

ISSUES IN PROGRAMMES

REPORTING SUFFERING AND DISTRESS	12
INTERVIEWING	13
CHILDREN AND PROGRAMMES	14
CRIME	15
RELATIONS WITH THE POLICE	16
CONFIDENTIALITY AND RELEASE OF PROGRAMME MATERIAL	17
TERRORISM AND NATIONAL SECURITY	18
REPORTING THE UNITED KINGDOM	19
RECORDING THE NATURAL WORLD	20
RE-USE AND REVERSIONING OF BBC TELEVISION PROGRAMMES	21
GAME SHOWS AND COMPETITIONS	22
COVERAGE OF THE NATIONAL LOTTERY	23

REPORTING SUFFERING AND DISTRESS

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

I 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.

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 and factual 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 in the UK or abroad
- the time of transmission, whether 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. 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 can 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.

INTERVIEWING

GENERAL	1
PURPOSE OF INTERVIEWS	2
EVEN-HANDEDNESS	3
FAIR DEALING WITH INTERVIEWEES	4
TONE AND TACTICS	5
FAIRNESS TO THE INTERVIEWEE AND DEALING WITH EVASION	6
INTERVIEWING OUR CORRESPONDENTS	7
EDITING A RECORDED INTERVIEW	8

I 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 inflection 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.

CHILDREN AND PROGRAMMES

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

I 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 about 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 making 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 18, 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 16 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.

CRIME

GENERAL PRINCIPLES	1
DEALING WITH CRIMINALS	2
DEALING WITH WITNESSES	3

I 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 and 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 I “Confidentiality” in Chapter 17: Confidentiality and Release of Programme Material).

1.2 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 7: 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 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.

1.3 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.

1.4 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.

1.5 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").

1.6 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 time 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.

1.7 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.

1.8 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.

1.9 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 anti-social 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 or Commissioning Executive 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 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

In preparing material related to a court case for post-trial transmission the general principle is that no programme may pay or promise to pay, either directly or indirectly, any person who may reasonably be expected to be called as a witness. Only actual expenditure or actual loss of earnings necessarily incurred during the making of a programme contribution may be reimbursed, and then only after scrutiny and approval by the Head of Department concerned.

Any exception to this general principle must be approved in advance by the relevant Chief Executive of the Directorate concerned in consultation with Controller Editorial Policy.

An exception will be considered only where:

- there is an overwhelming public interest, or
- the interviewee is an expert witness whose professional opinion is being sought, or
- payment is strictly in return for the provision not of an interview but of other programme material (such as photographs or documents).

In such cases the relevant Chief Executive will determine the appropriate level of payment and Controller Editorial Policy will determine what measures may be necessary in dealing with the witness to protect both the BBC's reputation and the integrity of the judicial process.

RELATIONS WITH THE POLICE

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

I 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 Editorial Policy.

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, who 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.

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. But there are pitfalls which 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.

CONFIDENTIALITY AND RELEASE OF PROGRAMME MATERIAL

CONFIDENTIALITY	1
REQUESTS FOR UNTRANSMITTED MATERIAL	2
REQUESTS FOR TRANSMITTED MATERIAL	3

I 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 Controller Editorial Policy.

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 in such situations that it is, and is seen to be, independent.

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 Controller Editorial Policy 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.

TERRORISM AND NATIONAL SECURITY

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

I 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 which 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 in 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 Controller Editorial Policy 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 <http://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 Controller Editorial Policy at once.

**REPORTING THE
UNITED KINGDOM**

GENERAL	1
STYLE AND LANGUAGE	2
NORTHERN IRELAND	3

I 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, 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 depute". 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 Controller Editorial Policy 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.

RECORDING THE NATURAL WORLD

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

I 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 7 “Staging and Re-Staging of Events” of part two of Chapter 2: Impartiality and Accuracy), similar conventions can apply in Natural History programme making that neither deceive nor mislead 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 often mean it is impossible to film one animal or plant consistently. It is acceptable for programme makers to use footage of several different animals or plants to evoke the complete life cycle from birth to death. 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 which 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" of part two of 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 rarely be 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.

RE-USE AND REVERSIONING OF BBC TELEVISION PROGRAMMES

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

I GENERAL

These guidelines state good practice when BBC television programmes are repeated, reversioned, or re-formatted 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 reversion 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 RE-USE, 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 2: Impartiality and Accuracy (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 which 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 which 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.

GAME SHOWS AND COMPETITIONS

	GENERAL	1
SELECTING CONTESTANTS FOR QUIZZES AND GAME SHOWS		2
	TREATING CONTESTANTS FAIRLY	3
	SAFETY	4
	PRIZES	5
	DONATED PRIZES	6
	ORGANISATION OF COMPETITIONS	7
	PRIZES IN JOINTLY ORGANISED COMPETITIONS	8
	ENTRY FORMS AND RULES	9
LEGAL CONSIDERATIONS AND PREMIUM RATE LINES		10
	CO-SPONSORED EVENTS	11
	ITC RESTRICTIONS	12

I 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 for 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 which 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 Programme Legal Advice 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 have probably 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 13 “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 Products, Services and Publications.

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 Programme Legal Advice before arranging any competition involving premium rate lines.

See also Chapter 32: Phone-Ins and 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.

COVERAGE OF THE NATIONAL LOTTERY

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

I 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 prerequisite 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.