

Consultation: BBC Online Material Code

Implementation of updates to the BBC
Framework Agreement

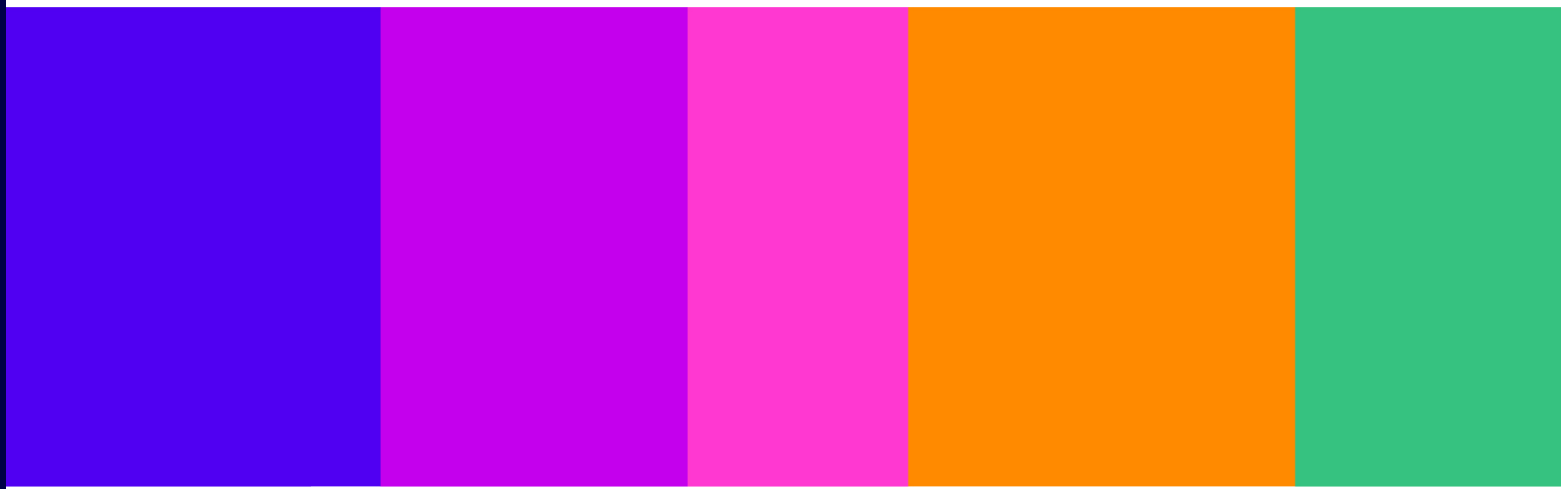
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Consultation

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Contents

Section

1. Overview.....	3
2. Background to this consultation	6
3. Proposed BBC Online Material Code Rules	8
4. Procedures.....	34

Annex

A1. Statutory Framework	43
A2. Draft BBC Online Material Code.....	47
A3. Application of the Fairness Code.....	48
A4. Procedures.....	58
A5. Impact assessments	59
A6. Responding to this consultation.....	68
A7. Ofcom’s consultation principles.....	70
A8. Consultation coversheet	71
A9. Consultation questions.....	72

1. Overview

- 1.1 Ofcom has been regulating content standards for the BBC’s TV, radio and on-demand services under the [Broadcasting Code](#) since 2017. Until now, Ofcom has not had the power to enforce rules for BBC online material.¹
- 1.2 Audiences are increasingly consuming content online rather than using traditional broadcast services.² In the light of this shift, the Government’s 2024 [BBC Mid-Term Review](#) of the BBC’s Charter recommended extending Ofcom’s powers to regulate the BBC’s online material. This change will enable Ofcom to hold the BBC to account more effectively, including on issues such as due impartiality.³

What this consultation is about

- 1.3 As a result of these new powers, Ofcom is proposing to introduce a new BBC Online Material Code (“the Code”). These rules will apply to the BBC’s online material (as defined in more detail in paragraphs 3.4 to 3.6) and the BBC must comply with them. The Code will establish a new regime for regulating the BBC’s online material that will replace the current [Online Arrangement](#). This consultation invites stakeholders’ views on the new proposed Code.
- 1.4 For Fairness and Privacy complaints, there is already a Fairness Code in force under the Broadcasting Code, which the BBC must observe. This consultation also seeks views on how we propose to apply the Fairness Code to BBC online material.
- 1.5 This consultation also includes our proposed procedures for handling complaints about the BBC’s online material, namely:
 - a) investigating breaches of content standards;
 - b) the consideration and adjudication of Fairness and/or Privacy complaints; and
 - c) the consideration of sanctions for breaches of content standards in BBC broadcasting services, on-demand programme services and online material.
- 1.6 Ofcom will publish guidance to the Code at a later date which will explain how Ofcom will apply the proposed rules in practice.

What we are proposing – in brief

Draft BBC Online Material Code

For the draft BBC Online Material Code, we have had regard to many of the same rules and underlying standards that apply to TV and radio services under the Broadcasting Code.

We have set out to be consistent with the Broadcasting Code. However, where needed, the rules have been tailored to reflect the differences between broadcast content and BBC online material. We have considered the specific nature of online material by adapting or omitting some rules and concepts where they are not relevant online.

¹ Instead, in accordance with the [BBC Framework Agreement](#), under an [Online Arrangement](#) it could only consider complaints and give a non-binding opinion on whether the BBC has observed its own Editorial Guidelines.

² Barb, 28-consolidated, TV sets only; weekly reach of broadcast TV has continued to decline.

³ [BBC Mid-Term Review 2024](#), paragraph 9.

Our proposed approach to each Section of the new Code is:

- **Section One** (Protecting the under-eighteens): our proposals adapt and condense rules from Section One of the Broadcasting Code, focusing on ensuring appropriate measures are in place to protect under-eighteens from online material that is unsuitable for them. We are not replicating rules which are not relevant to online material, for example on appropriate scheduling (“the watershed”). We also propose to provide examples of unsuitable online material for the BBC in guidance, rather than including issue-specific rules, e.g. offensive language, violence, sexual material or nudity, as we do in the Broadcasting Code.
- **Section Two** (Harm and offence): we are proposing equivalent rules to those in Section Two of the Broadcasting Code but adapted to reflect the online experience. We propose to adapt the meaning of “context” to reflect online factors such as the format and type of the online item, the age of the material and the length of time material has been available online.
- **Section Three** (Crime, disorder, hatred and abuse): our proposals similarly adapt the meaning of “context” to reflect the online environment for rules concerning hate speech and abusive derogatory treatment.
- **Section Four** (Religion): we are proposing rules covering the following areas, which we believe are appropriate in an online context for religious content included in BBC online material: exercising proper responsibility in religious programmes; avoiding improper exploitation of audience susceptibilities; and avoiding abusive treatment of religious views and beliefs.
- **Section Five** (Due Impartiality and Due Accuracy); our proposals reflect the due impartiality rules in the Broadcasting Code, adapting references to “a programme” or “a series of programmes taken as a whole” to “an online item” and “a series of editorially linked items as a whole” for the online context.
- **Section Six** (Elections and Referendums): our proposed rules broadly reflect the rules in the Broadcasting Code regarding coverage during election periods, adapting concepts where necessary to reflect the online environment. We are proposing not to replicate the rules relating to constituency and electoral coverage in elections, as these have not historically been adopted by the BBC under the relevant legislation.

Fairness and Privacy

- For Fairness and Privacy, the updated BBC Framework Agreement sets out that the BBC must observe the Fairness Code, so far as it is relevant to online material. This code is already in force through sections Seven and Eight of the Broadcasting Code. For this reason, we are seeking views on [Annex 3](#) which sets out how we propose the existing Fairness Code should be modified to apply to BBC online material. We intend for Annex 3 to be published as an Annex to the Broadcasting Code.

Next Steps

- 1.7 We are inviting response to our consultation by 27 August 2026. The full list of consultation questions is listed in [Annex 9](#).
- 1.8 After the deadline for responses to this consultation has passed, we will consider all responses received and publish a final statement, issuing the Code and Procedures at the same time. We also plan to publish Guidance for the BBC on the Code at the same time.

1.9 The BBC will be required to comply with the Code from the date that the final Procedures are published.

The overview section in this document is a simplified high-level summary only. The proposals we are consulting on, and our reasoning, are set out in the full document.

2. Background to this consultation

Ofcom's regulation of BBC Online Material

- 2.1 As part of its regulation of the BBC,⁴ Ofcom enforces content standards for the BBC's television, radio and on-demand programme services through the Broadcasting Code. In addition, the BBC's output is covered by its own [Editorial Guidelines](#), which incorporate Broadcasting Code requirements but extend further in some areas of the BBC's editorial policy and practice.
- 2.2 Ofcom has an enforcement role in relation to standards for BBC broadcasting and on-demand programme services but has not had a similar role in relation to the BBC's online material. Until now, Ofcom's role in this area⁵ has been limited to considering BBC online material and giving an opinion, which may include a recommendation, on whether the BBC has observed the relevant BBC Editorial Guidelines. For these purposes, "online material" refers to material provided online (on any website, application or online interface) in the BBC's UK Public Services,⁶ including written text, images, audiovisual and sound content, but excluding (among other things): programmes on on-demand programme services; BBC World Service content; user-generated content; corporate material and educational and learning resources (i.e. BBC Bitesize); and BBC material on third-party online platforms and social media accounts.
- 2.3 Under the Online Arrangement, complaints about BBC online material must follow the "[BBC First](#)" approach, where they must be made to the BBC in the first instance. If a complainant is not satisfied with the BBC's final response to a complaint about online material, they may then refer the complaint to Ofcom for its assessment.
- 2.4 As part of the [Government's Mid-Term Review](#)⁷ in January 2024, DCMS recommended strengthening the BBC's approach to editorial standards, impartiality and complaints handling. The review concluded that Ofcom's responsibilities should be extended to elements of the BBC's online public service material to reflect how audiences increasingly consume news and other content online. The Government committed to this recommendation and, in consultation with Ofcom and the BBC, [updated the Framework Agreement](#) to reflect this expansion of Ofcom's regulatory remit.⁸ In the setting out of the requirement for new standards to be applied to BBC's online material, the updated Framework Agreement made clear that Ofcom would be required to draw up a new code

⁴ Under the [2016 Charter and Agreement](#), Ofcom became the regulator of the BBC. The Charter and Agreement define the distinct roles of the BBC and Ofcom.

⁵ As described in the "[Online Arrangement](#)".

⁶ The BBC are required under Paragraph 1, Schedule 1 to the updated Framework Agreement to maintain and publish a list of UK Public services. The current listed is available online: <https://www.bbc.co.uk/aboutthebbc/documents/updated-list-of-uk-public-services-september-2025.pdf>.

⁷ The Government's Mid-Term Review of the BBC, published in January 2024, assessed the effectiveness of the BBC's governance and regulatory arrangements, drawing on targeted engagement and evidence from a range of stakeholders, including Ofcom.

⁸ The Agreement dated November 2016 between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation (the "Framework Agreement") was updated in December 2025 (the "updates to the Framework Agreement"). We refer to this as the "updated Framework Agreement".

for BBC online material underpinned by (in the main) the same statutory objectives as for the Broadcasting Code, while being adapted to reflect the specific characteristics of online material.

- 2.5 This change mirrors the way in which the UK media landscape is undergoing rapid transformation, with audiences increasingly consuming content seamlessly across broadcast, on-demand and online platforms. As highlighted in [Transmission Critical: The Future of Public Service Media](#), viewers now spend less than half of their in-home viewing time on linear TV and this is declining. This broader audience shift and the popularity of the BBC's online services⁹ provides new challenges and opportunities to consider how different standards frameworks interact in a much more integrated content landscape.
- 2.6 The statutory framework that underpins the Code can be found in [Annex 1](#).

⁹ According to the [Ofcom News Consumption Survey 2025](#), the BBC was the most used direct access online website or app for news.

3. Proposed BBC Online Material Code Rules

Approach

- 3.1 It is Ofcom’s duty to set standards for the BBC’s online material as appear to Ofcom best calculated to secure the various standards objectives set by Parliament. The draft Code at [Annex 2](#) contains the rules we are proposing the BBC must comply with regarding the content of online material in the BBC’s UK Public Services.
- 3.2 This draft Code has been drafted in the light of the [Human Rights Act 1998](#) and the [European Convention of Human Rights](#) (the “ECHR”), in particular Articles 9, 10 and 14 of the ECHR. Ofcom has also had due regard to the matters specified in section 149(1) of the Equality Act [2010](#) and section 75 of the [Northern Ireland Act 1998](#). See [Annex 1](#) (Statutory Framework) and [Annex 5](#) (Impact Assessments) for further information.
- 3.3 In advance of consulting on the draft Code, the updated Framework Agreement requires us to consult the BBC about the standards we propose to include. We are also required to consult the BBC, in addition to the public, on the relevant procedures we propose to operate. In accordance with these requirements, we have engaged with the BBC prior to publishing our public consultation and the proposals included in the draft Code set out in [Annex 2](#) and Procedures in [Annex 4](#) take account of the feedback we received.

Scope of the Code

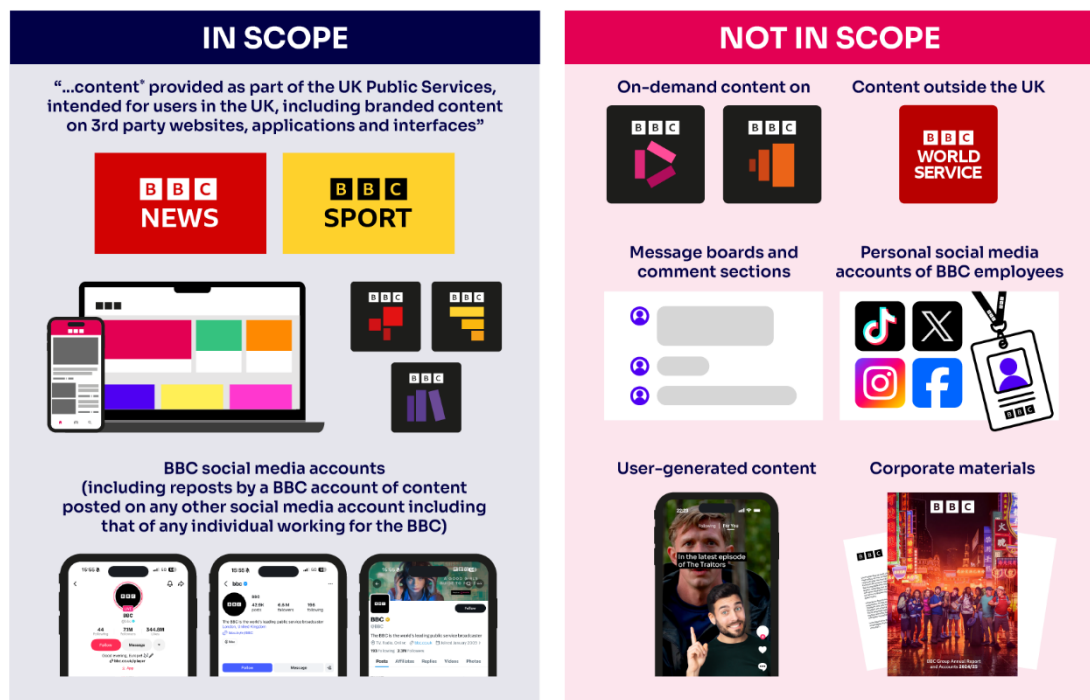
- 3.4 As shown in Figure 1 below, BBC online material (the term we use in this consultation to mean “UK Public Online Material” under the updated Framework Agreement) means content provided as part of the UK Public Services by the BBC online and intended for users in the UK (or any part of the UK).¹⁰ This includes BBC branded content on third party websites, applications and interfaces, as well as content included in:
- a) BBC news and sports websites;
 - b) BBC apps on a smartphone, television or other device;
 - c) any BBC social media account¹¹ (including reposts by a BBC social media account of any content posted on any other social media account, including that of any individual working for the BBC); or
 - d) BBC educational and learning resources.
- 3.5 References to “content” includes written text and still or moving images, with or without sound and content consisting of sound only.
- 3.6 BBC online material does not include any content to the extent that it:

¹⁰ Paragraph 3A(9) of Schedule 3 to the updated Framework Agreement.

