

Freedom of Information: Right to know request

Thank you for your request for information about the factors which contributed to the formation of Rules 1.13, 2.4 and 2.5 of the Ofcom Broadcasting Code, relating to harmful imitative behaviour.

Your request was received on 22 May 2017 and I am dealing with it under the terms of the Freedom of Information Act 2000.

As you may be aware, one of Ofcom's tasks when it began its work in December 2003 was to replace the six codes of the legacy regulators with a single set of standards for all the broadcasters we regulate – the Ofcom Broadcasting Code ("the Code").

The Code was based on current law that relates to broadcasting, for example, [section 319\(2\) of the Communications Act 2003](#) which requires Ofcom to set standards for the content of programmes best calculated to secure standards objectives, including:

- that persons under the age of eighteen are protected;
- that material likely to encourage or to incite the commission of crime or to lead to disorder is not included in television and radio services; and
- that generally accepted standards are applied to the contents of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of offensive and harmful material;

In drafting these sections of the Code Ofcom took account of a number of research papers, available on the archive pages for the Independent Television Commission and Broadcasting Standards Commission as follows:

<http://webarchive.nationalarchives.gov.uk/20040104233440/http://www.ofcom.org.uk/static/archive/bsc/plain/pubs.htm>

- How children interpret screen violence (2003) BBC, BBFC, BSC, ITC;
- The Watershed: providing a safe viewing zone (2003) BBC, BSC, ITC;
- Viewers and Family Viewing Policy (2001) BBC, ITC, BSC;
- Dramatic Licence: fact or fiction? (2003) BSC;
- Knowing the score (2000) BSC, BBFC;

<http://webarchive.nationalarchives.gov.uk/20040104233440/http://www.ofcom.org.uk/static/archive/itc/research/index.htm>

- The Broadcasting Standards Regulation (2003) BSC, ITC;
- Emulation, fears and understanding (1998) ITC;
- Cartoon Crazy?: children's perceptions of 'Action' Cartoons (1998) ITC
- Violence and the viewer (1998) BBC, BSC, ITC;

In addition, the draft version of the Code was subject to public consultation before being put into practice, and the related documents may also be of interest to you.

Full details of the consultation and responses are available here:

http://webarchive.nationalarchives.gov.uk/20160702162827/http://stakeholders.ofcom.org.uk/consultations/Broadcasting_code/

Rules relating to the protection of under-eighteens, including Rule 1.13, are covered from page 11 of the following document, and rules relating to harm and offence, including Rules 2.4 and 2.5, are covered from page 23:

http://webarchive.nationalarchives.gov.uk/20160702162827/http://stakeholders.ofcom.org.uk/binaries/consultations/Broadcasting_code/summary/bcast_code1.pdf

Ofcom's consideration of responses to the consultation relating to Sections 1 and 2 of the Code is available below:

Section 1: Protecting the under-eighteens

http://webarchive.nationalarchives.gov.uk/20160702162827/http://stakeholders.ofcom.org.uk/binaries/consultations/Broadcasting_code/statement/260992_new.pdf

Section 2: Harm and Offence

http://webarchive.nationalarchives.gov.uk/20160702162827/http://stakeholders.ofcom.org.uk/binaries/consultations/Broadcasting_code/statement/260994_new.pdf

Timing

If you wish to exercise your right to an internal review you should contact us within two months of the date of this letter. There is no statutory deadline for undertaking internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Steve Gettings
The Secretary to the Corporation
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF