
Compliance checklist for TV broadcast content

Contents

Introduction	1
Licence Conditions	1
Codes and guidance	2
Ofcom's handling of complaints about broadcast content	4
Broadcast and On Demand Bulletin	4
Sanctions	4
Research	5
Promoting equal opportunities and increasing diversity	5
Seeking guidance from Ofcom	5

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.
 - Where to find guidance on increasing diversity in the television broadcasting sector.
 - 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 television. 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 the number of days specified in the licence, 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; and
 - obligations relating to equal opportunities and training (see paragraph 1.31 for guidance on increasing diversity in the television broadcasting sector).

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: <https://www.ofcom.org.uk/tv-radio-and-on-demand/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 taken 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 Protecting the under-eighteens: observing the watershed on television and music videos, which can be found here: https://www.ofcom.org.uk/_data/assets/pdf_file/0030/86781/watershed-on-tv.pdf
- 1.8 If you intend to use premium rate telephony services for audience interaction in television programmes you should consult the guidance to television broadcasters on verification obligations for the use of premium rate services in programmes. This guidance can be found here: https://www.ofcom.org.uk/_data/assets/pdf_file/0019/63406/guidance_verification_obj.pdf
- 1.9 There is also an additional guidance note on commercial references in television programming, in particular product placement, in issue 255 of Ofcom's Broadcast and On Demand Bulletin, which can be found here: https://www.ofcom.org.uk/_data/assets/pdf_file/0036/49959/obb255.pdf Advertising rules: BCAP Code
- 1.10 1.10 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. These include:
- the prohibition on 'political' advertising, which promotes a political cause or point of view; and
 - interactive television services using premium rate telephone lines or text messages, for example psychic and chat channels.
- 1.11 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

- 1.12 If you intend to broadcast psychic content, you should consult the Ofcom guidance on Psychic television services predicated on premium rate telephony services, which can be found here: https://www.ofcom.org.uk/data/assets/pdf_file/0023/31928/psychic-tv-guidance.pdf
- 1.13 There is also Ofcom guidance on the advertising of telecommunications-based sexual entertainment services and PRS daytime chat services on television, which can be found here: https://www.ofcom.org.uk/data/assets/pdf_file/0012/24060/bcap-guidance.pdf?lang=en

The scheduling of advertising: COSTA

- 1.14 There are rules about the amount of advertising you can broadcast and how it is scheduled. Ofcom's Code on the Scheduling of Television Advertising ("COSTA") can be found here: https://www.ofcom.org.uk/data/assets/pdf_file/0014/32162/costa-april-2016.pdf
- 1.15 There is a guidance note on COSTA rules and split-screen advertising in issue 262 of Ofcom's Broadcast and On Demand Bulletin, which can be found here: https://www.ofcom.org.uk/data/assets/pdf_file/0021/50763/obb262.pdf

Other codes and rules

Ofcom's Code on Television Access Services

- 1.16 Subtitling, sign language and audio description, known as television access services, help people with hearing or visual impairments understand and enjoy television. There are rules on the amount of subtitling, signing and audio description services television licensees must provide in their programmes. Ofcom's Code on Television Access services includes requirements on subtitling, signing and audio description can be found here: https://www.ofcom.org.uk/data/assets/pdf_file/0020/97040/Access-service-code-Jan-2017.pdf

Ofcom Rules on Party Political and Referendum Broadcasts

- 1.17 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

- 1.18 Licensees should also 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

Ofcom's handling of complaints about broadcast content

- 1.19 Ofcom receives complaints from viewers about content broadcast on services it licenses, and licensees' compliance with their licence conditions.
- 1.20 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.
- 1.21 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
- 1.22 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
- 1.23 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

- 1.24 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>
- 1.25 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

- 1.26 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.
- 1.27 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

- 1.28 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

- 1.29 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>
- 1.30 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>;
 - Audience attitudes towards violent content on television, which can be found here: https://www.ofcom.org.uk/_data/assets/pdf_file/0024/54933/violence_on_tv_report.pdf;
 - 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

Promoting equal opportunities and increasing diversity

- 1.31 Ofcom publishes guidance setting out recommendations to help broadcasters make their arrangements to promote equal opportunities. Ofcom reports on broadcasters' compliance with this licence condition in its annual Diversity and equal opportunities in broadcasting monitoring reports. The guidance can be found here: <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/diversity/ofcoms-role>
- 1.32 Ofcom has also published a guide with the Equality and Human Rights Commission called 'Thinking outside the box: Supporting the television broadcasting industry to increase diversity'. This provides guidance to the television broadcasting sector on what action can lawfully be taken to increase diversity in the industry and to encourage the industry to promote diverse and inclusive workforces. The guide can be found here: https://www.ofcom.org.uk/_data/assets/pdf_file/0030/47496/increasing-diversity.pdf

Seeking guidance from Ofcom

- 1.33 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

Compliance Checklist

Ofcom's discretion to judge cases and complaints and will not affect the exercise of our regulatory responsibilities. If you have any queries about Ofcom's codes, rules, or other requirements, please email: OfcomStandardsTeam@ofcom.org.uk