# Harm and Offence



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### 5.1 Introduction

The BBC aims to reflect the world as it is, including all aspects of the human experience and the realities of the natural world. In doing so, we balance our right to broadcast innovative and challenging content, appropriate to each of our services, with our responsibility to protect the vulnerable, especially young people, and to avoid unjustifiable offence<sup>1</sup>.

The BBC's right to freedom of expression is protected under the European Convention on Human Rights and the Human Rights Act 1998. Freedom of expression includes the audience's right to receive creative material, information, ideas, and content that may be contentious or offensive without interference but subject to restrictions prescribed by law and necessary in a democratic society.

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

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

We must be sensitive to, and keep in touch with, generally accepted standards<sup>2</sup> as well as our audiences' expectations of our content, particularly in relation to the protection of children.

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

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

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

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

### **Generally Accepted Standards**

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

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

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

At the same time, we must balance our responsibility to protect children and young people from unsuitable content with their rights to freedom of expression and freedom to receive information. We must not publish material which might seriously impair the physical, mental or moral development of young people<sup>3</sup>.

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

### Context

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

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

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

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

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

For the purposes of the Editorial Guidelines and unless stated otherwise, a child is someone under the age of 16 years. Young people are those aged 16 and 17<sup>4</sup>. It should be noted that these are not legal definitions.

### 5.2 Mandatory Referrals

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

5.2.1 Programmes broadcast on UK television between 5.30am and 9pm must be suitable for a general audience including children. The earlier in the evening a programme is placed, the more suitable it should be for children to watch without an older person. Programmes in later pre-watershed slots may not be suitable for the youngest children or for children to watch without an older person.

Only in exceptional circumstances can there be any departure from this practice, and then clear content information should be given. Any proposed exceptions must be referred to the channel controller/editor.

See 5.3.7

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

See 5.3.23

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

<sup>4</sup> This is a higher standard than the Ofcom Broadcasting Code requires in protecting the Under-Eighteens. That says 'Children are people under the age of fifteen years'.

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

See 5.3.31

5.2.4

Any proposal to show a hanging scene, portray suicide, attempted suicide or self-harm requires careful consideration because of the sensitivity of the subject and the possibility of dangerous imitation and must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. Referral must also be made to Editorial Policy.

See 5.3.46

5.2.5

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

See 5.3.58

5.2.6

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

See 5.3.61

5.2.7

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

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

See 5.3.62

### 5.3 Guidelines

### **Audience Expectations**

5.3.1

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

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

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

### **Content Information**

5.3.2

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

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

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

5.3.3

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

See Section 5 Harm and Offence: 5.3.6-5.3.11

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

See Section 5 Harm and Offence: 5.3.15

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

See Section 5 Harm and Offence: 5.3.12-5.3.14

### Labelling On-Demand and Digital Content

5.3.4

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

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

### 5.3.5

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

- the BBC's 'G for Guidance' icon indicating that content guidance is available
- a system of content labels to describe strong or challenging content
- a PIN/password protection system so that parents can restrict access to more challenging material carrying a content label.

### Scheduling for Television and Radio

### 5.3.6

### Television Scheduling and the Watershed

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

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

The 9pm watershed signals the beginning of the transition to more adult material; in general the change should not be abrupt. Programme makers and schedulers should also take into account the nature of the channel and viewer expectations. The strongest material should normally appear later in the schedule. If sudden changes of tone are unavoidable they should be clearly signposted, for example by giving clear information about scenes of a sexual nature, violence or the use of strong language.

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

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

5.3.7 Programmes broadcast on television between 5.30am and 9pm must be suitable for a general audience including children. The earlier in the evening a programme is placed, the more suitable it should be for children to watch without an older person. Programmes in later pre-watershed slots may not be suitable for the youngest children or for children to watch without an older person.

Only in exceptional circumstances can there be any departure from this practice, and then clear content information should be given. Any proposed exceptions must be referred to the channel controller/editor.

- 5.3.8 Programmes that straddle the watershed, that is start before 9pm and finish sometime after 9pm, should normally be pre-watershed compliant throughout.
- Programmes should normally be commissioned for broadcast on a specific channel and for either pre- or post-watershed, to allow the necessary judgements about the suitability of the content to be made during the production process. Changes to channel or transmission slots, particularly any proposal to broadcast a programme before rather than after the watershed, may mean a programme requires significant re-editing to ensure that it complies with these Guidelines.

