

A2 LEVEL

FACT FILES

Journalism

For first teaching from September 2013

For first AS award in Summer 2014

For first A2 Level award in Summer 2015

Ofcom Guidelines



journalism

in the Media and Communications Industry (JMC)

Learning Outcomes

Students should be able to:

- Explain the industry guidelines which broadcast journalists must follow with regard to the Ofcom Broadcasting Code.

Content

Commercial broadcasters in the UK are regulated by an independent statutory body, the Office of Communications (Ofcom). It deals with the ownership of commercial media organisations, how programmes are transmitted and the content of programmes, including journalism.



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The BBC is subject to regulation by Ofcom in some respects, but is also regulated by its own ethical code, the BBC Editorial Guidelines, set by the BBC Trust.

According to Ofcom's rules – the Broadcasting Code – commercial broadcasters must be accurate, impartial in their coverage of political and social issues treat people fairly, avoid causing harm and offence and respect people's privacy.

Ofcom adjudicates on complaints about all television and radio broadcasts. If it upholds a complaint, it may stop a broadcast being repeated, or can order that a statement or

its findings or correction is transmitted. It can also impose large fines on media organisations, including the BBC, that seriously breach its standards.

In the most serious cases, it can shorten, suspend or revoke the licence of commercial broadcasters – it cannot do this to the BBC, Channel 4 or the Welsh language station S4C as these are public service broadcasters.

The Code is wide ranging and lengthy. Below is a summary of its main points.

Section One: Protecting the Under Eighteens



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This section stipulates that broadcasters must take all reasonable steps to protect people under eighteen from material that might seriously impair their physical, mental or moral development.

Children – defined as those under 15 – must also be protected by appropriate scheduling from material that is unsuitable for them. When deciding schedules, broadcasters should consider factors including the nature of the content, the numbers and ages of children likely to be watching/listening and the likely expectations of the audience of a particular channel or station at a particular time and on a particular day.

Terrestrial television broadcasters must also observe a 9pm watershed, before which material unsuitable for children should not in general be shown.

In particular, broadcasters must take care how they portray nudity, violence, offensive language, smoking and the use of illegal drugs, solvents and alcohol before the watershed or in the case of radio, when children are particularly likely to be listening. The rules are open to some interpretation and in some cases, these things can be portrayed if they are editorially justified.

There are also strict rules governing the representation of sex on television and on radio, which generally should not be shown before the watershed or when children are likely to be listening to the radio.

Broadcasters must ensure the physical and emotional welfare and dignity of under-18s who take part in programmes, irrespective of the consent they or their parents/guardians have given for them to take part.

There is also guidance about identifying under-18s involved in court cases. The law in this area is complex and the code says where there are statutory or other legal restrictions preventing personal identification, broadcasters should be particularly careful not to provide clues which may lead to the identification of young people. For example, this could be by reporting limited information that could then be pieced together with information from other sources ('jigsaw identification').

Section Two: Harm and Offence



This section says that 'generally accepted standards' must be applied to the content of television and radio broadcasts to protect viewers and listeners from harmful and offensive material. Such material may include offensive language, violence, sex and treatment or language that discriminates on the ground of age, disability, gender, race, religion or sexual orientation.

Material that could cause offence should be justified by the context, including the programme's editorial content, the time of the broadcast and the likely expectations of the potential audience.

Appropriate information should be broadcast in order to minimise the harm or offence caused – for example, a warning by a continuity announcer about strong language in an upcoming film.

There is also a rule that factual programmes or items or portrayals of factual matters must not materially mislead the audience.