¹¹ “BBC social media account” means an account on any social media platform that relates to any BBC programme, service or genre and is branded and operated by the BBC as a BBC account (and, accordingly, does not include the personal social media accounts of any individual working for the BBC) (paragraph 3A(11), Schedule 3 to the updated Framework Agreement).

- a) is provided by the BBC as part of the World Service or in an on-demand programme service (including BBC iPlayer or BBC Sounds);¹²
- b) consists of BBC corporate materials, including reports published by the BBC, speeches or statements by individuals working for the BBC and internal publications;
- c) is posted on a BBC message board or comments page;
- d) is user-generated and interactive content which is not directly linked to a UK Public Service; or
- e) is provided by any person other than the BBC as a dissociable section of a service provided by the BBC.¹³

Figure 1: Scope of BBC online material



3.7 The relevant standards objectives that Ofcom’s rules must set for BBC online material are drawn from the broader set of objectives that apply to television and radio services under section 319(2) of the [Communications Act 2003](#) (“the Act”). As these apply to both the Code and the Broadcasting Code, Ofcom is also required to have particular regard to the objective that the standards it sets under the Code should be consistent (as far as appropriate) with the equivalent standards under the Broadcasting Code.¹⁴ The BBC must also observe the Fairness Code in force under [Section 107 of the Broadcasting Act 1996](#) (i.e. Section Seven and Section Eight of the Broadcasting Code), so far as Ofcom determines the standards are relevant to the provision of BBC online material. We have considered what modifications are needed to apply Sections Seven and Eight of the Broadcasting Code for this purpose and this consultation also sets out our proposed approach.

¹² We note that where the BBC on-demand programme service contains other dissociable services, such as livestreamed television programme services, those may be considered BBC online material. For example, this would likely include livestream content on BBC iPlayer that is not simultaneously broadcast.

¹³ Paragraph 3A(10), Schedule 3 to the updated Framework Agreement.

¹⁴ Paragraph 3A(4)(b), Schedule 3 to the updated Framework Agreement.

Our Proposals for the Code

- 3.8 We propose six sections in the draft Code. These set out the relevant rules for the purpose of the standards objectives we are required to secure for BBC online material under the updated Framework Agreement. These sections match the equivalent sections under the Broadcasting Code and use the same titles, numbering and chronology, namely:
1. Protecting under-eighteens
 2. Harm and offence
 3. Crime, disorder, hatred and abuse
 4. Religion
 5. Due impartiality and due accuracy
 6. Elections and referendums
- 3.9 The Broadcasting Code also includes rules on Commercial references on TV (Section Nine) and Commercial communications on radio (Section Ten). Given that these rules are predominantly underpinned by standards objectives that are not applicable to the Code, we are not reflecting them in the draft Code.¹⁵ Where certain rules on commercial references may be relevant to the standards objectives that are applicable to online material, we think the proposed rules in the draft Code are sufficient to provide the necessary protections.¹⁶ We are also mindful that, unlike commercial broadcasters, the BBC has restrictions on the use of advertising or sponsorship as part of its licence fee-funded UK Public Services.
- 3.10 As under the Broadcasting Code, each section of the Code starts with the principles that underpin the rules in that section and then sets out the applicable meanings and rules. As with the Broadcasting Code, the principles are there to help readers understand the standards objectives and to apply the rules. The meanings help explain what Ofcom intends by some of the words and phrases used in the Code. The most relevant legislation is noted under each section heading so readers can turn to the legislation if they wish.
- 3.11 The rules in each section of the Broadcasting Code are specific binding obligations which the BBC must comply with, and any breach of a rule can bring with it the risk of sanctions by Ofcom. The specific context and wording of the rules are important in both their nature and impact. Therefore, we have proposed in the draft Code to broadly mirror rules where this is aligned with our overarching duty to reflect the standards objectives and ensure consistency with the standards as reflected in the Broadcasting Code.
- 3.12 However, in some instances we have departed from mirroring certain rules or wording from the Broadcasting Code to the draft Code. This is in cases where we have found that they may be disproportionate or unnecessary in the context of the BBC's online environment or where an overarching rule may be sufficient to provide the same level of protection for online material without the need to be as specific as for broadcast content. Nevertheless, even where some proposed sections of the draft Code contain fewer rules or different

¹⁵ In particular, the standards objectives under sections 319(2)(fa), (i) and (j) relating to product placement requirements, international obligations with respect to advertising in television and radio services and unsuitable sponsorships are not applicable to the Code.

¹⁶ In particular, the standards objectives under sections 319(2)(a) and (f) relating to the protection of under eighteens and the application of generally accepted standards so as to provide adequate protection against offensive and harmful material.

wording than their equivalent sections in the Broadcasting Code, the intention has been to maintain the same level of audience protections. To the extent that any of these changes are material, we have explained in this consultation document our policy rationale for them.

- 3.13 Where we have set out meanings in each section of the Code, these exist to define key terms used in the rules and their purpose is to provide clarification. Therefore, we have proposed to change the wording of specific meanings where the online context requires additional or different clarification, or where the proposed rules or terms that are being clarified have been changed from the Broadcasting Code.
- 3.14 To support the BBC and its audiences, it is proposed that the Code will be supplemented by guidance which will help the BBC and the public to understand aspects of the new Code and the way in which it will be applied by Ofcom. The guidance will be reviewed and updated as necessary. Ofcom's intention is to publish guidance alongside the publication of the final Code. However, in this consultation document we have set out our proposed approach to guidance where we consider it is particularly important to aid understanding of the draft Code and invite comments on our proposed approach.

BBC online material on social media platforms

- 3.15 As outlined above, Ofcom has not had any role to date in setting and enforcing content standards for BBC online material. The draft Code also represents the first time we have had any regulatory oversight of BBC material on third-party online platforms.¹⁷
- 3.16 The updated Framework Agreement defines online material to mean any BBC-branded content on a BBC social media account (including reposts of any content posted on any other social media account, including that of any individual working for the BBC). This means that the draft Code applies in the same way for BBC online material where it is provided as part of the UK Public Services and where it applies to BBC-branded content on third party websites, applications and interfaces, and that the level of protection would not differ.
- 3.17 We consider the BBC to have editorial control of material on BBC-branded social media accounts (including reposted content). Depending on the individual third-party platform, we also broadly consider that the BBC would have some ability to control the moderation of its accounts (e.g. enabling or disabling comments or blocking accounts). However, we acknowledge that the BBC may not have wider control over the platform environment where its online material may appear, including elements such as the third-party platform's policies, guidelines or algorithms and recommendation systems.
- 3.18 In the light of this practical challenge, we will consider further whether guidance on BBC online material which appears on third-party platforms could help clarify how the proposed rules might apply to the BBC's branded and operated accounts on social media and/or video sharing platforms. For example, guidance might be helpful to highlight relevant factors that the BBC may wish to consider when posting and moderating online material on social media platforms, particularly where a platform's policies (e.g. community guidelines) and systems (e.g. algorithmic recommendation) may pose a risk to audiences engaging with BBC online material.

¹⁷ As noted in paragraph 2.2, Ofcom's current role in relation to BBC online material under the Online Arrangement does not extend to BBC material on third-party online platforms and social media accounts.

Section One: Protection of Children

- 3.19 **Principle: To ensure that people under eighteen are protected.**¹⁸ The proposed rules for Section One of the draft Code are included on pages 6 to 7 of [Annex 2](#).
- 3.20 Section One and Section Two (Harm and offence) of the draft Code should be read together.
- 3.21 Under the proposed Section One of the draft Code, we have adapted the approach in the Broadcasting Code to make these rules relevant to BBC online material. The guiding principle, to ensure that people under eighteen are protected, is reflected in two proposed overarching rules that require the BBC:
- i. to protect under-eighteens from online material that might seriously impair their physical, mental or moral development; and
 - ii. to take all reasonable steps and appropriate measures to protect under-eighteens from unsuitable online material.
- 3.1 We believe that these modified overarching rules are effective and proportionate and will enable the BBC to provide appropriate protections for under-eighteens on their online services with more flexibility than in the broadcasting space.
- 3.2 The rules which refer to linear scheduling (e.g. the TV watershed) and are only relevant to the broadcast context have not been replicated for the draft Code.
- 3.3 Given the broad protections afforded by our two overarching rules, we propose not to replicate a certain number of prescriptive rules from the Broadcasting Code that are rooted in linear broadcast scheduling and granularly address certain thematic issues in content, e.g. offensive language, sexual material or nudity.
- 3.4 We do, however, propose to replicate certain rules that exist to safeguard the welfare and the legal rights of under-eighteens.

Broadcasting Code rules we propose to reflect in Section One

- 3.5 The proposed **Rule 1.1** of the draft Code is an overarching rule to prohibit material that might seriously impair the physical, mental or moral development of people under eighteen. This reflects Rule 1.1 of the Broadcasting Code, with necessary changes applicable to online material. We consider this rule remains an essential element of the principle to protect under-eighteens.
- 3.6 The proposed **Rule 1.2** reflects the current wording of Rule 1.2 in the Broadcasting Code, which sets out the requirement that broadcasters “must take all reasonable steps” to protect under-eighteens. The proposed **Rule 1.2** also incorporates the intent of Rule 1.3 of the Broadcasting Code, which requires children (defined in the broadcasting context as “children under fifteen years”) to be protected from unsuitable material through appropriate scheduling. As scheduling is a linear concept, the proposed rule requires the

¹⁸ [Section 319\(2\)\(a\) of the Act](#). The BBC must observe section 319 in accordance with paragraph 3A(2) of Schedule 3 to the [updated Framework Agreement](#).

BBC to put in place “appropriate measures” to secure the age-appropriateness of content for persons under-eighteen.

- 3.1 The proposed **Rules 1.3** and **1.4** of the draft Code reflect the current wording of Rules 1.8 and 1.9 in the Broadcasting Code. These rules exist to safeguard the welfare and legal rights of under-eighteens who are involved in criminal proceedings or related investigations that may be covered by the BBC. We think they remain important and relevant in the online environment.
- 3.1 The proposed **Rules 1.5** to **1.7** of the draft Code replicate Rules 1.28 to 1.30 of the Broadcasting Code, which requires due care to be taken over the welfare and dignity of people under-eighteen who take part or are otherwise involved in programmes, irrespective of any consent given by the participant or by a parent, guardian or other person in *loco parentis*. There is also a rule on the age-appropriateness of prizes aimed at children. We consider these three rules are also applicable in the online context.

Departing from the meaning of “children” in the broadcast scheduling rules

- 3.2 As explained in the following paragraph, we are not proposing to define separate age categories to secure the statutory objective to protect persons under-eighteen. This departs from the approach under the Broadcasting Code, which includes rules to protect “children” (defined as people under the age of fifteen years) specifically, as well as rules to protect persons under-eighteen more generally. This lower age threshold reflects the context of traditional TV viewing, particularly as a communal family experience in the home, as well as it being the notional age barrier that defines the 9pm TV “watershed”, as set out in Rule 1.4 of the Broadcasting Code.
- 3.3 The online environment differs fundamentally from linear broadcasting in the way under-eighteens access and experience content. For broadcast content, the watershed and linear scheduling operate as the primary mechanisms to protect under-fifteens from unsuitable material by ensuring that content is age-appropriate. However, online content is available at any time, accessible across a wide range of devices and platforms and may be encountered through search, social media, algorithmic recommendation or direct sharing rather than through curated schedules. These differences require that, in the online context, the protection of under-eighteens is grounded in a more nuanced approach to age-appropriateness across different stages of age development. We therefore propose not to reflect the broadcast definition of “children” for online material and the draft Code will refer only to “people under-eighteen”.

Appropriate measures to protect under-eighteens

- 3.4 In our view appropriate measures may be targeted proportionately across a range of different age groups in a way that the scheduling rules are not able to be. We consider these measures to be part of the “reasonable steps” that the BBC must take to protect under-eighteens from material that is unsuitable for them in the online environment.
- 3.5 The proposed **Rule 1.2** includes a list of measures and contextual factors that the BBC might consider when ensuring that under-eighteens are protected from unsuitable material. These audience protection measures include, but are not limited to:
- age ratings or other content classification systems;
 - content warnings and information;
 - parental controls, including restricted mode settings, child accounts and PIN protection; and

- age assurance.
- 3.6 Ofcom does not mandate or endorse any particular approach or system for implementing audience protection measures. However, we have set out a list of factors the BBC should consider when determining the appropriateness of the measure. We envisage that these factors will help inform the BBC’s assessment of when and how best to place measures around its online material in an effective and proportionate way.
- 3.7 This list of factors has been adapted from the list of factors included under the meaning of “appropriate scheduling” in the Broadcasting Code, which reflects the matters that Ofcom must have regard to under s319(4) of the Act. These include (amongst others) the nature of the content and potential risk to under-eighteens, the nature of the measure and the extent to which it mitigates this risk, as well as the likelihood of under-eighteens accessing the content and their likely age range.
- 3.8 We are aware that the BBC has a wide, diverse range of online material. News and current affairs, for example, carries with it an important public interest which is relevant context when considering the inclusion of distressing and challenging real-world content. However, the standards objective in s319(2) of the Act to ensure that persons under the age of eighteen are protected means that we must apply the same principle, similar to our approach for broadcasting, to all online material within scope of the draft Code. We think that the proposed factors to judge the appropriateness of measures in Section One will provide flexibility to allow the BBC to consider the nature of the content, the nature of the platform and the likely expectation of parents and carers, amongst other factors, when it makes decisions about which type of content would need appropriate measures and what those measures should be.
- 3.9 The aim to ensure that the BBC takes all reasonable steps to protect under-eighteens from unsuitable material does not imply that there is a “one-size-fits-all” solution for all material. To be clear, we would not expect the BBC to apply unnecessarily excessive restrictions or measures around news or current affairs that would seem disproportionate or unreasonable in the online environment. In the same way that the BBC makes editorial decisions about the appropriateness of its broadcast news output across the linear TV and radio schedules, in a non-linear context we would expect it would also consider how best to use labelling and/or other measures to support its audience in an inclusive and appropriate manner, as it already presently does under its Editorial Guidelines.
- 3.10 Whilst we expect the BBC to remain mindful of its obligations under the draft Code, and its responsibility towards parents and carers, and under-eighteens, we propose to set out in more detail our approach to news and current affairs in guidance. We aim to use guidance to make it explicit that Ofcom would consider news and current affairs to be the type of material where the appropriateness of measures should be judged in the light of the specific public interest and expectations around BBC news and current affairs. We will consult further with the BBC on the nature and practical application of this part of the proposed guidance.

Broadcasting Code rules we do not propose to reflect in Section One

- 3.11 Further to our proposal to adapt and merge Rules 1.2 and 1.3 from the Broadcasting Code into a single proposed rule (**Rule 1.2**), in our view this rule ensures adequate protection for

the types of material referred to in Rules 1.10 – 1.21 of the Broadcasting Code.¹⁹ These rules prescribe the specific approach that must be taken by broadcasters for potentially unsuitable material in: programmes broadcast before and after the watershed; programmes made primarily for children; and programmes broadcast when children are likely to be listening on the radio. These rules are divided up into headings that reflect an exhaustive list of issues: Drugs, smoking, solvents and alcohol; Violence and dangerous behaviour; Offensive language; Sexual material; and Nudity.

- 3.12 Given the draft Code must contain the standards as appear to Ofcom best calculated to secure the relevant standards objective (that persons under-eighteen are protected), we think the proposed **Rule 1.2** achieves this in a sufficient and proportionate manner. By setting out the use of appropriate measures and contextual factors that the BBC should judge when it comes to protecting under-eighteens from unsuitable material, we do not consider it necessary for the draft Code to include equivalents to Rules 1.10-1.21 of the Broadcasting Code. We therefore propose not to replicate these rules in the draft Code.
- 3.13 Our view is that it would be more appropriate to set out types of examples of unsuitable online material that might be relevant to the overarching rule in guidance. To assist the BBC in its interpretation of **Rule 1.2** we therefore also propose to include in this guidance a non-exhaustive list of potentially unsuitable material. This approach allows for greater flexibility for the BBC to consider the broader range of potential harms to under-eighteens across different age groups in the online environment, without an undue focus on content issues that may be more prevalent in the broadcasting space than on the BBC's online services, e.g. sexual material or nudity.
- 3.14 Rules 1.4 - 1.7 of the Broadcasting Code relate to broadcasters observing: the TV watershed; times when children are particularly likely to be listening to radio; the transition to more adult material after the watershed; and the provision of information around distressing content that is broadcast pre-watershed or when children are likely to be listening. These rules have not been replicated in the proposed Code as they are specific to the watershed and TV and radio scheduling. These considerations are not applicable to the online environment.
- 3.15 Rules 1.22 to 1.26 of the Broadcasting Code address films and mandatory daytime protections on broadcast services. We are not proposing to replicate these rules as they are specific to films and BBFC film classifications, and relate to scheduling and the watershed and are not directly relevant to online material. In relation to the classification of any material that might warrant labelling, we consider that our proposed **Rules 1.1 and 1.2** provides sufficient protection and flexibility to the BBC on its approach to appropriate measures.
- 3.16 Rule 1.27 of the Broadcasting Code relates to demonstrations of exorcism, the occult and the paranormal, and requires broadcasters to restrict such portrayals, as well as paranormal practices for entertainment purposes, from pre-watershed scheduling, times when children are likely to be listening on radio or where content is likely to be accessed by children. As we think the overarching **Rule 1.2** of the draft Code covers any potential harm to under-eighteens arising from any such portrayals in online material, we propose not to replicate

¹⁹ [Broadcasting Code Section One: Protecting the under-eighteens](#) (see Rules 1.10 – 1.21).

this rule. We have taken a similar approach in Section Two of the draft Code in relation to the same issue, as explained in paragraph 3.32 below.

Consultation Questions

- **Question 1:** Do you agree with our overall approach to Section One?
- **Question 2:** Do you have any comments on our approach to reflecting relevant protections for under-eighteens in the online environment?
- **Question 3:** Do you have any comments on relevant factors we may wish to consider when developing our guidance to applying these rules?
- **Question 4:** Do you have any further comments on the proposed content of Section One?

Section Two: Harm and Offence

- 3.17 **Principle: to ensure that generally accepted standards are applied to BBC online material so as to provide adequate protection for members of the public from the inclusion of harmful and/or offensive and material.**²⁰ The proposed rules for Section Two of the Code are included on pages 8 to 10 of [Annex 2](#).
- 3.18 Section Two of the Broadcasting Code provides protection to the public from broadcast material that has the potential to cause harm and/or offence. The underlying standards objective must be applied to online material, as appropriate, and we think that these rules are relevant to online material. We propose to reflect these rules in the draft Code. We have adapted meanings to better reflect the online environment and have not replicated rules where they either do not apply to online material or are sufficiently covered by the overarching rules.

Broadcasting Code rules we propose to reflect in Section Two

Generally accepted standards

- 3.19 We propose that **Rules 2.1, 2.2 and 2.3** of the draft Code should mirror the wording of their equivalent Rules 2.1, 2.2 and 2.3 of the Broadcasting Code.
- 3.20 The proposed **Rule 2.1** requires that generally accepted standards must be applied to online material so as to provide adequate protection for members of the public from the inclusion of harmful and/or offensive material. We have carried across the obligation as the underpinning standards objective applies to online material as it does to broadcasting.
- 3.21 The proposed **Rule 2.2** requires that factual material or portrayals of factual matters must not materially mislead the audience. The corresponding broadcasting rule is designed to deal with content that materially misleads the audience so as to cause harm and offence and the same rationale is applicable to online material, so we propose to reflect this rule in the draft Code. Where the Broadcasting Code refers to “factual programmes or items” we propose to modify this and use the term “factual material” to reflect the online environment.
- 3.22 The proposed **Rule 2.3** requires that in applying generally accepted standards the BBC must ensure that material which may cause offence is justified by the context, and that

²⁰ [Section 319\(2\)\(f\) of the Act](#)

appropriate information should also be published where it would assist in avoiding or minimising offence. The same rationale for replicating this wording from the Broadcasting Code applies to this rule as for Rule 2.1 and Rule 2.2.

- 3.23 Section Two of the draft Code includes a non-exhaustive list of contextual factors that will be relevant to our consideration of **Rule 2.3** (and other rules that require a consideration of context) and which reflect and build on context-related matters that Ofcom must have regard to under s319(4) of the Act.²¹ In the Broadcasting Code, relevant “context” includes elements that are typical of linear broadcast environments for multiple broadcasters (or services). These include: the service on which the material is broadcast; the time of broadcast; scheduling; programme adjacency; and the nature of the service. These factors are only relevant when applied to broadcast services operating within a time-based linear schedule. Therefore, we have not carried these particular contextual factors across from the Broadcasting Code.
- 3.24 We are also proposing to include new contextual factors that we consider to be relevant to BBC online material when assessing whether **Rule 2.3** (and other rules that require consideration of context) has been complied with. These new contextual factors include: the format and type of online item; the way in which the content is presented and encountered; the age of the material; and the length of time for which the material is available. In proposing these new contextual factors, we have had regard to the matters that are set out in s.368HH of the Act²² in relation to standards for Tier 1 On-Demand Programme Services. These have been designed to apply to the non-linear on-demand environment, which shares similarities with the online environment. Therefore, we consider matters such as age of content and length of time available are also relevant to online material.
- 3.25 These factors reflect how audiences discover and consume BBC online material via, for example, search, social sharing, autoplay feeds, app interfaces, external linking and partial fragments (clips, thumbnails, headlines etc). It further reflects the fragmented nature, both in type and format, of online material (e.g. content may appear under several multimodal forms including: full articles; embedded clips; short form edits; social posts; platform specific adaptations; and/or headlines with no accompanying body text), as well as the fact that online material remains indefinitely accessible and can be corrected, amended and re-posted.

Violence and dangerous behaviour

- 3.26 The proposed **Rule 2.4** of the draft Code relates to material that condones or glamorises violent or dangerous or seriously antisocial behaviour and is likely to encourage others to copy such behaviour. We propose that such material must not be included in BBC online material. This reflects similar concerns in broadcasting around the wider risks to the public from imitative violent or antisocial behaviour that may stem from potentially harmful content. We therefore propose to broadly mirror the wording of the corresponding Rule 2.4 from the Broadcasting Code that prohibits this type of material in programmes. We propose

²¹ This is a non-exclusive list of matters, as Section 319(4) of the Act states that these are matters that Ofcom must have regard to in particular and to such extent as appears to them to be relevant to the securing of the standards objectives.

²² [Section 368\(HH\) of the Act](#)

to modify that rule slightly to remove “programmes” and retain “material” so that the proposed rule is appropriate to the online environment.

Suicide and self-harm

3.27 The proposed **Rule 2.5** of the draft Code prohibits methods of suicide and self-harm from inclusion in online material, except where they are editorially justified and are also justified by the context. As the risks associated with this harm are potentially aggravated in an online environment, where a person may engage with this type of material frequently, repeatedly and alone, we propose to reflect this specific protection and carry over the corresponding Rule 2.5 from the Broadcasting Code. As with other examples in the draft Code, we propose to adapt that rule and replace “programmes” with “online material” for the online environment. Given the importance of this rule for online material, we also propose a slight change from the Broadcasting Code approach by including a specific heading that highlights the issue covered by the proposed rule, i.e. “Suicide and self-harm”.

Photosensitive epilepsy

3.28 The proposed **Rule 2.6** replicates Rule 2.12 (Photosensitive Epilepsy) of the Broadcasting Code, which aims to safeguard people with photosensitive epilepsy. However, we have removed the explicit reference to Ofcom guidance in relation to flashing images as we recognise that BBC online material is accessed via a vast array of devices and formats and that Ofcom guidance for broadcasters may not be relevant in the online environment. In our view, this omission avoids unnecessary regulatory burden whilst also providing appropriate protections for users with photosensitive epilepsy.

Competitions and voting

- 3.29 The proposed **Rules 2.7 and 2.8** are carried over from Rules 2.13 and 2.15 of the Broadcasting Code relating to Competitions and Voting.
- a) **Rule 2.7** is designed to protect audiences from the harm which may arise from unfair competitions or voting exercises.
 - b) **Rule 2.8** requires the BBC to draw rules for a competition or vote that are clear and transparent so as to ensure the audience make informed decision to participate.
- 3.30 We consider both rules to be relevant in an online context and propose to include them with necessary adaptations to reference “online” competitions and voting.²³

Broadcasting Code rules we do not propose to reflect in Section Two

3.31 We propose not to carry over Rules 2.6 to 2.11 of the Broadcasting Code into the draft Code. As we have said in our proposed approach to the draft Code, where we find that certain broadcasting rules are either not relevant or necessary to secure the standards objective as it applies to online material, we propose not to replicate those rules. We have also said in our proposed approach that where we think an overarching rule in any section may be sufficient to provide adequate protection for online material, we propose not to retain the more specific or prescriptive rule. We apply this reasoning to the Broadcasting Code rules that we propose not to reflect in Section Two of the draft Code below.

²³ See paragraph 3.36 below for broadcast competition or voting rules that we propose not to reflect in the draft Code (materially misleading competitions or voting and accuracy in describing broadcast competition prizes).

- 3.32 Rules 2.6, 2.7 and 2.8 of the Broadcasting Code (Exorcism, the occult, and paranormal demonstrations) were developed for a specific broadcast context, where genres featuring occult or paranormal demonstrations were more prevalent and could present risks of harm and/or could mislead audiences. Such content is not a regular feature in BBC online material, which is primarily factual, editorial and largely news-dominant. As a result, we consider the likelihood of people encountering this type of material to be low and, in the event of any potential harm, this would be addressed under the proposed **Rules 2.1 and 2.2** and Section One more broadly.
- 3.33 Rule 2.9 of the Broadcasting Code (Hypnotism) was originally brought across from legacy Codes on a precautionary basis.²⁴ This rule addresses the proper degree of responsibility required in material featuring demonstrations of hypnotic techniques. The rationale not to reflect this rule for online material is the same as has been set out in paragraph 3.31.
- 3.34 Rule 2.10 (Simulated news) of the Broadcasting Code addresses simulated news (for example in drama or documentaries) being broadcast in such a way that there is no reasonable possibility of the audience being misled into believing they are listening to, or watching, actual news. The same rationale as set out in paragraph 3.31 applies to our proposal not to carry over this rule to BBC online material.
- 3.35 Rule 2.11 in the Broadcasting Code states that broadcasters must not use techniques which exploit the possibility of conveying a subliminal message to viewers or listeners, or of otherwise influencing their minds without their being aware, or fully aware, of what has occurred. The rationale set out in paragraph 3.31 is also relevant here, although Rule 2.11 of the Broadcasting Code is also underpinned by a standards objective that is not required to be secured for BBC online material under the updated Framework Agreement.²⁵
- 3.36 We do not propose to carry over Rules 2.14 (misleading competitions/voting) and Rule 2.16 (accurate description of prizes) from the Broadcasting Code. These two rules address the risk of audience detriment arising from misleading factual information within competitions or votes. The BBC's online competition formats are limited and typically governed by published competition terms, therefore we consider replicating these rules would introduce unnecessary duplication. We also consider that these harms are already addressed by the proposed overarching **Rules 2.1 and 2.2**.

Consultation Questions

- **Question 5:** Do you agree with Ofcom's overall approach to Section Two?
- **Question 6:** Do you have any comments on the proposed list of non-exhaustive contextual factors listed under the "meaning of context" in Section Two?
- **Question 7:** Do you have any further comments on the proposed content of Section Two?

²⁴ [Consultation on the proposed Ofcom Broadcasting Code \(2004\)](#).

²⁵ See section 319(2)(l) of the Act, which requires, in relation to radio and television services, that there is no use of techniques which exploit the possibility of conveying a message to viewers or listeners, or of otherwise influencing their minds, without their being aware, or fully aware, of what has occurred.

Section Three: Crime, Disorder, Hatred and Abuse

- 3.37 **Principle: material likely to encourage or incite the commission of crime or lead to disorder is not included;**²⁶ **and that generally accepted standards are applied to BBC Online Material so as to provide protection for members of the public from the inclusion of offensive and harmful material.**²⁷ The proposed rules for Section Three of the Code are included on pages 11 to 13 of [Annex 2](#).
- 3.38 These standards objectives are applicable to online material and we think the protections afforded through each of the rules in Section Three of the Broadcasting Code are highly relevant in the online environment. We therefore propose to mirror these rules with no significant changes for Section Three of the draft Code. More specifically, however, we propose to modify some of the language and adapt certain meanings to better reflect the online environment, as appropriate.
- 3.39 Section Three of the draft Code sets out some key definitions of terrorism, “hate speech”, “crime”, “disorder” and “likely to encourage or to incite the commission of crime or to lead to disorder” which are broadly aligned with the definitions in the Broadcasting Code.

Broadcasting Code rules we propose to reflect in Section Three

- 3.40 The proposed **Rule 3.1** of the draft Code prohibits material likely to encourage or incite the commission of crime or lead to disorder from being included in BBC online material. This replicates Rule 3.1 in the Broadcasting Code, with necessary adaptation to reflect the online environment.
- 3.41 This Section includes a non-exhaustive list of significant contextual factors that are relevant to our consideration of the proposed **Rule 3.1**. In setting out these proposed factors, we have again reflected wording from the Broadcasting Code, with necessary adaptations to align with the BBC online environment. These include:
- the editorial purpose of the online item;
 - the status or position of anyone featured in the material; and/or
 - whether sufficient challenge is provided to the material.
- 3.42 Given that online material may include multiple diverse and fragmented online items that may be encountered in different ways by the audience, we acknowledge that these contextual factors might operate quite differently in practice from the broadcasting environment. Therefore, we will consider what guidance might be helpful to support the BBC and audiences in understanding how these contextual factors might work in practice for BBC online material.
- 3.43 Given that there are different types of online material, e.g. text-based articles or video clips, the guidance will provide more detail on how contextual factors, such as “editorial purpose”, “status or position of anyone featured” and “sufficient challenge is provided”, should be assessed for online items. We will also consider whether it may be helpful for the

²⁶ [Section 319\(2\)\(b\) of the Act.](#)

²⁷ [Section 319\(2\)\(f\) of the Act.](#)

guidance to suggest other contextual factors that may also be relevant in an online environment.

- 3.44 We discuss the definition of an “online item” in more detail below at paragraph 3.80 in relation to Section Five.
- 3.45 The proposed **Rule 3.2** (hate speech) and **Rule 3.3** (abusive or derogatory treatment), reflect the standards objective on the provision of adequate protection for members of the public from the inclusion of offensive and harmful material. As under the Broadcasting Code, these rules are designed to protect people from hate speech and abusive or derogatory treatment of individuals, groups, religions or communities. Under the proposed rules, material which contains these elements must not be included in BBC online material, except where it is justified by the context. We consider these rules highly relevant to the online environment.
- 3.46 The equivalent Broadcasting Code rules include a non-exhaustive list of contextual factors that will be relevant to our consideration of **Rules 3.2 and 3.3**. Drawing on the factors in section 319(4), we have set out an adapted non-exhaustive list of key contextual factors to help explain the meaning of “context” when applying these rules to online material.²⁸
- 3.47 We acknowledge the public interest value in news and current affairs and that, where this type of material is being considered under these rules, we would take account of the importance of the genre and editorial context of such an online item (or series of items taken as a whole). As we have done with drama, comedy or satire, we propose to include news and current affairs as an additional example of such a genre where there may be editorial justification for including challenging or extreme views.
- 3.48 Other contextual factors that we are proposing to include are: the extent to which sufficient challenge is provided; the status or position of anyone featured in the material; the way the content is presented and encountered; the nature of access to the context; and the likely size and composition and likely expectation of the audience. These factors reflect existing considerations in the Broadcasting Code which remain relevant to the online environment, with certain modifications to reflect the change from broadcasting. As already referred to in this section, we propose to use guidance to provide detail on how these, and other, factors may work in practice for online material.
- 3.49 The proposed **Rules 3.4 to 3.8** relate to portrayals of crime and criminal proceedings. They broadly reflect the equivalent rules in the Broadcasting Code, modifying terminology to online material, as we consider these protections to be equally relevant in an online context.
- 3.50 The proposed **Rule 3.4** prohibits from online material any descriptions or demonstrations of criminal techniques which contain essential details that could enable the commission of crime, unless editorially justified.
- 3.51 The proposed **Rule 3.5** prohibits direct or indirect payments being made to convicted or confessed criminals in connection with their contribution to the production of online material relating to their crime(s). The only exception is where it is in the public interest.

²⁸ We have had regard to the matters set out in Section 319(4) of the Act in proposing this list of contextual factors. The non-exhaustive list of contextual factors is contained in Section Three of the draft Code in [Annex 2](#).

- 3.52 The proposed **Rule 3.6 and Rule 3.7** reflect restrictions on paying convicted or confessed criminals for a programme contribution, as well as witnesses in active proceedings and individuals who may reasonably be expected to become witnesses. These rules are intended to protect the integrity of the criminal justice process and the fairness of proceedings.
- 3.53 The proposed **Rule 3.8** requires the BBC to use its best endeavours so as not to post material that could endanger lives or risk successful attempts to deal with a hijack or kidnapping.

Consultation Questions

- **Question 8:** Do you agree with Ofcom’s overall approach to Section Three?
- **Question 9:** Do you have any comments on our proposal to use guidance to help clarify how contextual factors relating to Rules 3.1, 3.2 and 3.3 might apply to online material? Are there any other areas in Section Three which you think it may be particularly helpful to supplement with guidance?
- **Question 10:** Do you have any further comments on the proposed content of Section Three?

Section Four: Religion

- 3.54 **Principle: to ensure that the BBC exercises the proper degree of responsibility with respect to online material that constitutes religious online items²⁹; that religious online items do not improperly exploit any susceptibilities of the audience³⁰; and that the religious views and beliefs of those belonging to a particular religion or religious denomination are not subjected to abusive treatment.³¹** The proposed rules for Section Four of the Code are included on page 14 in [Annex 2](#).
- 3.55 The standards objectives and the particular provisions required to achieve it that underpin Section Four of the Broadcasting Code are relevant and applicable to online material, as they provide important protections to audiences. We also think that these objectives should be reflected as three proposed overarching rules in the draft Code that we believe would provide adequate protection to online audiences in a proportionate way.
- 3.56 For the proposed rules in Section Four, we propose to modify the term “religious programmes” from the standards objective to fit the online environment by citing “religious online items” which are online items³² which deal with matters of religion as the central subject, or as a significant part, of the item.
- 3.57 This means that this section of the Code would not merely apply to an online item wholly consisting of devotional material, an act of worship or prayerful reflection, but also include other types of material. This includes, for example, current affairs or history content where religion or belief is a significant part of the item.
- 3.58 This type of material is not typical of BBC online output, so we expect very few religious online items to be captured by these proposed rules. As we explain in paragraphs 3.62 to

²⁹ [Section 319\(2\)\(e\) of the Act.](#)

³⁰ [Section 319\(6\)\(a\) of the Act.](#)

³¹ [Section 319\(6\)\(b\) of the Act.](#)

³² See the definition of “online item” in Section Five.

3.65 below, we are not proposing to reflect rules in Section Four of the Broadcasting Code that address very particular concerns that are specific to certain types of specialist programming on broadcast services. We consider that any such issues can be addressed under proposed Rules 4.1, 4.2 and 4.3 and Section One of the Code. We consider this approach will be sufficient to ensure the BBC exercises its proper responsibilities for religious online items and that audiences are protected from improper exploitation and abusive treatment for their religious views and beliefs.

Broadcasting Code rules we propose to reflect in Section Four

- 3.59 The proposed **Rule 4.1** reflects the standards objective that the BBC exercises the proper degree of responsibility with respect to the content of online material that constitutes a religious online item. This proposed rule replicates the equivalent Rule 4.1 in the Broadcasting Code, as we think the principle is equally important in protecting audiences in the online environment.
- 3.60 The proposed **Rule 4.2** reflects one of the provisions set out under section 319(6) designed to ensure that religious online items do not involve any abusive treatment of the religious views and beliefs of those belonging to a particular religion or religious denomination. This is required in particular to achieve the standards objective set out above and closely mirrors Rule 4.2 of the Broadcasting Code. When considering “abusive treatment” of religions, Ofcom expects to take a similar approach to material as under proposed Rule 3.3 (see paragraph 3.45). We would, for example, consider if the material included statements which sought to revile, attack or vehemently express condemnation towards religious views and those belonging to a particular religion or religious denomination, without sufficient contextual justification.
- 3.61 The proposed **Rule 4.3** reflects the other provision set out under section 319(6) designed to ensure that religious online items do not improperly exploit any susceptibilities of the audience, which is also required in particular to achieve the standards objective set out above. It closely mirrors Rule 4.6 of the Broadcasting Code, as we believe the potential vulnerabilities of audiences in the online environment make this an important rule to carry across to the draft Code.

Broadcasting Code rules we do not propose to reflect in Section Four

- 3.62 The Broadcasting Code has rules on identifying specific religions or denominations to the audience when dealing with religious subjects (Rule 4.3), prohibiting the promotion of religious views or beliefs by stealth (Rule 4.4), prohibiting the “seeking of recruits” to religions on certain programmes (Rule 4.5) and protecting children from religious programmes that contain claims of living persons having special powers (Rule 4.7).
- 3.63 Though these rules apply to all Ofcom-licensed broadcasters, it is our view that the nature of the issues that the rules address stem from specific concerns about certain types of specialist programming (e.g. a religious programme aimed at a particular religion’s devotees). The same concerns may not be as appropriate to set out in such detail where it comes to the mission and public purposes³³ that underpin BBC online material, and the issues may also not be as relevant to the BBCs very broad and diverse online audience.

³³ [BBC mission, values and public purposes \(as contained in The Royal Charter\)](#).

- 3.64 We therefore propose not to replicate Rules 4.3, 4.4, 4.5 and 4.7 of the Broadcasting Code. We consider that any potential harm that these rules would protect audiences from is already sufficiently addressed under proposed **Rules 4.1, 4.2 and 4.3**, as well as **Section One** of the Code. We will take account of stakeholders' views on our proposed approach in considering whether it may be helpful to provide additional guidance for the BBC on these rules.
- 3.65 Importantly, as with the Broadcasting Code, the draft Code does not prohibit legitimate criticism of any religion or its founder. This means that there is scope for religious debate and for followers of one religion to criticise other religions, providing such criticism does not amount to pejorative abuse.

Consultation Questions

- **Question 11:** Do you agree with Ofcom's overall approach to Section Four?
- **Question 12:** Do you have any further comments on the proposed content of Section Four?

Section Five: Due Impartiality and Due Accuracy

- 3.66 **Principles: to ensure that the BBC's UK Public Online Material that constitutes news, in whatever form, is reported with due accuracy and presented with due impartiality; and that the special impartiality requirements in the Act are complied with.** The proposed rules for Section Five are included in pages 15 to 17 in [Annex 2](#).
- 3.67 The requirements in the standards objectives are well established in the BBC's broadcast news output and the BBC holds its online news output to these standards itself by way of the BBC's Editorial Guidelines. We consider that introducing materially different requirements in the Code would therefore likely create an additional and unnecessary regulatory burden for the BBC.
- 3.68 We therefore propose to mirror all of the rules in Section Five of the Broadcasting Code, but with some proposed modifications to language and definitions, as appropriate, to take account of the online environment and characteristics such as its multi-format, non-linear and dynamic nature.

Broadcasting Code rules and definitions we propose to reflect in Section Five

The meaning of "due impartiality"

- 3.69 The draft Code includes a definition of "due impartiality" which mirrors the definition in the Broadcasting Code, but with limited adaptations to ensure it operates effectively in an online environment. We have maintained the wording that "impartiality itself means not favouring one side over another" and that "'due' is an important qualification when it comes to impartiality, meaning "adequate or appropriate to the subject and nature" of the specific online material (see definition of "online item"). However, we have clarified the definition to highlight that, in addition to time, due impartiality does not require that an equal division of "focus" has to be given to every view. This recognises that editorial emphasis in online material may be conveyed in different ways, including through structure, layout, prominence and format, rather than through time alone. This adaptation also clarifies that due impartiality does not require symmetry in word count, screen space, duration or prominence, while maintaining the underlying impartiality standard.

- 3.70 The proposed definition also reflects the role of updated and amended contextual factors in the application of due impartiality. In addition to those factors already recognised in the Broadcasting Code, the draft Code makes clear that relevant considerations in relation to BBC online material may also include the format and type of the online item and the way in which content is presented and encountered. These additions recognise the range of formats and content types found in online material, as well as the range of services through which it is made available (including third party platforms) and the differing ways in which audiences access and engage with BBC Online Material.

Due impartiality and due accuracy in news

- 3.71 Proposed **Rule 5.1** requires that “news, in whatever form, must be reported with due accuracy and presented with due impartiality”. This is based on the wording of the standards objective for news in the Act and mirrors Rule 5.1 of the Broadcasting Code. In applying this rule, we will take account of the characteristics of online items. In particular, the fact that news material may remain accessible after events have developed meaning that the age, persistence and the ability to update content, as well as the date on which it was “first posted”³⁴, may form part of the contextual assessment of due accuracy and due impartiality.
- 3.72 In applying proposed **Rule 5.1**, we will also consider on a case-by-case basis whether an item of online material constitutes news, recognising that there is potential for the BBC to publish a range of content on its news branded services, as well as news content within its online material in general.
- 3.73 Proposed **Rule 5.2** requires that “significant mistakes in news should normally be acknowledged and corrected quickly” and that “corrections should be appropriately signalled to the audience”. It adopts wording introduced into the Broadcasting Code in 2017 to reflect its application to BBC ODPS³⁵, which we consider also to be appropriate in an online environment. The requirement that corrections “should be appropriately signalled” allows the BBC to determine the most appropriate way of ensuring that users are made aware of corrections where necessary. This approach provides flexibility, recognising the range of formats and services in which BBC news content appears online.
- 3.74 Proposed **Rule 5.3** prohibits politicians from being “a newsreader, interviewer, reporter or author in any online item that constitutes news, unless, exceptionally, this is editorially justified and their political affiliation is made clear”. This reflects the current wording of Rule 5.3 of the Broadcasting Code but has been adapted to acknowledge that online news is frequently presented in authored formats, rather than through broadcast-style newsreading, interviewing or reporting. The addition of “or author” is also intended to ensure it is clear on the face of the rule that politicians are prohibited from writing a news story for inclusion in the BBC’s online material.

Special impartiality requirements: news and other content

- 3.75 Proposed **Rules 5.4 to 5.12** reflect the special impartiality requirements in section 320 of the Act, which require broadcasters to ensure the preservation of due impartiality in output dealing with matters (and major matters) of political or industrial controversy and matters (and major matters) relating to current public policy.

³⁴ See section 4 of this document for further consideration of the issue of when an online item is “first posted”.

³⁵ “ODPS” refers to On-Demand Programme Services.

- 3.76 Proposed **Rule 5.4** requires that the BBC’s online material excludes all expressions of the views and opinions of the BBC on matters of political or industrial controversy and matters relating to current public policy, subject to the exclusions set out in the rule. The proposed rule reflects the wording of Rule 5.4 of the Broadcasting Code, while adapting it to apply to BBC Online Material rather than solely to “programme services”.
- 3.77 The exclusion in Rule 5.4 of the Broadcasting Code refers to “views and opinions relating to the provision of programme services”; the equivalent exclusion in proposed **Rule 5.4** is expressed as “views and opinions relating to the provision of the UK Public Services”, encompassing both the BBC’s broadcast and online UK Public Services. This provision, which reflects section 320(3) of the Act, ensures that BBC journalists are not prevented from giving views and opinions on matters relating to the BBC and the provision of the UK Public Services. Such reporting may include relevant corporate statements where the BBC is the subject of the coverage. This is provided this is presented in line with the due accuracy and due impartiality requirements set out in the Code for news or where such coverage deals with a matter or a major matter, as defined in Section Five.
- 3.78 Proposed **Rule 5.5** requires that due impartiality on matters of political or industrial controversy and matters relating to current public policy is preserved in BBC Online Material and makes clear that this may be achieved either within an online item or across a series of editorially linked online items taken as a whole.
- 3.79 The rule reflects Broadcasting Code Rule 5.5, which achieves the statutory requirements in sections 320(1)(b) and 320(4)(a) of the Act, which provide that due impartiality may be achieved within a programme or across a series of programmes taken as a whole. However, we have adapted Rule 5.5 of the Code to achieve a functionally equivalent outcome in the online environment. In particular, the broadcasting concepts of “programme” and “series of programmes taken as a whole” are translated into the online context through the use of the terms “online item” and “a series of editorially linked online items taken as a whole”. This ensures that the statutory requirement is preserved while being expressed in a way that reflects how BBC Online Material is organised and encountered, rather than through the broadcast-centred concept of a “programme”.
- 3.80 An “online item” is a new proposed definition which does not have an equivalent in the Broadcasting Code. It has been proposed to supplement a revised definition of a “series” (see below) and is defined in the draft Code as an arrangement of online material presented to audiences as a single, identifiable item, which may include written text, still or moving images with or without sound), sound only online material, or any combination of these, and which may be updated over time while remaining identifiable as the same item”. An online item might include, for example, a text-based article with embedded links, images, audio or video; an individual video or audio item, including a livestreamed programme; or other standalone content.
- 3.81 We have also proposed a definition of a “series of editorially linked online items taken as a whole”, which broadly reflects the approach in the Broadcasting Code in allowing for due impartiality to be achieved across a series, while adapting it for an online environment. It is defined in the draft Code as meaning more than one editorially linked online item, dealing with the same or related issues within an appropriate period.
- 3.82 The definition retains the concept that items should deal with “the same or related issues over an appropriate period of time” but does not include a requirement for the content to be aimed at a “like audience”. This is because the concept of a “like audience” is closely

associated with broadcasting and the notion of a single channel, whereas online audiences may access content through multiple routes within a service or across platforms. It also reflects the fact that audiences are harder to measure or identify in an online environment.