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

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

### 5.3.10

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

### 5.3.11 Television News

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

Footage may be readily available from social media sites or elsewhere online; however, audiences expect us to apply editorial judgement in using this content. While footage may be in the public domain, its re-use by the BBC may seem gratuitous to audiences and cause offence if it is used without sufficient editorial justification.

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

It is not appropriate to use the most distressing images or strongest language in the 'headlines' at the top of a bulletin or as wallpaper or floats in news output or as the thumbnail image in digital content.

See Guidance online: Live Output

### 5.3.12 Radio Scheduling

Radio does not have a watershed. Our scheduling decisions should be based on the audience expectations of each radio service and informed by our knowledge of when children are particularly likely to be in our audience, for example, during the morning and afternoon school runs or during school holidays. Unexpected or challenging material should be clearly signposted to avoid causing unjustifiable offence.

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

### 5.3.13 We should normally play edited versions of music which would otherwise feature unsuitable material, including strong language or violent content, for mainstream doubling audiences. At other times and

including strong language or violent content, for mainstream daytime audiences. At other times and in specialist music programmes, the original version may be editorially justified but it should be within the audience expectations for the programme and,

if necessary, we should take steps to achieve this (for example, signposting and content information).

See Section 5 Harm and Offence: 5.3.20-5.3.26

### 5.3.14

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

### 5.3.15 On-Demand and Digital

There is no direct equivalent of the watershed online.

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

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

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

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

### 5.3.16

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

### 5.3.17

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

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

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

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

### 5.3.18 Scheduling of Programme Trails

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

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

The BBC has its own classification system for the appropriate scheduling of trails to ensure that trails are suitable for different audiences. Trails need to give an accurate sense of the programmes they relate

to, to help viewers decide whether or not to watch them. On linear television, pre-watershed trails for post-watershed programmes must be suitable for a general audience but also need to give proper signposting about the nature of the material. When publishing trails and promotional materials online and via social media, the key criteria for the scheduling of trails should also be taken into consideration, using Guidance labelling when required.

### **Live Output**

### 5.3.19

We need to assess the risks when producing and broadcasting live output and take any appropriate steps to mitigate them. Considerations include: how live output might be monitored; whether material that has the potential to cause offence is appropriately scheduled; and whether there is sufficient senior editorial support available during transmission.

If problems occur in live output, they should be dealt with promptly and sensitively. If, pre-watershed, the strongest language is broadcast inadvertently (or, for radio, when children are particularly likely to be listening), we should make an on-air apology at the earliest opportunity.

See Section 3 Accuracy: 3.3.7 See Guidance online: Live Output

### Language

### 5.3.20

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

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

See Section 5 Harm and Offence: 5.1

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

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

### 5.3.21

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

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

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

5.3.22

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

5.3.23

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

5.3.24

We must not include strong language before the watershed, or on radio when children are particularly likely to be in our audience, or in online or social media content likely to appeal to a significant proportion of children, unless it is justified by the context. Even then, frequent use must be avoided.

5.3.25

We must not include strong language which causes offence in:

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

### 5.3.26

### **Bleeping of Strong Language**

In general, where strong language is integral to content, and relevant questions such as transmission slot and channel have been resolved, it should not be disguised. This also applies to output that is captioned, either for clarity or for translation purposes.

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

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

Even where strong language has been bleeped, if it is used repeatedly the cumulative effect is likely to increase the offence felt by audiences.

### Violence

### 5.3.27

Our audiences, particularly children, can be frightened or distressed by the portrayal of both real and fictional violence. We should make careful judgements when we plan to include violence in our output.

Consideration should be given to the editorial justification for any depiction of violence, and violent content should normally be clearly signposted. When real-life violence, or its aftermath, is shown on television or reported on radio and online we need to strike a balance between the demands of accuracy and the dangers of causing unjustified distress. There are very few circumstances which justify broadcasting the moment of death.

