to determine PEB or RCB allocations.

Procedures

- C4.1 The Trust will determine, in consultation with the Executive Board, dates for the provision of the draft Election or Referendum Guidelines and the draft PEB or RCB allocation criteria.

Guidelines

- C4.2 The Executive Board will draft Election or Referendum Guidelines for the Trust to consider, review and approve before the election or referendum period commences, where possible.
- C4.3 The Executive Board must provide the relevant Trust committee with the draft Election or Referendum Guidelines, a copy of any correspondence with the Electoral Commission, and any other background information as required by the Trust. Specifically, in relation to the Election Guidelines, the BBC must have regard to the views of the Electoral Commission in drawing up the code of practice.¹⁸ The Executive Board must submit the code to the Trust, with relevant underlying information as requested by the Trust, and must inform the Trust as to how the views of the Electoral Commission have been taken into account in drawing up the code of practice.
- C4.4 The Guidelines should be reviewed from time to time and not less than every five years.
- C4.5 The Executive Board will publish the Guidelines following approval by the Trust.

¹⁷ Under the Political Parties, Elections and Referendums Act 2000, Section 108, these are organisations designated by the Electoral Commission to represent those campaigning for one referendum outcome or another.

¹⁸ Representation of the People Act 1983, s.93 (3)

Party election and referendum campaign broadcasts

- C4.6 The Executive Board will draft PEB and RCB allocation criteria for the Trust to consider, review and approve.
- C4.7 The Executive Board must provide to the relevant Trust committee with the draft allocation criteria, a copy of any correspondence with the Electoral Commission, a copy of any correspondence with registered political parties commenting on the finalised draft PEB criteria and any other background information as required by the Trust. Specifically, the BBC must have regard to the views of the Electoral Commission in determining its policy.¹⁹
- C4.8 The Executive Board will publish the criteria for PEBs and RCBs following approval by the Trust.
- C4.9 The Executive Board will use the criteria to determine and then publish—
- (a) PEB allocations, once nominations have closed and the allocations are final;
 - (b) RCB allocations, once the Electoral Commission has announced who the designated organisations are, if any.

Output and timings

- C5.1 This section sets out a summary of the key outputs, and where known, timings as set out in part C 'Elections' of this protocol.
- (a) PEB allocation criteria will be approved by the Trust and published by the Executive Board before every election.
 - (b) PEB allocations will be determined and published by the Executive Board before every election.
 - (c) RCB-allocation criteria will be approved by the Trust and published by the Executive Board before every referendum.
 - (d) RCB allocations will be determined and published by the Executive Board before every referendum.
 - (e) Election Guidelines and Referendum Guidelines will be approved by the Trust and published by the Executive Board. They will be reviewed not less than once every five years. More frequent reviews may be carried out from time to time.

¹⁹ Political Parties Elections and Referendums Act 2000, Section 11 and paragraph 4(6) of Schedule 12.

D PARTY POLITICAL BROADCASTS

D1.1 This section of the protocol refers to the BBC's policies for carrying party political broadcasts (PPBs) from time to time. This section does not deal with party election broadcasts (PEBs) which is covered by section C of the protocol.

Role and duties of the BBC Trust

D2.1 The Trust will require the Executive Board to draw up and submit for approval allocation criteria for PPBs. From time to time it will require the Executive to review the criteria and (if appropriate) submit revised criteria for approval.

D2.2 The Trust will review and, when it is satisfied, approve the criteria, which may be subject to public consultation. In doing so, the Trust will determine:

- (a) which of the UK Public Broadcasting Services are, in principle, to include PPBs
- (b) the basis upon which such broadcasts are to be included in the UK Public Broadcasting Services
- (c) the terms and conditions subject to which such broadcasts are to be included in the UK Public Broadcasting Services.²⁰

D2.3 The Trust is responsible for approving PPB allocation criteria and is the final appeal body in respect of complaints about how the Executive has applied the criteria in allocating PPBs.

Roles and duties of the BBC Executive Board

D3.1 The Executive Board will, as required, draw up and submit for approval PPB allocation criteria for registered parties and then apply the criteria to determine PPB allocations.

Procedures

D4.1 The Trust will determine, in consultation with the Executive Board, dates for the provision of draft PPB allocation criteria.

D4.2 The Executive Board will draft PPB allocation criteria as required by the Trust for the Trust to consider, review and approve.

D4.3 The Executive Board must provide the relevant Trust committee with the draft PPB allocation criteria, a copy of any correspondence with the Electoral Commission, a copy of any correspondence with registered political parties commenting on the finalised draft criteria, and any other background information as required by the Trust. Specifically, the BBC must have regard to the views of the Electoral Commission in drawing up the criteria.²¹

²⁰ Agreement, Clause 48

²¹ Political Parties, Elections and Referendums Act 2000, Section 11

- D4.4 The criteria should be reviewed from time to time and not less than every five years (according to a timetable determined by the Trust in consultation with the Executive Board).
- D4.5 The Executive Board will publish the criteria following approval by the Trust.
- D4.6 The Executive Board will use the criteria to determine and then publish PPB allocations.

Output and timings

- D5.1 This section sets out a summary of the key outputs, and where known, timings as set out in part D 'Party political broadcasts' of this protocol.
- (a) PPB allocation criteria will be approved by the Trust and published by the Executive Board from time to time, and not less than every five years (following a review).
 - (b) PPB allocations will be determined and published by the Executive Board each year.

References

C6.1 BBC Charter

The following articles in the BBC's Charter are relevant to this protocol:

- (a) BBC Charter Articles 24 (2) (d) and (f) – Trust functions in approving Editorial Guidelines and holding the Executive to account
- (b) BBC Charter Article 40(3) - the Director-General

C6.2 Framework Agreement

- (a) BBC Agreement Clauses 43-47 – regulatory obligations relating to content standards.
- (b) BBC Agreement Clause 48 – regulatory obligations relating to party political broadcasts.

C6.3 Other documents

- (a) Representation of the People Act 1983, Section 93.
- (b) Political Parties Elections and Referendums Act 2000, Sections 11, 37, and 127
- (c) Memorandum of Understanding between Ofcom and the BBC Trust 2007, and Addition 2008

http://www.bbc.co.uk/bbctrust/assets/files/pdf/about/ofcom_trust_mou.pdf

http://www.bbc.co.uk/bbctrust/assets/files/pdf/about/ofcom_trust_mou_addition.pdf

Version	Date of publication	Approved by the Trust	Summary of changes since previous version
1.0	January 2007	9 & 10 January 2007	n/a
2.0	May 2010	18 February 2010	This document has been updated to fit in the new protocol format, explain relevant processes in more detail and set out new elections processes. It incorporates the previous protocol 'D4 Editorial Standards'.
2.1	December 2010	18 November 2010	This document has been updated to: <ul style="list-style-type: none"> • amend section C ("Elections and Referendums") to include stipulations on Referendum Campaign Broadcasts; and • include a new section D ("Party Political Broadcasts"). • amend the numbering of all sections.