Section Three: Crime



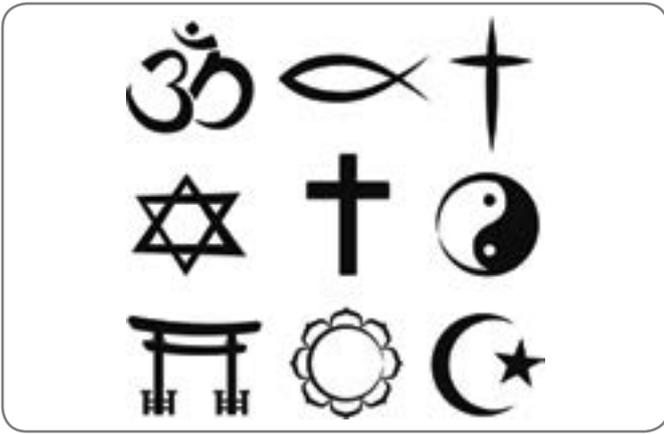
Section three stipulates that material likely to encourage or incite the commission of crime or to lead to disorder must not be included in television or radio broadcasts. Descriptions or demonstrations of criminal techniques which contain essential details which could enable the commission of crime must not be broadcast unless editorially justified.

Broadcasters must endeavour not to broadcast material that could endanger lives or prejudice the success of attempts to deal with a hijack or kidnapping.

It is forbidden to pay or offer to pay convicted criminals for programme contributions relating to his/her crime, unless doing so can be justified in the public interest.

Payments to witnesses or potential witnesses in active criminal cases are also prohibited, although certain expenses can be paid. If a criminal case is not active, but is likely and foreseeable, payments should not be made to people who might reasonably be expected to be witnesses unless there is a clear public interest. Any such payment should be disclosed to the defence and prosecution if the person is later called as a witness.

Section Four: Religion



The rules here say that the views and beliefs of those of a particular religion or denomination should not be subjected to 'abusive treatment'.

They also say that religious programmes must not seek to promote religious views or beliefs by stealth, and that religious television programmes must not directly seek recruits. This does not apply to specialist religious television services or radio programmes.

Section Five: Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions



This section of the Code does not apply to the BBC, which is regulated on these matters by the BBC Trust.

Undue prominence is a significant imbalance of views aired within coverage of matters of political or industrial controversy or matters relating to current public policy.

The principle of this section is to 'ensure that news, in whatever form, is reported with due accuracy and presented with due impartiality'. Impartiality is defined as not favouring one side over the other, while 'due' in this context means adequate or appropriate to the subject and nature of the programme. So broadcasters need not give equal time to every view. The Code states that 'the approach to due impartiality may vary according to the nature of

the subject, the type of programme and channel, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience.'

This section stipulates that 'news, in whatever form, must be reported with due accuracy and presented with due impartiality'. Significant mistakes on news programmes should be quickly corrected on air.

Politicians should not be used as a newsreader, interviewer or reporter in any news programmes unless, exceptionally, it is editorially justified. In that case, the political allegiance of that person must be made clear to the audience.

Owners of broadcast organisations are not permitted to use them to put across their own views on 'matters of political and industrial controversy and matters relating to current public policy'. Other rules require the providers of television programme services, teletext services, national radio and national digital sound programme services to ensure due impartiality on these matters. This may be achieved within a programme or over a series of programmes taken as a whole.

The Code says views and facts must not be misrepresented, and different views must also be presented with due weight over appropriate timeframes.

The audience must be made aware of any personal interest of a reporter or presenter, which would call into question the due impartiality of the programme. It is a general principle that news presenters and reporters in news programmes may not express their own views on matters of political or industrial controversy or matters relating to current public policy.

Section Six: Elections



This section of the Code does not apply to BBC services funded by the licence fee, which are regulated on these matters by the BBC Trust.

The Code provides detailed guidance for broadcasters about achieving impartiality at the time of elections and referenda. Programmes must adhere to strict rules designed to giving undue weight to a particular candidate or viewpoint. For example, if a candidate takes part in an item about his/her constituency or electoral area, then candidates of each of the major parties (defined in Northern Ireland as the Democratic Unionist Party, Sinn Fein, the Social Democratic and Labour Party, and the Ulster Unionist Party) must be offered the opportunity to take part. However, if they refuse to take part or are otherwise unavailable, the item may go ahead anyway.

There are different rules governing when an election period is said to commence for the purposes of the Code. However, for a parliamentary general election, this period begins with the announcement of the dissolution of Parliament. For the Northern Ireland Assembly and for local government elections, it is the last date for publication of notices of the election. For European parliamentary elections, it is the last date for publication of the notice of election, which is 25 days before the election. In all cases the period ends with the close of the poll.

