
Compliance checklist for radio broadcast content

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Introduction

- 1.1 This document is intended to help applicants and new licensees understand the obligations and rules they must comply with as a condition of their Ofcom licence to broadcast.
- 1.2 The document signposts Ofcom rules, useful information and guidance but is not exhaustive. The licensee itself must take steps to ensure compliance with all relevant legal and regulatory requirements.
- 1.3 Set out below is information on:
 - The requirements of an Ofcom licence.
 - Ofcom rules, set out in Codes, about the content broadcast by licensees.
 - The procedures Ofcom follows, for example, when handling complaints about a broadcaster's programming, or investigating whether a broadcaster has breached its licence conditions, or the rules about the content on its service.
 - Details of how Ofcom publishes the decisions it reaches on complaints and investigations.
 - Procedures Ofcom follows when considering imposing a sanction on a broadcaster (in cases of serious, repeated, deliberate or reckless breaches of its requirements) and examples of sanctions it has imposed.
 - Research conducted by Ofcom which may be useful to licensees when taking compliance decisions about the content they broadcast.
 - How broadcasters can seek general guidance from Ofcom on the codes, rules and other requirements.

Licence Conditions

- 1.4 Ofcom issues different types of licence for services on radio. Each licence contains conditions (which are numbered). These set out a range of requirements the licensee must meet, including:
 - putting in place adequate compliance procedures to ensure that the licensee can comply with its licence conditions and Ofcom's codes and rules;
 - arranging for the retention of recordings of broadcast content for 42 days, and providing those recordings to Ofcom when requested by the specified deadline;
 - providing to Ofcom by the specified deadline any information that we require to carry out our statutory duties;
 - paying annual licence fees to Ofcom by the specified deadline (not applicable to short-term restricted service licences);
 - obligations relating to equal opportunities and training; and
 - commercial radio licenses must reflect the Format requirements which form part of their licence; and community radio licensees must adhere to the Key Commitments which form part of their licence.

Codes and guidance

Programming rules: Broadcasting Code (with the Cross-promotion Code and the On Demand Programme Service Rules)

- 1.5 Ofcom's Broadcasting Code (with the Cross-promotion Code and the On Demand Programme Service Rules) ("Broadcasting Code") contains rules about the content of programmes broadcast on television and radio which licensees must follow. The Code can be found here: <http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/>
- 1.6 Ofcom publishes detailed guidance on all sections of the Broadcasting Code to help broadcasters understand how we apply the rules and what considerations they will need to take into account when complying material before broadcast. This guidance can be found here: <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/programme-guidance>
- 1.7 There is additional guidance on Offensive language on radio, which can be found here: https://www.ofcom.org.uk/_data/assets/pdf_file/0014/40541/offensive-language.pdf

Advertising rules: BCAP Code

- 1.8 Ofcom is also responsible for ensuring that the advertising broadcasters transmit meets various standards. The Advertising Standards Authority (ASA) regulates most types of broadcast advertising on Ofcom's behalf and enforces rules in the BCAP Code: the UK Code of Broadcast Advertising. However, there are some areas of that Code which Ofcom enforces including the prohibition on 'political' advertising, which promotes a political cause or point of view.
- 1.9 The UK Code on Broadcast Advertising (the BCAP Code) can be found here: <http://www.cap.org.uk/Advertising-Codes/~media/Files/CAP/Codes%20BCAP%20pdf/The%20BCAP%20Code.ashx>

Other codes and rules

Ofcom Rules on Party Political and Referendum Broadcasts

- 1.10 There are rules on the length, frequency, allocation and/or scheduling of party political or referendum campaign broadcasts. The Ofcom Rules on Party Political and Referendum Broadcasts can be found here: https://www.ofcom.org.uk/_data/assets/pdf_file/0035/99188/pprb-rules-march-2017.pdf

Code on the Prevention of Undue Discrimination Between Broadcast Advertisers

- 1.11 Licensees should be aware of the Code on the Prevention of Undue Discrimination Between Broadcast Advertisers, which can be found here:
https://www.ofcom.org.uk/_data/assets/pdf_file/0021/27534/undue-discrimination.pdf