- 3.83 We recognise that the application of this concept in an online context may benefit from further elaboration. Guidance will set out how relevant factors will be applied in practice, including through examples. This is likely to include consideration of the following:
- **Editorial linkage:** whether there is a sufficient editorial linkage between items, beyond a shared subject matter, such that they can properly be treated together as part of the same series. This may be indicated by factors such as: whether items relate to the same story or development (rather than a broad topic); whether there is a clear editorial relationship between them (for example, through cross referencing, consistent framing, or one item building on or responding to another); and whether they are presented in a way that reflects a deliberate connection rather than an incidental or thematic overlap (see paragraph 3.84 on Rule 5.6).
 - **Appropriate period:** whether items are sufficiently proximate in time to be regarded as forming part of the same series, having regard to the nature of the issue and the development of the coverage. This may be indicated by factors such as: whether items relate to the same phase or development of a story; whether they are published within a timeframe in which the connection between them remains direct and apparent; and whether the passage of time would affect how a user may understand the relationship between the items. By contrast, where items are separated by longer periods such that the connection becomes more attenuated or reflects distinct developments, they may be less likely to be regarded as forming part of the same series.
 - **Examples of series:** a series may include, for example, (i) a clearly signposted editorial strand or “special report” comprising a number of related standalone articles; or (ii) a cluster of closely related articles on the same story published within a short period. These examples are illustrative and the concept is not limited to pre-planned or branded series.
- 3.84 Where due impartiality is preserved across a series of editorially linked online items rather than within individual items, the draft **Rule 5.6** requires that this is normally made clear to users through appropriate signalling. This entails presenting content so that the relationship between items is sufficiently clear for users to understand them as connected and intended to be considered together.
- 3.85 We consider that, in the online environment, the ways to provide this signalling will differ from broadcast. Signalling may include, for example; explicit labelling or branding; direct cross-linking between items; or the presentation of content as a clearly defined set. Content that is only loosely related by subject matter or linked solely through general navigation features (such as “related articles” or broad topic pages) is unlikely to constitute a series for these purposes. A continuously updated item (such as a live page) is likely to be considered as ordinarily constituting a single online item rather than a series. **Rule 5.6** does not prescribe specific methods, and the approach to signalling – like the preservation of due impartiality itself – remains an editorial matter for the BBC. However, further detail on how Ofcom will interpret and apply this concept will be set out in guidance.

- 3.86 Proposed **Rule 5.7** requires that “views and facts must not be misrepresented in online material in a manner which would call into question the preservation of due impartiality”³⁶ and that views must be presented “with due weight over appropriate timeframes”. Accuracy is not a statutory requirement outside of news. This rule, which reflects Rule 5.7 of the Broadcasting Code, prohibits misrepresentation of facts or views as would undermine the preservation of due impartiality in relation to the matters dealt with in the online material. The second limb of the rule is important in determining whether, where there may have been misrepresentation, due impartiality was nevertheless preserved in the online material.
- 3.87 Proposed **Rule 5.8** requires that “any personal interest of a reporter, presenter or author which could call into question the due impartiality of the material must be made clear to the audience”. This rule reflects the Broadcasting Code requirements, with an adaptation to include “author” in recognition of how online content can be attributed.
- 3.88 Proposed **Rule 5.9** makes clear that presenters and reporters (other than those in online material that constitutes news), presenters of personal view or “authored” online items, and chairs of online items that are a discussion programme or livestream may express their own views on matters of political or industrial controversy and matters relating to current public policy. This rule reflects Rule 5.9 of the Broadcasting Code, while adapting it to apply to online items. Due impartiality under Section Five does not require all views expressed in an online item to be given the same degree of prominence. This rule makes clear that presenters of personal view items may express their own views on the matters to which it applies, providing alternative viewpoints are adequately represented and presenters do not use the advantage of regular appearances in a way that compromises the requirement for due impartiality. The proposed rule sets out that, in relation to online material, adequate provision of alternative viewpoints may be achieved either within the online item itself or across a series of editorially linked online items taken as a whole.
- 3.89 We have removed the existing reference within this rule in the Broadcasting Code to presenter phone-ins (“Presenter phone-ins must encourage and must not exclude alternative views”). Ofcom understands that this format is not typically included by the BBC in its online material and we therefore consider it would be disproportionate to include a specific reference to it in the proposed rule. However, should any such content be featured in BBC online material, due impartiality would still need to be preserved within it by the BBC in accordance with the proposed **Rules 5.1** (see paragraph 3.71) and **5.5** (see paragraph 3.78)).
- 3.90 Proposed **Rule 5.10** requires that any personal view or “authored” online item must be clearly signalled to the audience at the outset. This rule reflects the Broadcasting Code Rule 5.10 with an adaptation to apply to online items rather than “programmes”. As with proposed Rule 5.9, we have removed the existing reference within Rule 5.10 in the Broadcasting Code to personality phone-in hosts (“Personality phone-in hosts on radio are exempted from this provision unless their personal view status is unclear”), for the same reasons as for proposed Rule 5.9.

³⁶ This proposed wording is an addition to the wording in Rule 5.7 of the Broadcasting Code and reflects how we consider it will be applied in practice in an online context. It also mirrors the similar relevant wording in Ofcom’s proposed Tier 1 Standards Code – see [Consultation Tier 1 Standards Code](#).

- 3.91 Proposed **Rules 5.11 and 5.12** apply to matters of major political or industrial controversy and major matters relating to current public policy. In line with the Broadcasting Code, proposed Rules 5.11 and 5.12 set out heightened due impartiality requirements for ‘major matters’. These are generally matters of national or international importance. As is explained in Ofcom’s guidance on Section Five of the Broadcasting Code, these additional rules are necessary because of the nature of the subject matter concerned: a matter of major political or industrial controversy or major matter relating to current public policy is of a significant level of importance and is likely to be of the moment. Ofcom treats the threshold for those heightened requirements, importing additional restrictions on a broadcaster’s freedom of expression, as a high one.
- 3.92 Proposed **Rule 5.11** requires that due impartiality is preserved on such matters either within an online item or across a series of editorially linked online items taken as a whole. Proposed **Rule 5.12** requires that an appropriately wide range of significant views are included and given due weight in each online item or across a series of editorially linked online items taken as a whole, and that views and facts are not misrepresented. As explained above, these rules reflect Broadcasting Code Rules 5.11 and 5.12 which give effect to the enhanced due impartiality requirements for such matters under section 320(6) of the Act. The definition of “major matters of political or industrial controversy and matters relating to current public policy” reflects that used in the Broadcasting Code but without reference to “broadcast” in relation to the relevant geographical areas.

Consultation Questions

- **Question 13:** Do you agree with Ofcom’s overall approach to Section Five?
- **Question 14:** Do you agree with the proposal to replace “programme” with “online item” in these rules? If not, explain why.
- **Question 15:** Do you agree with Ofcom’s proposed approach to preserving due impartiality across a series of editorially linked online items taken as a whole? If not, explain why.
- **Question 16:** Are there any areas in Section 5 which you think it may be particularly helpful to supplement with guidance?
- **Question 17:** Do you have any further comments on the proposed content of Section Five?

Section Six: Elections and Referendums

- 3.93 **Principle: to ensure that the special impartiality requirements in the Communications Act 2003 and other relevant legislation relating to elections and referendums are applied to the BBC’s UK Public Online Material at the time of elections and referendums.** The proposed rules for Section Six are included in pages 18 to 20 in [Annex 2](#).
- 3.94 These proposed rules secure the same statutory standards objectives as Section Five for due accuracy and due impartiality in news and due impartiality in certain non-news material. They provide heightened protections, designed to safeguard the integrity of democratic debate, which is of particular importance during an election period. We recognise the important role of BBC online material in ensuring that audiences are able to access news and current affairs they can trust. We therefore propose to substantially mirror relevant rules in Section Six of the Broadcasting Code. However, we also propose not to replicate rules in the Broadcasting Code relating to constituency and electoral coverage in

elections, as historically these have not been adopted by the BBC under the relevant legislation. The BBC instead incorporates these requirements into its own Editorial Guidelines.

Broadcasting Code rules we propose to reflect in Section Six

- 3.95 The highest requirement of due impartiality applies during election periods and proposed **Rule 6.1** makes clear that the rules in Section Five, in particular those relating to major matters of political or industrial controversy and major matters relating to current public policy, apply to coverage of elections and referendums.
- 3.96 Proposed **Rules 6.2 and 6.3** reflect the requirement to give due weight to different participants in the coverage of elections and referendums, respectively. These rules reflect the Broadcasting Code requirements and support the preservation of due impartiality during these periods. Although the concept of “due weight” is reflective of the nature of linear broadcasting, where a variety of programming is scheduled and broadcast during the defined election or referendum as part of a channel’s news and/or current affairs output, we also consider the concept to be relevant and appropriate in the context of BBC Online Material. This is because of the BBC’s role as a public service provider and the nature of its news and current affairs output, which continues to play a central role in informing audiences during election and referendum periods. While online material is not scheduled in a linear way, the BBC exercises editorial control over how content is presented, signposted and made available across its services. In this context, the requirement to give due weight provides an important mechanism for ensuring that coverage appropriately reflects the relative significance of different parties, candidates and participants and supports the preservation of due impartiality.
- 3.97 Proposed **Rule 6.2** requires that due weight is given to the coverage of parties and independent candidates during the election period. In determining the appropriate level of coverage, the BBC must take into account evidence of past electoral support and/or current support. The BBC must also consider giving appropriate coverage to parties and independent candidates with significant views and perspectives.
- 3.98 Proposed **Rule 6.3** requires that due weight is given to designated organisations in coverage during the referendum period and that the BBC also considers giving appropriate coverage to other permitted participants with significant views and perspectives.
- 3.99 Proposed **Rule 6.4** requires that discussion and analysis of election or referendum issues must finish when the poll opens. Proposed **Rule 6.5** requires that the BBC must not publish the results of any opinion poll on polling day itself until the election or referendum poll closes. These rules reflect the Broadcasting Code requirements and are designed to ensure that coverage does not influence voters’ decisions during the polling period. This also reflects the statutory prohibition on publishing polling data whilst polls are open.³⁷
- 3.100 Proposed **Rule 6.6** prohibits candidates in UK elections and representatives of permitted participants in UK referendums from being used as presenters, interviewers, reporters or authors in online material during the election period. This rule reflects Rule 6.6 of the Broadcasting Code, with the addition of “authors” to reflect the importance of text-based content in BBC Online Material.

³⁷ Section 66A, Representation of the People Act 1983.

- 3.101 Proposed **Rule 6.7** provides that appearances or contributions by candidates or representatives in non-political online material planned or scheduled before the election or referendum period may continue, but no new appearances or contributions should be arranged or published during that period.
- 3.102 Both proposed **Rules 6.6 and 6.7** also make clear that previously published archive online material need not be removed whilst the polls are open or during the election or referendum period, respectively. This reflects the persistent nature of online content and aligns with the approach taken in the Broadcasting Code for BBC ODPS content, where existing material is not required to be removed during these periods.

Broadcasting Code rules we do not propose to reflect in Section Six

- 3.103 The Broadcasting Code includes additional rules relating to constituency and electoral area coverage (Rules 6.8 to 6.12). These rules implement section 93 of the Representation of the People Act 1983 (“RPA”) which requires Ofcom to adopt a code of practice for certain services³⁸ with respect to the participation of candidates at a parliamentary or local government election in items about the constituency or electoral area in question. We propose not to carry over these rules into the Code.
- 3.104 Although Ofcom is not required under section 93 RPA to adopt a code of practice in relation to BBC online material, Ofcom could incorporate equivalent rules to Rules 6.8-6.12 into the Code in order to secure the standards objectives contained in sections 319(2)(c) (including the special impartiality requirements in 320). However, at this time, we do not consider that it would be appropriate or proportionate to include such equivalent rules in the Code since the BBC is already required to adopt its own code of practice³⁹ which historically has been substantially similar to Rules 6.8-6.12 of the Broadcasting Code and is already applied to its online material. We are also mindful of our objective of setting standards under the Code which are consistent with those set under the Broadcasting Code, where those rules do not currently apply to the BBC. We therefore do not consider that there are any compelling reasons that these rules should be replicated in the Code.
- 3.105 Ofcom does, however, note the difference in the regulatory frameworks that apply to the BBC compared to other services in relation to constituency coverage rules. As previously identified by Ofcom⁴⁰, this reflects a broader issue arising from the statutory framework governing BBC services. While Ofcom has previously indicated to the Government that this difference should be addressed through legislative change to ensure greater alignment with other broadcasters, for the reasons outlined above it remains outside the scope of the Code. We continue to keep this issue under review.

³⁸ Ofcom must adopt a code of practice in relation items included in “relevant services”. Section 93(6) defines these as services licensed under Part 1 or 3 of the Broadcasting Act 1990 or Part 1 or 2 of the Broadcasting Act 1996 and also services that are Tier 1 Services within the meaning given by section 368HA of the Act. Provisions in relation to Tier 1 Services are currently being consulted on – see [Consultation: Tier 1 Standards Code](#).

³⁹ The BBC must do so as a “broadcasting authority” under section 93(6) RPA. It did so most recently through its “Fairness to Candidates – Code of Practice” included in its [2026 Election Guidelines](#).

⁴⁰ See [How Ofcom regulates the BBC, 22 June 2022](#), page 31.

Consultation Questions

- **Question 18:** Do you agree with Ofcom’s overall approach to Section Six?
- **Question 19:** Are there any areas in Section Six which you think it may be particularly helpful to supplement with guidance?
- **Question 20:** Do you have any further comments on the proposed content of Section Six?

Application of the Fairness Code to BBC Online Material

- 3.106 The updated Framework Agreement sets out that: ‘In providing the UK Public Online Material, the BBC must observe the Fairness Code in force under section 107 of the Broadcasting Act 1996, so far as Ofcom determine the standards are relevant to the provision of that Online Material’.
- 3.107 Section 107(1) of the Broadcasting Act 1996 (“the 1996 Act”) places a duty on Ofcom to draw up and review a code giving guidance as to the principles to be observed, and practices to be followed, in connection with the avoidance of:
- a) unjust or unfair treatment in programmes; or
 - b) unwarranted infringement of privacy in, or in connection with, the obtaining of materials included in such programmes.
- 3.108 This is known as the “Fairness Code”. Ofcom applies the Fairness Code through the application of the principle, rule and practices to be followed set out under Sections Seven and Eight of the Broadcasting Code. These sections each contain a rule and a number of “practices to be followed”. The practices are intended to provide guidance to broadcasters, including the BBC, on the actions that can be taken to avoid unjust or unfair treatment or an unwarranted infringement of privacy. Following the practices in Sections Seven and Eight does not necessarily avoid a breach of the rule and failure to follow the practices would only constitute a breach where it results in unfairness to an individual or organisation, or an unwarranted infringement of privacy, in the programme. Further, the list of practices is non-exhaustive and our consideration of fairness and privacy complaints ultimately depends on whether the rule itself has been breached.
- 3.109 For the purposes of enforcing the BBC’s observance of the Fairness Code in relation to BBC online material, we will apply the existing Sections Seven and Eight of the Broadcasting Code, in so far as Ofcom determines the standards are relevant to the provision of that online material. We recognise that the existing wording of the rules and practices in Sections Seven and Eight of the Broadcasting Code may not always be applicable to BBC online material. As such, we have prepared an Annex (included within this consultation document at [Annex 3](#)) which provides proposed adapted wording for the application of the Fairness Code in an online material context. We intend for this to be published as an Annex to the Broadcasting Code.
- 3.110 As set out at [Annex 3](#), in place of references to “filming”/ “filmed” or “recording”/“recorded” we propose to adopt the more catch-all terms “obtained”/“obtaining” across both Sections 7 and 8. The wording of the Broadcasting Code was tailored to traditional broadcast content which is typically in video or audio format. For

BBC online material, not all material gathered will be audio-visual content. For example, news articles may refer to written interviews, correspondence or general information from sources. We therefore think that in some Practices “obtained” may better suit the range of content that may be gathered by the BBC. This terminology is also more consistent with the wording of section 107(1)(b) of the 1996 Act (and consequently Rule 8.1) which is concerned with the avoidance of unwarranted infringement of privacy “in connection with obtaining of material included in programmes”. Following this approach, we also propose to adopt the broader terms “material” or “content”, where appropriate, in place of existing references to specific types of content, such as “sound” or “images”.

