

## Cover sheet for response to an Ofcom consultation

### BASIC DETAILS

Consultation title: Broadcasting Code Review

To (Ofcom contact):

Name of respondent: Andrea Millwood Hargrave and Sonia Livingstone

Representing (self or organisation/s):

Address (if not received by email):

### CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing	<input checked="" type="checkbox"/>	Name/contact details/job title	<input type="checkbox"/>
Whole response	<input type="checkbox"/>	Organisation	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>	If there is no separate annex, which parts?	

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

### DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

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Name Sonia Livingstone

Signed (if hard copy)

In 2009, we published an update of our book, Millwood Hargrave, A., and Livingstone, S., *Harm and Offence in Media Content: A review of the literature* (Bristol: Intellect Press).

We also note a more recent literature review conducted for the BBC on Public Attitudes, Tastes and Standards by Sonia Livingstone and Ranjana Das, available at [http://www.bbc.co.uk/info/reports/pdf/taste\\_standards\\_lit\\_review.pdf](http://www.bbc.co.uk/info/reports/pdf/taste_standards_lit_review.pdf)

In what follows, we draw on that research. Our comments are focused particularly on Ofcom's consultation questions regarding the portrayal of sexual material.

In general:

- Most important, research consistently shows the importance of context - both within programme context (i.e. editorial justification) and domestic viewing context (which encompasses matters of scheduling, warnings, and likely audience).
- We note Ofcom's own research findings that sexual material is often a source of embarrassment to older people and to people watching with children, although many welcome it as way of opening conversation. (This last point relates more to the inclusion of sexual themes than to explicit or even pornographic sexual depictions themselves.). Other research shows that women are more often offended than men.
- Thus it is evident from the available audience research that references to or allusions to sexual activity, especially in family viewing segments often offend, and also that older people, children and people viewing with parents or grandparents and sometimes children are uncomfortable with overt sexual content on screen.
- It seems that the public's main concern is protection for children rather than a wider concern to protect values and morals in society more generally – with the exception of sexual violence, where regulation remains expected.
- Research also shows that children and young people use television and radio as one route to learning about sexual norms and practices. Indeed, children may adopt their taste judgements from adults, including finding swearing, sex or violence distasteful or embarrassing. On the other hand, they also consider that such content in reality TV, game shows and soap operas has value in offering them a kind of a projected adult future. Thus Buckingham and Bragg (2003, 2004) found that children may value sexual material as a means of gaining information otherwise difficult to obtain or as providing pretext for discussing difficult issues in the family.
- The importance of the television watershed is consistently supported by research, showing widespread understanding that parents must take greater responsibility post Watershed, although responsibility must still be shared pre-Watershed. Ofcom research has shown that the further from the watershed strong sexual material is, the more acceptable it is considered to be.
- We welcome the desire for clarity of guidelines for broadcaster and the proposed grouping together of sexual material seems appropriate.
- We understand that this consultation refers to licensees of Ofcom and that the availability of sexual material via other delivery platforms is not being considered here

### **Sexual Material Rules (Code Section One)**

**Question 1:** a) Do you consider that the rule in relation to 'adult-sex' material needs to be clarified? b) Do you agree with our proposed amendments to the rule on 'adult-sex' material (Proposed Rule 1.18 to replace Rule 1.24)? c) If you do not agree with our proposed amendments, please explain why and suggest alternative wording where appropriate.

- Our research would suggest that it is material that might fall within the adult-sex category that has the most potential to cause harm to young people (lack of context etc) and so it would seem right that it should continue to be put behind mandatory access restrictions.
- Clarity on clear restrictions on time and access (both access restrictions and types of services) is to be welcomed.

**Question 2:** a) Do you consider that the introduction of a new rule in relation to material of a strong sexual nature is appropriate? b) Do you agree with our proposed rule on material of a strong sexual nature (proposed Rule 1.19)? c) If you do not agree with our proposed new rule, please explain why and suggest alternative wording where appropriate.

- We are unconvinced regarding the conflation of programmes (which allow for contextual factors) and trailers: surely these should be treated separately. In this context, we note Ofcom research in which respondents thought that trailers were acceptable in principle but their content should not be as graphic as the (adult-sex) material they were trailing.
- There is a difficulty in determining what is 'strong' and what would form part of 'generally accepted standards'. Therefore it is vital to provide information ahead of the broadcast (on television and radio) so that people can make decisions about what they want to see/hear.

**Question 3:** a) Do you consider that the rule in relation to material equivalent to the BBFC R-18 rating needs to be separated from the rule in relation to R-18 rated works? b) Do you agree with our proposed rule on material equivalent to the BBFC R-18 rating (proposed Rule 1.17)? c) If you do not agree with our proposed new rule, please explain why and suggest alternative wording where appropriate.

- This seems a good idea as long as the R18 definition is clear.

**Question 4:** a) Do you consider that the rule in relation to pre-watershed material needs to be clarified? b) Do you agree with our proposed amendments to the rule on pre-watershed material (proposed Rule 1.20 to replace Rule 1.17)? c) If you do not agree with our proposed amendments, please explain why and suggest alternative wording where appropriate.

- We agree with the importance of editorial justification.
- We are unconvinced that it is sufficiently clear just to say 'television' in brackets as not all television like material is covered here (c.f. AVMS).

end.