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

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

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

- violence in places normally regarded as safe, such as the family home and hospitals
- unusual or sadistic methods of inflicting pain, injury or death
- incidents where women, children and the vulnerable are the victims
- violence without showing the effect on the victim or the consequences for the perpetrator
- sexual violence
- verbal aggression and tone, particularly when it includes the use of the strongest language and discriminatory or sexually offensive terms
- · suicide, attempted suicide or self-harm
- where the reactions of others to the violence is shown, especially the reactions of children
- post-production techniques such as atmospheric music, visual effects, slow motion, graphic close-ups and sound effects
- sustained menace or an unrelenting, dark tone or suspense created at the end of a programme in a cliff-hanger
- output that is more intense or immersive because it is available as Virtual Reality or Augmented Reality content.

### 5.3.28

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

### 5.3.29 Violence and the Protection of Children

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

to the likely audience and editorially justified.

### 5.3.30

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

See Section 5 Harm and Offence: 5.3.49-5.3.53

### 5.3.31 Violence Against Animals and Animal Welfare

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

Audiences can be distressed by violence within wildlife programmes. Wherever it occurs, it may be appropriate to signpost potentially distressing content.

Audiences are concerned generally about the treatment of animals. When animals are involved or featured in our content we should give consideration to their overall welfare and the conditions in which they are kept.

See Guidance online: Recording the Natural World

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

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

### Intimidation and Humiliation

### 5.3.32

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

See Section 6 Fairness to Contributors and Consent: 6.3.23

### **Nudity**

### 5.3.33

We do not normally show nudity before the watershed or in online content likely to appeal to a significant proportion of children. Where it is used, it must be justified by the context. Nudity, whether actual or suggested, has the potential to offend and care must be taken in pre-watershed content, especially in promotional material which does not carry content information.

### Sex

### 5.3.34

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

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

### 5.3.35

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

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

### 5.3.36

The discussion and portrayal of sexual behaviour must be editorially justified in programmes broadcast pre-watershed or when children are particularly likely to be in our radio audience, or using our online content. It must also be appropriate to the likely audience and inexplicit. Clear content information may be required.

See Section 5 Harm and Offence: 5.3.2-5.3.3

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

### 5.3.37

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

See Section 14 Independence from External Interests: 14.3.26

### **Abusive or Derogatory Treatment**

### 5.3.38

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

Under Ofcom's Broadcasting Code, material may constitute hate speech if it is likely to encourage criminal activity or lead to disorder. It includes all forms of expression which spread, incite, promote or justify hatred based on intolerance on the grounds of disability, ethnicity, gender, gender reassignment, nationality, race, religion or sexual orientation.

Content producers may include contributions from people or organisations with extreme or challenging views. Where output includes views which might incite hatred we must have editorial justification and must include appropriate challenge and/or other context.

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

### **Portrayal**

### 5.3.39

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

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

See Guidance online: Reporting and Portrayal of Indigenous Peoples

### 5.3.40

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

### Alcohol, Smoking, Vaping, Solvent Abuse and Illegal Drugs

### 5.3.41

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

### 5.3.42

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

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

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

### **5.3.43** We should also:

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

### 5.3.44

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

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

### Suicide, Attempted Suicide, Self-Harm and Eating Disorders

### 5.3.45

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

Methods of suicide and self-harm must not be included

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

5.3.46

Any proposal to show a hanging scene, portray suicide, attempted suicide or self-harm requires careful consideration because of the sensitivity of the subject and the possibility of dangerous imitation and must be referred to a senior editorial figure or, for independent production companies, to the commissioning editor. Referral must also be made to Editorial Policy.

5.3.47

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

5.3.48

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

See Section 14 Independence from External Interests: 14.3.26

### **Imitative Behaviour**

### 5.3.49 Children and Dangerous Imitation

Children can be influenced by what they see, hear and read. Behaviour likely to be easily imitable by children in a manner that is dangerous, must not be broadcast before the watershed or on radio when children are particularly likely to be in our audience, or online when content is likely to appeal to a significant proportion of children.

### 5.3.50

Careful judgements are required about content which might lead to dangerous imitation, particularly when they include the use of domestic objects (such as knives, hammers, acid and scissors) in violent acts. Such content must not be featured in output made primarily for children unless there is a strong editorial justification. Content designed for children should ensure that care is taken to discourage imitation of techniques, experiments and so forth.

