

Your response

Question	Your response
<p>Question 1: Do you agree with our rationale for proposed new Rules 2.17 and 2.18? Please give reasons for your answer.</p>	<p>We recognise the concerns that have arisen recently regarding the treatment of participants in broadcast programmes, given that there have been some high-profile incidents.</p> <p>We welcome that Ofcom states it “does not intend for the proposed rules to place a disproportionate and unjustified additional burden on broadcasters” (paragraph 2.12).</p> <p>It will be important when applying the rules to do so in a way that is in proportionate to the subject matter.</p>
<p>Question 2: Do you agree with the proposed meaning of ‘participant’ for the purpose of these rules? Please give reasons for your answer.</p>	<p>We question the inclusion in the genres to be covered by the meaning of ‘participant’ to cover individuals featuring in news and current affairs and also phone-ins (paragraph 3.11). The former could limit investigative reporting on the basis that those investigated will claim that it is ‘unjustified’ or that their ‘wellbeing’ is threatened. In the case of phone-ins, it is difficult to see how people involved could be accurately assessed prior to featuring on a programme.</p>
<p>Question 3: Do you agree with the proposed scope of these rules? Please give reasons.</p>	<p>We do note that the incidents which have prompted this new proposed revision of the rules have taken place in television rather than radio. Our members already comply with BBC Editorial Guidelines and member compliance means we already believe our members are broadly meeting the code as revised.</p> <p>We therefore do not necessarily feel that the rules for radio needed to be changed alongside television. This is partly in respect of the scope including phone-ins which are a mainly radio phenomenon and, as we state below, do not easily lend themselves to the observing of these rules.</p>
<p>Question 4: Do you agree with the proposed wording for the new Rules 2.17 and 2.18? Please give reasons for your answer.</p>	<p>Notwithstanding the above, in general we do not oppose the wording however in order that the rules are applied correctly it is very important to have clear definitions of terms such as ‘unjustified’ and ‘wellbeing’.</p>
<p>Question 5: Do you agree that Rule 1.28 should be amended in this way? Please give reasons for your answer.</p>	<p>We would like to see a clear definition of ‘wellbeing’ to accompany this wording.</p>

Question 6: Do you agree that Rule 1.29 should be amended in this way? Please give reasons for your answer.

We would like to see a clear definition of 'unjustified' to accompany this wording.

Question 7: Do you agree with the proposed approach to the Code guidance? Please give reasons.

As per our answers to Q4-6, the guidance needs to provide clear definitions of all of the key words in the rules and guidance itself, including 'wellbeing' and 'unjustified'.

This will not only help broadcasters and production companies be clear on the rules when dealing with participants, but it will also be of assistance to Ofcom - the rise in awareness of participants' wellbeing is likely to give rise to a greater number of complaints. Ofcom will therefore need clear definitions to assist with determining the validity of a complaint.

Question 8: Can you provide examples of best practice in the due care of programme participants which you think should be included in the guidance? Please share details if possible.

We do not have any examples to provide at this time.