- 3.111 Additionally, we have added proposed further wording to Practice 8.21 to better reflect the approach already taken under the Broadcasting Code and to make the drafting clearer as to who can provide informed consent on behalf of under sixteens and vulnerable people respectively. The proposed wording also reflects that there may be occasions where a person is vulnerable but still able to provide informed consent themselves.

Consultation Questions

- **Question 21:** Do you have any comments on Ofcom’s proposed application of the Fairness Code set out under Sections 7 and 8 of the Broadcasting Code, in relation to BBC online material?

4. Procedures

Background to proposed procedures

- 4.1 As set out in Section 2 of this consultation, Ofcom’s regulatory role to date in relation to BBC online material has been set out in the [BBC Charter and Agreement](#) and also outlined in the Online Arrangement. Under this Online Arrangement we have had responsibility to consider and give an opinion (including such recommendations as we consider appropriate) on whether the BBC has observed the relevant BBC Editorial Guidelines in its online material.
- 4.2 However, following the recommendations of the Government’s 2024 [BBC Mid-Term Review](#) of the BBC’s Charter, the [BBC Framework Agreement](#) was updated in December 2025 to extend Ofcom’s responsibilities to include enforcement of content standards of online material published as part of the BBC’s UK Public Services. In addition to observing the BBC Online Material Code⁴¹, the BBC must also observe Ofcom’s Fairness Code⁴² to the extent that Ofcom determines that the standards in the Fairness Code are relevant to the provision of BBC Online Material.
- 4.3 Figure 2 sets out how this will change our role in relation to assessing and investigating complaints about BBC online material:

Figure 2: Current and future regulatory powers in relation to BBC online material

Current regulatory oversight in relation to the BBC’s Editorial Guidelines	Enforcement of the Code
Complainants must submit their complaint to the BBC in the first instance, before Ofcom can consider a complaint (‘BBC First’).	Complainants must complete the BBC First process before Ofcom can consider a complaint, unless exceptional circumstances apply. The BBC First process does not apply to those raising a Fairness and/or Privacy complaint under Section 7 or Section 8 of the Broadcasting Code, as modified for BBC online material.
Complaints are assessed against the BBC’s Editorial Guidelines.	Ofcom assesses complaints against the Code.
Ofcom assesses the complaint. If accepted, Ofcom issues a non-binding opinion (including such recommendations as Ofcom considers appropriate) on whether the BBC has adhered to its Editorial Guidelines.	Ofcom assesses the complaint. If a content standards complaint raises issues which warrant investigation under sections 1-6 of the Code, Ofcom launches an investigation. Investigations can lead to ‘breach’ findings.

⁴¹ Paragraph 3A(8), Schedule 3 to the updated Framework Agreement.

⁴² As outlined above, Ofcom’s Fairness Code is contained in Sections 7 and 8 of the Broadcasting Code.

Current regulatory oversight in relation to the BBC’s Editorial Guidelines	Enforcement of the Code
	In relation to Fairness and/or Privacy complaints under section 7 and 8 of the Broadcasting Code, as modified for BBC online material, Ofcom will issue an Entertainment Decision, which sets out whether certain criteria have been met for Ofcom to investigate. If these criteria are satisfied, Ofcom will reach a final adjudication on whether the Code has been breached.
Recommendations are not binding and enforcement of standards through sanctions is not an option.	Serious, deliberate, repeated or reckless breaches may attract the imposition of sanctions.
Definition/oversight of ‘online material’ is limited to material on BBC websites and apps.	Definition/regulation of online material includes content on BBC websites, apps and BBC-branded content on third-party websites, applications and interfaces (such as social media and video sharing platforms).

Procedures for investigating breaches of content standards

- 4.4 Clause 57 of the [Framework Agreement](#) (as amended by Clause 4 of the [updates to the Framework Agreement](#)) requires Ofcom to “set and publish procedures for the handling of relevant complaints” referred either after the completion of the ‘BBC First’ process or otherwise in exceptional circumstances, and stipulates what the procedures must make provision for. “Relevant complaints” are complaints that the BBC has failed to comply with a specified requirement.⁴³ The specified requirements include any of the regulatory obligations in schedule 3 (except paragraph 2 and 3A(1)).⁴⁴ The same core framework therefore applies to our handling of content standards complaints in relation to the Broadcasting Code as the draft Code. However, the updates to the Framework Agreement amended Clause 57 so as to include additional provisions for complaints procedures relating to BBC online material. This includes setting timeframes in which complaints must be made to the BBC and to Ofcom in relation to BBC online material and which are specific to online material.
- 4.5 The draft title for these procedures is ‘Procedures for investigating breaches of content standards in BBC UK Public Online Material’ (the “BBC OMC Content Standards Procedures”). These are reproduced in [Annex 4](#).

⁴³ Clause 56(9), updated Framework Agreement.

⁴⁴ Clause 59, updated Framework Agreement.

Procedures for the consideration and adjudication of Fairness and/or Privacy Complaints

- 4.6 Complaints regarding the BBC’s observance of the Fairness Code (so far as Ofcom determine the standards are relevant to the provision of BBC online material) do not have to follow the ‘BBC First’ process, so the procedures for investigating breaches of content standards do not apply to such complaints.⁴⁵ As the [Framework Agreement](#) (as amended by the [updates to the Framework Agreement](#)) does not provide for, or set, procedural requirements on Ofcom regarding the handling of complaints relating to the Fairness Code we have drafted separate procedures which closely mirror Ofcom’s procedures for the consideration of complaints regarding the BBC’s observation of the Fairness Code in relation to broadcast and ODPS material.⁴⁶ Ofcom has, however, also had regard to the procedural requirements set out in Clause 57 of the [Framework Agreement](#) (as amended by Clause 4 of the [updates to the Framework Agreement](#)) relating to complaints about BBC online material as the same underlying considerations for the specific provisions relating to content standards complaints about BBC online material will also apply to complaints about BBC online material under the Fairness Code.
- 4.7 The draft title for these procedures is ‘Procedures for the consideration and adjudication of Fairness and/or Privacy complaints: BBC UK Public Online Material’ (the “BBC OMC Fairness and/or Privacy Procedures”). These are reproduced in [Annex 4](#).

Procedures for the consideration of sanctions for BBC breaches of content standards

- 4.8 Clause 57 of the [Framework Agreement](#) (as amended by Clause 4 of the [updates to the Framework Agreement](#)) also requires that the content standards procedures must also give clear guidance explaining the remedies and sanctions Ofcom has the power to apply.^{47,48} In order to achieve this, and to provide for sanctions in regarding complaints in relation to the BBC’s observance of the Fairness Code, we have amended the [Procedures for the consideration of sanctions for breaches of content standards on BBC broadcasting services and BBC on-demand programme services](#) to give clear guidance explaining the remedies and sanctions Ofcom has the power to apply in relation to complaints under the Code.
- 4.9 The draft title for these updated procedures is ‘Procedures for the consideration of sanctions for BBC breaches of content standards: BBC broadcasting services; BBC on-demand programme services; BBC online material (the “Sanctions Procedures”)’. These are reproduced in [Annex 4](#).

⁴⁵ Clause 55(5), updated Framework Agreement, which notes that, under the BBC’s own complaint procedures, complaints relating to the Fairness Code do not normally have to be resolved by the BBC in the first instance.

⁴⁶ See Ofcom’s [Procedures for the consideration and adjudication of Fairness and Privacy complaints on BBC broadcasting services and BBC on demand programme services](#).

⁴⁷ Clause 59(3)(b)(ii), updated Framework Agreement.

⁴⁸ Article 49 of the BBC Charter provides Ofcom with enforcement powers to ensure compliance with “specified requirements”, as defined in the updated Framework Agreement or Operating Framework.

Procedures for investigating breaches of content standards in BBC online material

Overview

- 4.10 The BBC OMC Content Standards Procedures that accompany the Code set out the relevant legal framework for the handling and resolution of complaints (or the conduct of Ofcom’s own investigations) about the BBC’s compliance with the content standards set under section 319 of the Act, the requirements set under section 320 of the Act, the [BBC Charter](#), and the [Framework Agreement](#) (as amended by the [updates to the Framework Agreement](#)).
- 4.11 The BBC OMC Content Standards Procedures set out, amongst other things: the process which Ofcom will follow to assess and investigate content standards complaints; the requirement that a complainant raise content standards complaints directly to the BBC in the first instance (the ‘BBC First’ process); the circumstances in which Ofcom can depart from the procedures; and examples of exceptional circumstances in which Ofcom may expedite its processes.

Proposed approach

Alignment with the updated Framework Agreement

- 4.12 The updated Framework Agreement sets procedural requirements on Ofcom, namely that:
- Ofcom must not accept a complaint referred to them, or intervene in a complaint, about BBC online material unless the BBC online material was posted after the commencement date. The commencement date is defined as the date on which Ofcom publishes the first procedure (or procedures) which makes provision for the handling and resolution of complaints about BBC online material;
 - in determining a complaint made about BBC online material posted after the commencement date Ofcom may take into account material posted before that date, if they consider it appropriate to do so; and
 - Ofcom must not accept a complaint referred to them, or intervene in a complaint, about BBC online material unless the complaint was initially made to the BBC within 30 working days of the date when the BBC online material was first posted, unless exceptional circumstances apply.⁴⁹
- 4.13 Our proposed OMC Content Standards Procedures have been drafted in accordance with these requirements.

“First posted”

- 4.14 The date upon which BBC online material is “first posted” determines when the “clock” starts for a person to complain. Unlike broadcast content, which concerns a static moment in time (the point of broadcast), online material can be continuously amended, updated and re-shared in different contexts.
- 4.15 To address the realities of regulating content in an online world, our proposed procedures set out how we will assess when BBC online material was “first posted”. Our starting point is to determine the date upon which the relevant content was first published on a platform. However, our procedures recognise that where there has been a significant editorial

⁴⁹ This does not apply to Fairness and/or Privacy complaints.

intervention, for example, where the BBC makes material changes to the content and/or the prominence of BBC online material after it was originally first posted, Ofcom may consider the date the material changes were made to be the date upon which the material was “first posted”.

- 4.16 Material changes to the content of BBC online material could include, for example, significant amendments to online material, the publication of a correction or clarification, or changes to images and/or video content which alter the meaning of the online material. We would not expect changes, such as corrections of typographical errors, to be material, unless such changes alter the meaning of the online material.
- 4.17 Material changes to the prominence of BBC online material could include moving the online material to a more visible location on an online interface, or the online material becoming accessible via a hyperlink included in another item of online material. Material changes to the prominence of BBC online material requires an editorial intervention and so would not include, for example, the same article organically appearing in a more visible location on an online interface due to reader interest.

BBC First Process

- 4.18 The BBC First process is an established and long-standing principle which underpins the processes by which Ofcom handles BBC Broadcasting and ODPS content standards complaints.
- 4.19 Clause 56(5)(a) of the updated Framework Agreement provides that all complaints about content standards broadcast on BBC broadcasting services and ODPS “must normally in the first instance be resolved by the BBC”. As referenced above, the Updated Framework expressly provides for the BBC First process in the context of Ofcom’s consideration of content standards complaints: “Ofcom must not accept a complaint referred to them, or intervene in a complaint, about BBC online material unless the complaint was initially made to the BBC within 30 working days of the date when the BBC online material was first posted, unless exceptional circumstances apply”.
- 4.20 Clause 56(5) of the updated Framework Agreement provides an exception to this general rule in “complaints relating to the Fairness Code”. A complainant raising a fairness and/or privacy complaint is not obliged to complain to the BBC in the first instance and may submit a complaint directly to Ofcom. See below for further details.

Consistency with Broadcasting Code Content Standards Procedures

- 4.21 Where the updated Framework Agreement does not provide for, or set, procedural requirements on Ofcom, we aim to be consistent with the BBC Broadcasting Code Content Standards Procedures.⁵⁰ The BBC Broadcasting Code Content Standards Procedures have been in force since 2017 and set out a familiar process for both the BBC and complainant and constitute a proportionate regulatory approach.
- 4.22 We also recognise that a complainant may seek to complain under the Broadcasting Code about content broadcast on BBC linear channels or uploaded on an ODPS² and, at the same time, complain about the same or similar content posted in the context of BBC online material. We therefore want our procedures to be as consistent as possible, to achieve our

⁵⁰ [Procedures for investigating breaches of content standards on BBC broadcasting services and BBC on-demand programme services.](#)

aim of procedures which are accessible, transparent and straightforward for both the BBC and complainants.

Procedures for the consideration and adjudication of Fairness and/or Privacy complaints: BBC UK Public Online Material

Overview

- 4.23 The proposed BBC OMC Fairness and/or Privacy Procedures outlines the Procedures for Ofcom’s consideration and adjudication of Fairness and/or Privacy complaints in relation to BBC online material. These proposed procedures concern the BBC’s compliance with Ofcom’s “Fairness Code”, as set under section 107(1) of the Broadcasting Act 1996 (“the 1996 Act”), the [BBC Charter](#), the [Framework Agreement](#) (as amended by the [updates to the Framework Agreement](#)).
- 4.24 The BBC OMC Fairness and/or Privacy Procedures set out, amongst other things: the process which Ofcom will follow to investigate fairness and/or privacy complaints; an explanation of who may submit a complaint (i.e. ‘the person affected’); an explanation of how complaints will be assessed and entertained by Ofcom; the time limits for submitting a complaint; and the responsibilities of complainants and the BBC during Ofcom’s adjudicatory process.

Proposed approach

Consistency with Broadcasting Code Fairness and/or Privacy Procedures

- 4.25 Our approach to the drafting of the new BBC OMC Fairness and/or Privacy Procedures has been largely to reflect and adapt the existing Fairness and/or Privacy complaints procedures for the handling of complaints in relation to broadcast programmes (the “BBC Broadcasting Code Fairness and/or Privacy Procedures”).⁵¹ In particular, we propose that the BBC OMC Fairness and/or Privacy Complaints Procedures do not require the complainant to follow the “BBC First” process. This is consistent with Clause 56(5) of the updated Framework Agreement, outlined above at paragraph 4.19.
- 4.26 We propose to have regard to the duties and statutory criteria which concern Broadcast Fairness and/or Privacy complaints, so far as they are relevant to the consideration and adjudication on Fairness and/or Privacy complaints relating to BBC online material. As such, we are proposing that:
- a) our procedures recognise Ofcom’s established duty under section 3(2)(f) of the Communications Act 2003 (“the 2003 Act”) to (among other things) secure the application, in the case of all television and radio services, of standards that provide adequate protection to members of the public (and all other persons) from both unfair treatment in programmes included in such services and unwarranted infringements of privacy resulting from activities carried on for the purposes of such services;
 - b) our proposed procedures recognise that, when performing its duty, Ofcom must have regard to the need to do so in the manner that best guarantees an appropriate level of freedom of expression: section 3(4)(g) of the 2003 Act;

⁵¹ [Procedures for the consideration and adjudication of Fairness and Privacy complaints on BBC broadcasting services and BBC on demand programme services.](#)

- c) Ofcom will make an Entertainment Decision for all relevant complaints: Sections 111 to 130 of the 1996 Act which provide for certain statutory criteria which must be satisfied before Ofcom is entitled to proceed to consider Fairness and/or Privacy complaints (see Annex 1 of proposed procedures); and
- d) Ofcom will determine whether a complainant is “the person affected” before proceeding with the consideration of a complaint.