Technical Codes

- 1.12 Licensees holding analogue radio licences must comply with the requirements set out in the Site Engineering Code for Analogue Radio Broadcast Transmission Systems which can be found here:
https://www.ofcom.org.uk/_data/assets/pdf_file/0017/37133/code2013.pdf
- 1.13 Licensees holding digital radio licences must comply with the requirements set out in the Digital Radio Technical Code which can be found here: <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/DAB-Technical-Policy-Documents>

Ofcom's handling of complaints about broadcast content

- 1.14 Ofcom receives complaints from listeners about content broadcast on services it licenses, and licensees' compliance with their licence conditions.
- 1.15 Ofcom has three sets of procedures which set out how it will handle complaints. Licensees should read these so that they understand what to expect if Ofcom contacts them about a complaint or investigation.
- 1.16 Ofcom's Procedures for investigating breaches of content standards for television and radio can be found here:
https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf
- 1.17 Ofcom's Procedures for the consideration and adjudication of Fairness and Privacy complaints can be found here:
https://www.ofcom.org.uk/_data/assets/pdf_file/0031/57388/fairness-privacy-complaints.pdf
- 1.18 Ofcom's General procedures for investigating breaches of broadcast licences can be found here: https://www.ofcom.org.uk/_data/assets/pdf_file/0019/31942/general-procedures.pdf

Broadcast and On Demand Bulletin

- 1.19 Ofcom publishes the results of its assessments of complaints and investigations in its Broadcast and On Demand Bulletin, on a fortnightly basis here:
<https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins>
- 1.20 The Broadcast and On Demand Bulletin provides licensees with an important source of information on how Ofcom interprets and applies the rules and decisions Ofcom has reached. Ofcom also uses this publication to issue guidance and other useful information

to licensees in the form of Notes to Broadcasters. We expect licensees to read the Broadcast and On Demand Bulletin regularly. You can sign up for email updates on broadcasting matters, including issues of the Broadcast and On Demand Bulletin, here:

<https://confirmsubscription.com/h/i/7D1B465C1F301F71>

Sanctions

- 1.21 There are potentially serious consequences if a broadcaster fails to comply with Ofcom's licence obligations and rules. Ofcom has powers to impose statutory sanctions on broadcasters, including imposing a financial penalty or revoking a broadcaster's licence to transmit its service.
- 1.22 Ofcom's Procedures for the consideration of statutory sanctions in breaches of broadcast licences can be found here:
https://www.ofcom.org.uk/_data/assets/pdf_file/0030/71967/Procedures_for_consideration.pdf
- 1.23 Ofcom's sanctions decisions are another important source of information for licensees. You can read sanctions decisions in this part of our website: <https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins/content-sanctions-adjudications>

Research

- 1.24 Ofcom conducts research that it relies on to interpret and apply its rules. You can view the research on this area of our website: <https://www.ofcom.org.uk/research-and-data/tv-radio-and-on-demand>
- 1.25 In particular, licensees should consult:
- Attitudes to potentially offensive language and gestures on TV and radio, which can be found here: <https://www.ofcom.org.uk/research-and-data/tv-radio-and-on-demand/tv-research/offensive-language-2016>;
 - Health and wealth claims in programming; audience attitudes to potential harm, which can be found here; https://www.ofcom.org.uk/_data/assets/pdf_file/0016/104650/Health-claims-report.pdf; and
 - Research: Religious Programmes: a report on the key findings of a qualitative research study, which can be found here: https://www.ofcom.org.uk/_data/assets/pdf_file/0024/54933/violence_on_tv_report.pdf

Seeking guidance from Ofcom

- 1.26 Ofcom can offer broadcasters general guidance on the interpretation of our codes and rules. However, we only give such advice on the strict understanding that it will not affect Ofcom's discretion to judge cases and complaints and will not affect the exercise of our

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regulatory responsibilities. If you have any queries about Ofcom's codes, rules, or other requirements, please email: OfcomStandardsTeam@ofcom.org.uk