Crucially, discussion and analysis of election and referendum issues must finish when polling stations open, and broadcasters may not publish the results of any opinion poll on polling day until the election or referendum poll closes.

Section Seven: Fairness



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This section sets out rules on how broadcasters treat people taking part in their programmes. It says 'broadcasters must avoid unjust or unfair treatment of individuals or organisations in programmes.'

Programme makers should be fair in their dealings with contributors, unless, in exceptional cases, it is justified to do other wise. In order that 'informed consent' is obtained by the broadcasters, it says contributors should be given information about the programme they will take part in including, for example, the nature and purpose of the programme and the line of questioning they are likely to face.

However, 'it may be fair to withhold all or some of this information where it is justified in the public interest or under other provisions of this section of the Code.'

In case of contributors aged under 16, consent should normally be obtained by a parent or guardian or another adult 'in loco parentis' – perhaps the child's teacher for example.

When a programme is edited, contributions should be presented fairly. Furthermore, broadcasters should ensure that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation. Individuals and organisations should be given a right to reply to allegations or claims made about them in a programme.

Broadcasters should not normally seek or obtain material (including consent to an interview, information, audio or pictures) through misrepresentation or deception. Deception includes secret filming or recording.

However, it may be justified to use material obtained through misrepresentation or deception without consent if it is in the public interest and cannot reasonably be obtained by other means. The Code says some examples of public interest might be detecting or exposing crime; protecting public health or safety; exposing incompetence that affects the public; and exposing misleading claims made by individuals or organisations.

For example, in 2011 a BBC Panorama programme used secret filming to expose the abuse of vulnerable patients at Winterbourne View care home near Bristol. Eleven care workers were later sentenced after admitting 38 charges of neglect and abuse.

There are also privacy considerations when using such methods – this issue is dealt with more fully in Section Eight.

Section Eight: Privacy



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This section says that 'any infringement of privacy in programmes, or in connection with obtaining material included in programmes, must be warranted.'

Secret filming or recording can violate privacy and the Code says it will normally only be warranted if:

- there is prima facie evidence of a story in the public interest; and
- there are reasonable grounds to suspect that further material evidence could be obtained; and
- it is necessary to the credibility and authenticity of the programme.

The guidance states that a journalist may record telephone calls for their use, for example, to use for note-taking. However, the person must be informed at the start of the call if the intention is to broadcast the conversation. If they aren't made aware of this at the time of the call, it may be possible to get consent for broadcast afterwards.

This part of the Code also gives guidance on dealing with people in a state of distress, for example, the recently bereaved. It says that 'people in a state of distress should not be put under pressure to take part in a programme or provide interviews, unless it is warranted.'

Furthermore, broadcasters should not reveal the identity of a person who has died, or of victims of accidents or violent crimes, unless they have confirmation that the next of kin have been informed of the event or unless it is warranted.

The code says broadcasters must take particular care not to violate the privacy of under-16s or vulnerable people, including (but not restricted to) the mentally ill and those with learning difficulties. Under-16s should not be questioned about private matters without the consent of a parent, guardian or other adult 'in loco parentis'. In the case of vulnerable people, consent should normally be obtained from a person with primary responsibility for their care. Such consent should be obtained in both cases unless it is warranted to proceed without it.

Section Nine: Commercial References in Television Programming and Section Ten: Commercial Communications in Radio Programming



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These sections of the Code sets out rules aimed at ensuring that broadcasters maintain editorial independence and control over programming. It aims to maintain the distinction between editorial content and advertising; protect audiences from surreptitious advertising; ensure that audiences are protected from the risk of financial harm; and ensure that unsuitable sponsorship is prevented.

In particular, television news and current affairs programmes must not be sponsored. In the case of radio, spot advertisements must be clearly separated from programming and no commercial references are allowed in or around news bulletins.



Questions

1. Under what circumstances might secret filming be warranted?
2. What does the Code say about interviewing children and vulnerable adults?
3. Explain the rules governing advertising and radio news bulletins.
4. What are the rules relating to payments to convicted criminals?