See Section 5 Harm and Offence: 5.3.29-5.3.30

### 5.3.51

When hazardous pastimes are portrayed in factual content either before the watershed or on radio when children are particularly likely to be in our audience, or in online content likely to appeal to a significant proportion of children, we should give warnings about the dangers of imitation without appropriate supervision, and the necessary safety equipment should be visible. Where relevant and unless there is a strong editorial reason for not doing so, pre-watershed drama and entertainment programmes, or similar online content likely to appeal to a significant proportion of children, should normally show the correct safety procedures when depicting these kinds of activities.

### 5.3.52 Safety

We should normally observe the law, both in the UK and other countries, unless there is strong editorial justification for not doing so. This includes ensuring

that presenters, actors and contributors who are driving use seatbelts, fit child car seats correctly, wear crash helmets and use the correct mobile phone equipment.

### 5.3.53

We should also show the common-sense use of safety equipment wherever practical, unless there is editorial justification for not doing so. This includes using eye protection for DIY activities and protective headgear and clothing for sports and leisure activities, particularly those popular with children such as cycling, skateboarding and water sports.

### **Tragic Events**

### 5.3.54

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

### Religion

### 5.3.55

Any content dealing with matters of religion and likely to cause offence to those with religious views and beliefs must be editorially justified as judged against audience expectations and generally accepted standards.

There is no longer an offence of blasphemy in England and Wales and it is no longer prosecuted in Scotland or Northern Ireland. However, religious beliefs are central to many people's lives and arouse strong views and emotions. We should take care to avoid unjustified offence. Blasphemy laws around the world can be very different and content producers may seek advice from

Programme Legal Advice.

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

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

### 5.3.56

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

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

### 5.3.57

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

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

### Hypnotism, Exorcism, the Occult and the Paranormal

### 5.3.58

### **Hypnotism**

The Hypnotism Act 1952 requires any demonstrations of hypnotism for public entertainment to be licensed. It prohibits demonstrations on people under 18 and applies to any broadcast demonstration of hypnotism

at, or in connection with, an entertainment which admits the public.

We should take steps to minimise any potential risk of inducing hypnosis and/or adverse reactions in susceptible viewers, listeners or online users. In particular, a hypnotist must not broadcast his/her full verbal routine or be shown performing straight to camera. Hypnotism acts, particularly those designed to ridicule someone, should be treated with care in entertainment programmes. They might be both harmful and offensive to our audience.

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

### 5.3.59 Exorcism, the Occult and the Paranormal

We must act responsibly when including material looking at any aspect of exorcism, the occult, the paranormal, divination or any related practices and treat any claims that are made with due scepticism.

Demonstrations which purport to be real must not be broadcast before the watershed or on radio when children are particularly likely to be in our audience, or in online content likely to appeal to a significant proportion of children.

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

At any time, demonstrations of, or claims about, exorcism, the occult, the paranormal, divination or any related practices in factual programmes must be treated with objectivity appropriate to the output. In entertainment programmes they must be clearly signposted. In all our output, such demonstrations

5.3.60

must not contain advice about health, finance, employment or relationships which encourages people to make life-changing decisions.

### Flashing Images, Strobing and Images of Very Brief Duration

### 5.3.61 Flashing Images, Strobing and Photo-Sensitive Epilepsy

To minimise the risk to viewers who have photo-sensitive epilepsy we should follow the Ofcom guidance referred to in Rule 2.12 of the Ofcom Broadcasting Code<sup>5</sup>. On rare occasions it may not be reasonably practicable to follow this guidance, for example when flashing content is unavoidable, such as in a press event or a live news report when it cannot be remedied technically. In such cases, when inclusion of the content is editorially justified, we should give a verbal and, if appropriate, a text warning at the start of the programme or item.

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

### 5.3.62 Images of Very Brief Duration

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

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

### **Acquired Programmes**

### 5.3.63

Acquired programmes must comply with our Editorial Guidelines on Harm and Offence. We should comply them before they are broadcast or made available on demand to ensure the content is suitable for the likely audience. A film classification is only a guide and special care should be taken with films rated as '18' certificate, which should not play before 9pm on any service.

### 5.3.64

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

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