4.27 We recognise that the “person affected” may seek to complain about content broadcast on BBC linear channels or uploaded on an ODPS and, at the same time, complain about the same or similar content posted in the context of BBC online material. We therefore want our procedures to be as consistent as possible, to achieve our aim of procedures which are accessible, transparent and straightforward for both the BBC and complainants.

Consistency with the updated Framework Agreement and the BBC OMC Content Standards Procedures

4.28 As noted above at paragraph 4.6, the updated Framework Agreement sets some procedural requirements on Ofcom that we have had regard to in preparing these procedures, although these requirements do not specifically apply to Fairness and/or Privacy complaints. In particular, the updated Framework Agreement requires that:

- a) Ofcom must not accept a complaint referred to them, or intervene in a complaint, about BBC online material unless the BBC online material was posted after the commencement date. The commencement date is defined as the date on which Ofcom publishes the first procedure (or procedures) which makes provision for the handling and resolution of complaints about BBC online material; and
- b) in determining a complaint made about BBC online material posted after the Commencement Date, Ofcom may take into account material posted before that date, if we consider it appropriate to do so.

4.29 Clause 57(6)/(7) also provides that, in the absence of exceptional circumstances, Ofcom must not accept a complaint, or intervene in a complaint, about BBC online material unless it was “initially made to the BBC within 30 working days of the date when the BBC online material was first posted”. As the “BBC First” process does not apply to fairness and/or privacy complaints, we have proposed to include a provision that Ofcom may refuse to entertain a BBC Online Material Fairness and/or Privacy complaint if it appears not to have been made within a reasonable time after the BBC online material was first posted. Accordingly, complainants should submit their complaint to Ofcom within **30 working days** of the date when the BBC online material was first posted. Please see paragraphs 4.14 to 4.17 above which refers to how Ofcom will interpret when BBC online material was “first posted”.

4.30 Our proposed BBC OMC Fairness and/or Privacy Procedures have been drafted in accordance with these requirements.

Procedures for the consideration of sanctions for BBC breaches of content standards: BBC broadcasting services; BBC on-demand programme services; BBC online material

Overview

4.31 Ofcom's powers to sanction the BBC are set out in the Charter and the Framework Agreement (as amended by the updates to the Framework Agreement). If Ofcom is satisfied that the BBC has failed to comply with a requirement, we may direct the BBC, or accept undertakings from the BBC, to take such steps as we consider will:

- remedy the failure to comply; and
- ensure that the BBC complies with its requirements properly in the future.

We may also impose a fine of up to £250,000. Ofcom must not exercise these powers unless it has given the BBC a reasonable opportunity of making representations.⁵²

4.30 Under the updated Framework Agreement (Clause 57(4)(b)(ii)) the procedures must give clear guidance explaining the remedies and sanctions that Ofcom has the power to apply in relation to content standards complaints. We think it is appropriate to also give clear guidance explaining the remedies and sanctions Ofcom has the power to apply in relation to fairness and/or privacy complaints.

Proposed approach

4.32 Our proposed approach is to amend the procedures which already exist for the consideration of sanctions for breaches of content standards on BBC broadcasting services and BBC on-demand programme services (the "BBC Broadcasting Code Sanctions Procedures").⁵³ Our proposed amendments provide that the determination of a sanction against the BBC – following a breach of content standards, or the Fairness Code – in relation to BBC online material will be considered in line with our existing sanctions procedures.

4.33 Under the current [BBC Broadcasting Code Sanctions Procedures](#), Ofcom adopted an approach consistent with that applied to other broadcasters and on-demand service providers. Under these existing procedures, Ofcom may impose sanctions where it considers that the BBC has seriously, deliberately, repeatedly or recklessly breached the Broadcasting Code.

4.34 Our proposed amendments will apply the same framework where there has been a serious, deliberate, repeated or reckless breach of the Code. This means that Ofcom would follow the same sanctions-consideration procedures for breaches of the Code as it currently does for breaches by the BBC of the Broadcasting Code. This maintains continuity and supports regulatory certainty for both the BBC and users/audiences.

4.35 We are proposing to update the list of examples of sanctions that Ofcom may impose (paragraph 3.2 of the proposed amended [Sanctions Procedures](#)) by adding a provision that Ofcom may direct the BBC to remove (or amend) and not include an item in its online

⁵² Article 49 of the Charter.

⁵³ [Procedures for the consideration of sanctions](#) for breaches of content standards on BBC broadcasting services and BBC on-demand programme services

material on any future occasion. This addition is also reflected in our proposed amendments to paragraph 3.5 of the Sanctions Procedures, which provides an equivalent to the existing provision that Ofcom may direct the BBC not to repeat a programme: “If Ofcom is satisfied that the posting by the BBC of an item of BBC online material involved a breach of the BBC Online Material Code, it may direct the BBC to remove and not include that item in its online material on any future occasion.”

4.36 Amendments have been made to the type of sanctions which may be imposed against the BBC, to include references to BBC online material, here indicated in bold:

- issue a direction to restrict access to a programme on BBC ODPS **and/or BBC online material**;
- issue a direction to provide additional information to users prior to the selection of a specified programme on BBC ODPS **and/or specified BBC online material**;
- issue a direction to include a correction or a statement of Ofcom’s findings, in such words and manner as specified by Ofcom, **or a link to Ofcom’s breach decision (or a summary of it) (or all three)**.

4.37 We consider that these limited and targeted adaptations ensure functional equivalence in how sanctions may be applied across online, on-demand and broadcasting contexts.

4.38 We further consider that the option of directing the BBC to include a link to Ofcom’s breach decision (or a summary of it) is particularly appropriate in the online environment, where users’ attention can be effectively drawn to Ofcom’s enforcement decision without the need to include a full summary within the content itself.

Consultation Questions

- **Question 22:** Do you have any comments on the proposal to align the proposed Procedures for investigating breaches of content standards in BBC online material with the equivalent procedures for breaches of the Broadcasting Code?
- **Question 23:** Do you have any comments on our proposed interpretation of when BBC online material is “first posted”?
- **Question 24:** Do you have any comments on the proposal to align the proposed Procedures for investigating breaches of the Fairness Code in relation to BBC online material with the equivalent procedures for breaches of the Fairness Code under sections 7 and 8 of the Broadcasting Code?
- **Question 25:** Do you have any comments on the proposal to apply the same sanctions procedures to breaches of the Code as breaches of the Broadcasting Code by amending the existing sanctions procedures?
- **Question 26:** Do you have any comments on the proposed amendments to the types of sanctions which may be available to Ofcom following a breach by the BBC of content standards, or the Fairness Code in relation to BBC online material?

A1. Statutory Framework

Ofcom's regulation of the BBC

- A1.1 Ofcom's regulatory role over the BBC is derived from the Communications Act 2003 (the "Act")⁵⁴, which gives Ofcom such powers and duties as may be conferred on it by or under the Royal Charter for the continuance of the British Broadcasting Corporation (the "Charter")⁵⁵ and the Agreement between the Secretary of State for Culture, Media and Sport, and the BBC (the "Framework Agreement").^{56, 57}
- A1.2 Article 49 of the Charter provides that Ofcom must enforce compliance by the BBC in relation to certain "specified requirements" under the updated Framework Agreement. These include the regulatory obligations for the UK Public Services in Schedule 3 (other than those relating to the editorial guidelines and its plans and guidelines for UK Public Online Material – see paragraphs 2 and 3A(1) of Schedule 3).⁵⁸
- A1.3 Ofcom's general duties under section 3 of the Act also apply to the exercise of its functions in relation to the BBC.⁵⁹ These include its principal duty to further the interests of citizens in relation to communications matters, and to further the interests of consumers in relevant markets, where appropriate by promoting competition.⁶⁰ In performing these duties, Ofcom must also have regard amongst other things, to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases where action is needed.⁶¹ Section 3 of the Act also requires Ofcom to have regard to the needs and interests of specific groups of persons when performing our duties, as appear to us to be relevant in the circumstances. In particular, these include: (i) the vulnerability of children and of others whose circumstances appear to Ofcom to put them in need of special protection; and (ii) the desirability of preventing crime and disorder.⁶²
- A1.4 Under the Charter, Ofcom is also required to have regard, as appropriate, to the BBC's five public purposes.⁶³ We consider the following to be particularly relevant to this consultation:
- Public Purpose 1: To provide impartial news and information to help people understand and engage with the world around them;
 - Public Purpose 2: To support learning for people of all ages; and
 - Public Purpose 5: To reflect the United Kingdom, its culture and values to the world.

⁵⁴ Section 198 of the Act.

⁵⁵ [The Charter](#).

⁵⁶ [The Framework Agreement](#).

⁵⁷ The Framework Agreement was updated in December 2025 (the "updates to the Framework Agreement"). We refer to this as the "updated Framework Agreement".

⁵⁸ Clause 59(c) of the updated Framework Agreement.

⁵⁹ Article 45(1) of the Charter.

⁶⁰ Section 3(1) of the Act.

⁶¹ Section 3(3) of the Act.

⁶² Section 3(4) of the Act.

⁶³ Articles 6 and 45(2) of the Charter.

Ofcom Code for BBC online material

A1.5 Ofcom’s new role in relation to BBC online material is set out in paragraph 3A(2) of Schedule 3 of the updated Framework Agreement. This requires Ofcom to set, and from time to time, review and revise, standards for the content of UK Public Online Material (referred to as “BBC Online Material”). These standards must secure the standards objectives set out in section 319(2)(a), (b) and (c) (including the special impartiality requirements in section 320) and (d) to (f) of the Act (referred to as the “applicable standards objectives”):

- a) that persons under the age of eighteen are protected;
- b) 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;
- c) that news included in television and radio services is presented with due impartiality and that the impartiality requirements of section 320 are complied with;
- d) that news included in television and radio services is reported with due accuracy;
- e) that the proper degree of responsibility is exercised with respect to the content of programmes which are religious programmes; and
- f) 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.

A1.6 Those standards must be contained in one or more codes.⁶⁴

A1.7 When setting standards for the content of BBC online material, Ofcom is required to have particular regard to each of the matters contained in section 319(4) of the Act with such adaptation as appear appropriate, to such extent as they appear to be relevant to secure the standards objectives listed above.⁶⁵ These are:

- a) the degree of harm or offence likely to be caused by the inclusion of any particular sort of material in programmes generally, or in programmes of a particular description;
- b) the likely size and composition of the potential audience for programmes included in television and radio services generally, or in television and radio services of a particular description;
- c) the likely expectation of the audience as to the nature of a programme’s content and the extent to which the nature of a programme’s content can be brought to the attention of potential members of the audience;
- d) the likelihood of persons who are unaware of the nature of a programme’s content being unintentionally exposed, by their own actions, to that content;
- e) the desirability of securing that the content of services identifies when there is a change affecting the nature of a service that is being watched or listened to and, in particular, a change that is relevant to the application of the standards set under this section; and
- f) the desirability of maintaining the independence of editorial control over programme content.

A1.8 Ofcom must also have particular regard to the special impartiality requirements contained in section 320 of the Act, also with such adaptations as appear appropriate, to such extent as they appear to be relevant to secure the standards objectives listed above.⁶⁶ These include the preservation of due impartiality in relation to matters of political or industrial

⁶⁴ Paragraph 3A(3), Schedule 3 to the updated Framework Agreement.

⁶⁵ Paragraph 3A(4)(a), Schedule 3 to the updated Framework Agreement.

⁶⁶ Paragraph 3A(4)(a), Schedule 3 to the updated Framework Agreement.

controversy and matters relating to current public policy. There is a similar requirement in relation to matters of major political or industrial controversy and major matters relating to current public policy.

- A1.9 Lastly, Ofcom must have particular regard to the objective that the standards Ofcom sets in relation to BBC online material should be consistent with those set for broadcast television and radio services (i.e. the Broadcasting Code) to such extent as Ofcom considers appropriate.⁶⁷
- A1.10 In addition to observing the Code, the BBC must also observe Ofcom’s Fairness Code to the extent that Ofcom determines that the standards in the Fairness Code are relevant to the provision of BBC online material. Accordingly, the proposed Code does not include equivalent sections to Sections Seven and Eight of the Broadcasting Code, however we have set out how Sections Seven and Eight should apply to BBC online material. This is illustrated by [Annex 3](#) which also highlights the modifications we would adopt and which we intend to be published as an Annex to the Broadcasting Code.

Public Law Duties

- A1.11 The draft Code has been drafted in light of the [Human Rights Act 1998](#) and the [European Convention of Human Rights](#) (“the Convention”). In particular, Ofcom has had due regard to the right to freedom of expression, as set out in Article 10 of the Convention, which encompasses the audience’s right to receive creative material, information and ideas without interference but subject to restrictions which are prescribed by law, pursue a legitimate aim and are considered necessary in a democratic society. Ofcom has also recognised that particular protections are afforded in this legislation to political speech and on matters of public interest. Article 10, together with Article 8 regarding the right to a person’s private and family life, home and correspondence, and Article 9, the right to freedom of thought, conscience and religion requires Ofcom to ensure that any restrictions arising from the Code are prescribed by law, in pursuance of a legitimate aim, are proportionate and are considered necessary in a democratic society. Ofcom will take careful account of these provisions in applying and enforcing the Code.
- A1.12 Ofcom has also had due regard to the matters specified in section 149(1) of the Equality Act 2010 (“the public sector equality duty”) and section 75 of the Northern Ireland Act 1998.

Complaints Procedures

- A1.13 Ofcom is also required under the updated Framework Agreement to set and publish procedures for handling and resolving “relevant complaints” referred to us about the BBC where the complainant has already complained to the BBC.⁶⁸ “Relevant complaints” are complaints that the BBC has failed to comply with a specified requirement.⁶⁹ The specified requirements include any of the applicable regulatory obligations in Schedule 3 (see paragraph A1.2 above for further detail).⁷⁰ Clause 57(6) of the updated Framework Agreement contains details that Ofcom must make provision for in the complaints procedures. These requirements are reflected in the procedures for investigating breaches

⁶⁷ Paragraph 3A(4)(b), Schedule 3 to the updated Framework Agreement.

⁶⁸ Clause 57, updated Framework Agreement.

⁶⁹ Clause 56(9), updated Framework Agreement.

⁷⁰ Clause 59, updated Framework Agreement.

of content standards in BBC online material (the “BBC OMC Content Standards Procedures”).

- A1.14 Amongst other things, the procedures must also give clear guidance on the remedies and sanctions that Ofcom has the power to apply.⁷¹

⁷¹ Clause 57(4)(b)(ii), updated Framework Agreement.

A2. Draft BBC Online Material Code

A2.1 See [Annex 2](#) linked here.

A3. Application of the Fairness Code

Fairness

This section is to ensure that the BBC avoids unjust or unfair treatment of individuals or organisations in its online material.

This section and the following section on privacy are different from other sections of the **Broadcasting Code**. They apply to how **broadcasters the BBC** treats the individuals or organisations directly affected by **programmes its online material**, rather than to what the general **public sees and/or hears as viewers and listeners** audience encounters.

As well as containing a principle and a rule this section contains “practices to be followed” by **broadcasters the BBC** when dealing with individuals or organisations participating in or otherwise directly affected by **programmes its online material** as **broadcast published**. Following these practices will not necessarily avoid a breach of **this section of the Code the Fairness Code (applied through Section 7 of the Broadcasting Code)** (Rule 7.1). However, failure to follow these practices will only constitute a breach where it results in unfairness to an individual or organisation in the **programme online material**. Importantly, **the Code this section** does not and cannot seek to set out all the “practices to be followed” in order to avoid unfair treatment.

The following provisions in the next section on privacy are also relevant to this section:

- the explanation of public interest that appears in the meaning of “warranted” under Rule 8.1 in Section eight: Privacy; and
- the meaning of “surreptitious obtaining of material” that appears under “practices to be followed” 8.13 in Section eight: Privacy.

Legislation⁷²

Relevant legislation includes, in particular, sections 3(2)(f) and 326 of the Communications Act 2003 and sections 107(1) and 130 of the Broadcasting Act 1996 (as amended), Article 8 of the European Convention on Transfrontier Television (for ECTT Services only), Article 28 of the Audiovisual Media Services Directive and Article 10 of the European Convention on Human Rights, and the BBC Charter and Agreement.

Principle

To ensure that **broadcasters the BBC** avoids unjust or unfair treatment of individuals or organisations in **programmes BBC UK Public Online Material (“online material”)**.

Rule

7.1 **Broadcasters The BBC** must avoid unjust or unfair treatment of individuals or organisations in **programmes its online material**.

⁷² Relevant legislation remains as it appears in Section Seven of the Broadcasting Code as is already makes reference to the BBC Charter and Agreement. However, we note that the European Convention on Transfrontier Television and the Audiovisual Media Service Directive are not relevant to online material.

Practices to be followed (7.2 to 7.15)

Dealing fairly with contributors and obtaining informed consent

Practice 7.2: ~~Broadcasters and programme-makers~~ **The BBC** should normally be fair in their ~~its~~ dealings with potential contributors to ~~programmes~~ **online material** unless, exceptionally, it is justified to do otherwise.

Practice 7.3: Where a person is invited to make a contribution to a ~~programme~~ **online material** (except when the subject matter is trivial or their participation minor) they should normally, at an appropriate stage:

- be told the nature and purpose of the ~~programme~~ **online material**, what the ~~programme~~ **online material** is about and be given a clear explanation of why they were asked to contribute and when (if known) and where it is likely to be first ~~broadcast~~ **published**;
- be told what kind of contribution they are expected to make, for example live, pre-recorded, interview, discussion, edited, unedited, etc;
- be informed about the areas of questioning and, wherever possible, the nature of other likely contributions;
- be made aware of any significant changes to the ~~programme~~ **online material** as it develops which might reasonably affect their original consent to participate, and which might cause material unfairness;
- be told the nature of their contractual rights and obligations and those of the ~~programme-maker and broadcaster~~ **BBC** in relation to their contribution;
- be given clear information, if offered an opportunity to preview the ~~programme~~ **online material**, about whether they will be able to effect any changes to it; and
- be informed about potential risks arising from their contribution to the ~~programme~~ **online material** which may affect their welfare (insofar as these can be reasonably anticipated at the time) and any steps the ~~broadcaster and/or programme-maker~~ **BBC** intends to take to mitigate these.⁷³

Taking these measures is likely to result in the consent that is given being ‘informed consent’ (referred to in this section and the rest of the Code as “consent”).

It may be fair to withhold all or some of this information where it is justified in the public interest or under other provisions of this section of the Code.

Practice 7.4: If a contributor is under sixteen, consent should normally be obtained from a parent or guardian, or other person of eighteen or over in loco parentis. In particular, persons under sixteen should not be asked for views on matters likely to be beyond their capacity to answer properly without such consent.

Practice 7.5: In the case of persons over sixteen who are not in a position to give consent, a person of eighteen or over with primary responsibility for their care should normally give it on their behalf. In particular, persons not in a position to give consent should

⁷³ This final measure applies to programmes that began production on or after Monday 5 April 2021.

not be asked for views on matters likely to be beyond their capacity to answer properly without such consent.

Practice 7.6: When a programme **online material** is edited, contributions should be represented fairly.

Practice 7.7: Guarantees given to contributors, for example relating to the content of a programme **online material**, confidentiality or anonymity, should normally be honoured.

Practice 7.8: Broadcasters **The BBC** should ensure that the re-use of **material content**, i.e. use of **material content** originally obtained for one purpose and then used in a programme **by the BBC** for another purpose, or used in a later or different programme **publication of online material**, does not create unfairness. This applies both to material obtained from others and the broadcaster's **BBC's** own material.

Opportunity to contribute and proper consideration of facts

Practice 7.9: Before broadcasting a **publishing** factual programme **online material**, including programmes **online material** examining past events, broadcasters **the BBC** should take reasonable care to satisfy itself that:

- material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation; and
- anyone whose omission could be unfair to an individual or organisation has been offered an opportunity to contribute.

Practice 7.10: Programmes **Online material** – such as dramas and factually-based dramas **including, in particular, dramatisations and factually-based dramatisations** – should not portray facts, events, individuals or organisations in a way which is unfair to an individual or organisation.

Practice 7.11: If a programme **online material** alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond.

Practice 7.12: Where a person approached to contribute to a programme **online material** chooses to make no comment or refuses to appear in a broadcast **contribute**, the broadcast **online material** should make clear that the individual concerned has chosen not to appear **contribute** and should give their explanation if it would be unfair not to do so.

Practice 7.13: Where it is appropriate to represent the views of a person or organisation that is not participating in the programme **or contributing to the online material**, this must be done in a fair manner.

Use of Deception, set-ups and 'wind-up' calls

Practice 7.14: Broadcasters or programme makers **The BBC** should not normally obtain or seek information, audio, pictures **material** or an agreement to contribute through misrepresentation or deception. (Deception includes surreptitious **filming or recording obtaining of material**) However:

- it may be warranted to use material obtained through misrepresentation or deception without consent if it is in the public interest and cannot reasonably be obtained by other means;

- where there is no adequate public interest justification, ~~for example some unsolicited wind-up calls for entertainment set-ups,~~ consent should be obtained from the individual and/or organisation concerned before the material is **broadcast published online**;
- if the individual and/or organisation is/are not identifiable in the ~~programme~~ **online material** then consent for ~~broadcast~~ **publishing** will not be required;
- material involving celebrities and those in the public eye can be used without consent for ~~broadcast~~ **inclusion in online material**, but it should not be used without a public interest justification if it is likely to result in unjustified public ridicule or personal distress. (Normally, therefore, such contributions should be pre-recorded).

Welfare of contributors

Practice 7.15 ~~Broadcasts should take~~ Due care **should be taken** over the welfare of a contributor who might be at risk of significant harm as a result of ~~taking part in a programme~~ **featuring in online material**, except where the subject matter is trivial or their participation minor.

A contributor might be regarded as being at risk of significant harm as a result of taking part in ~~a programme~~ **or contributing to online material** for reasons including (but not limited to) the following:

- they are considered a vulnerable person;
- they are not used to being in the public eye;
- the ~~programme~~ **online material** involves being filmed **or recorded** in an artificial or constructed environment;
- the ~~programme~~ **online material** is likely to attract a high level of press, media and social media interest;
- key editorial elements of the ~~programme~~ **online material** include potential confrontation, conflict, emotionally challenging situations; or
- the ~~programme~~ **online material** requires them to discuss, reveal or engage with sensitive, life changing or private aspects of their lives.⁷⁴

~~Broadcasters~~ **The BBC** should conduct a risk assessment to identify any risk of significant harm to the contributor, unless it is justified in the public interest not to do so.

The level of care due to the contributor will be proportionate to the level of risk associated with their participation in ~~the programme~~ **or contribution to the online material**.

(See “practices to be followed” 7.3, 8.21 and 8.22)

Meaning of a “vulnerable ~~person~~ people”

For the meaning of “vulnerable” see Practices 8.21 and 8.22 in respect of “vulnerable people”.
This varies, but may include those with learning difficulties, those with mental health problems,

⁷⁴ ~~This Practice to be followed applies to programmes that began production on or after Monday 5 April 2021.~~

the bereaved, people with brain damage or forms of dementia, people who have been traumatised or who are sick or terminally ill.

Privacy

This section is to ensure that the BBC avoids any unwarranted infringement of privacy in its online material and in connection with obtaining material included in its online material.

This section and the preceding section on fairness are different from other sections of the **Broadcasting Code**. They apply to how ~~broadcasters~~ **the BBC** treats the individuals or organisations directly affected by ~~programmes~~ **its online material** rather than to what the ~~general public sees and/or hears as viewers and listeners~~ **audience encounters**.

As well as containing a principle and a rule this section contains “practices to be followed” by ~~broadcasters~~ **the BBC** when dealing with individuals or organisations participating or otherwise directly affected by ~~programmes~~ **online material**, or in the ~~making of programmes~~ **production of online material**. Following these practices will not necessarily avoid a breach of ~~the Fairness Code (applied through Section Eight of the Broadcasting Code)~~ (Rule 8.1). However, failure to follow these practises will only constitute a breach where it results in an unwarranted infringement of privacy. Importantly, ~~the Code~~ **this section** does not and cannot seek to set out all the “practices to be followed” in order to avoid an unwarranted infringement of privacy.

The Charter and Framework Agreement requires Ofcom to consider complaints about unwarranted infringement of privacy in ~~a programme~~ **online material** or in connection with the obtaining of material included in ~~a programme~~ **such online material**. This may call for some difficult on-the-spot judgements about whether privacy is unwarrantably infringed by ~~filming or recording~~ **reporting**, especially when reporting on emergency situations (“practices to be followed” 8.5 to 8.8 and 8.16 to 8.19). We recognise there may be a strong public interest in reporting on an emergency situation as it occurs and we understand there may be pressures on ~~broadcasters at~~ **those reporting from** the scene of a disaster or emergency that may make it difficult to judge at the time whether ~~filming or, recording~~ **or obtaining other material** is an unwarrantable infringement of privacy. These are factors Ofcom will take into account when adjudicating on complaints.

Where consent is referred to in Section Eight **of this Annex** it refers to informed consent.

Please see “practice to be followed” 7.3 in [Section seven: Fairness of this Annex](#).

Legislation⁷⁵

Relevant legislation includes, in particular, section 3(2)(f) and 326 of the Communications Act 2003 and sections 107(1) and 130 of the Broadcasting Act 1996 (as amended), and Articles 8 and 10 of the European Convention on Human Rights, and the BBC Charter and Agreement.

⁷⁵ Relevant legislation remains as it appears in Section Eight of the Broadcasting Code as it already makes reference to the BBC Charter and Agreement. However, we note that section 326 of the Communications Act 2003 is not relevant to online material.

Principle

To ensure that ~~broadcasters~~ **the BBC** avoids any unwarranted infringement of privacy in ~~programmes~~ **its UK Public Online Material (“online material”)**, and in connection with obtaining material in ~~programmes~~ **included in its online material**.

Rule

- 8.1 Any infringement of privacy in ~~programmes~~ **the BBC’s online material**, or in connection with obtaining material included in ~~programmes~~ **its online material**, must be warranted.

Meaning of “warranted”

In this section “warranted” has a particular meaning. It means that where ~~broadcasters~~ **the BBC** wishes to justify an infringement of privacy as warranted, ~~they~~ **it** should be able to demonstrate why in the particular circumstances of the case, it is warranted. If the reason is that it is in the public interest, then the ~~broadcaster~~ **BBC** should be able to demonstrate that the public interest outweighs the right to privacy. Examples of public interest would include revealing or detecting crime, protecting public health or safety, exposing misleading claims made by individuals or organisations or disclosing incompetence that affects the public.

Practices to be followed (8.2 to 8.22)

Private lives, public places and legitimate expectation of privacy

Meaning of “legitimate expectation of privacy”

Legitimate expectations of privacy will vary according to the place and nature of the information, activity or condition in question, the extent to which it is in the public domain (if at all) and whether the individual concerned is already in the public eye. There may be circumstances where people can reasonably expect privacy even in a public place. Some activities and conditions may be of such a private nature that filming or recording, even in a public place, could involve an infringement of privacy. People under investigation or in the public eye, and their immediate family and friends, retain the right to a private life, although private behaviour can raise issues of legitimate public interest.

- Practice 8.2:** Information which discloses the location of a person’s home or family should not be revealed without permission, unless it is warranted.
- Practice 8.3:** When people are caught up in events which are covered by the news they still have a right to privacy in both the making and the ~~broadcast of a programme~~ **publication of online material**, unless it is warranted to infringe it. This applies both to the time when these events are taking place and to any later ~~programmes~~ **publications** that revisit those events.
- Practice 8.4:** ~~Broadcasters~~ **The BBC** should ensure that ~~words, images or actions filmed or recorded~~ **information and/or material obtained** in a public place, ~~are~~ **is** not so private that prior consent is required before ~~broadcast~~ **publication** from the individual or organisation concerned, unless ~~broadcasting~~ **publication** without their consent is warranted.

Consent

- Practice 8.5:** Any infringement of privacy in the making of a ~~programme~~ **online material** should be with the person's and/or organisation's consent or be otherwise warranted.
- Practice 8.6:** If the ~~broadcast~~ **publication** of a ~~programme~~ **the online material** would infringe the privacy of a person or organisation, consent should be obtained before the relevant material is ~~broadcast~~ **published**, unless the infringement of privacy is warranted. (~~Callers to phone-in shows are deemed to have given consent to the broadcast of their contribution.~~)
- Practice 8.7:** If an individual or organisation's privacy is being infringed, and they ask that the filming, recording, ~~or live broadcast~~ **live streaming, interviewing or obtaining of other material** be stopped, the ~~broadcaster~~ **BBC** should do so, unless it is warranted to continue.
- Practice 8.8:** When ~~filming or recording~~, **recording or obtaining other material** in institutions, organisations or other agencies, permission should be obtained from the relevant authority or management, unless it is warranted to ~~film or record~~ **obtain the material** without permission. Individual consent of employees or others whose appearance is incidental or where they are essentially anonymous members of the general public will not normally be required.

However, in potentially sensitive places such as ambulances, hospitals, schools, prisons or police stations, separate consent should normally be obtained before ~~filming or recording and for broadcast~~ **obtaining the material** from those sensitive situations **and before publishing the online material** (unless not obtaining consent is warranted). If the individual will not be identifiable in the ~~programme~~ **online material** then separate consent for ~~broadcast~~ **publication** will not be required.

Gathering information, sound or images **Obtaining** and the re-use of material

- Practice 8.9:** The means of obtaining material must be proportionate in all the circumstances and in particular to the subject matter of the ~~programme~~ **online material**.
- Practice 8.10:** ~~Broadcasters~~ **The BBC** should ensure that the re-use of ~~material~~ **content**, i.e. use of ~~material~~ **content** originally ~~filmed or recorded~~ **obtained** for one purpose and then used ~~in a programme~~ **by the BBC** for another purpose, or used in a later or different ~~programme~~ **publication of online material**, does not create an unwarranted infringement of privacy. This applies both to material obtained from others and the ~~broadcaster's~~ **BBC's** own material.
- Practice 8.11:** **Doorstepping** for factual ~~programmes~~ **online items** should not take place unless a request for an interview has been refused or it has not been possible to request an interview, or there is good reason to believe that an investigation will be frustrated if the subject is approached openly, and it is warranted to doorstep. However, normally ~~broadcasters~~ **the BBC** may, without prior warning interview, film or record people in the news when in public places.

(See "practice to be followed" 8.15)

Meaning of "doorstepping"

Doorstepping is the filming or recording of an interview or attempted interview with someone, or announcing that a call is being filmed or recorded for **broadcast publication** purposes, without any prior warning. It does not, however, include vox-pops (sampling the views of random members of the public).

Practice 8.12: ~~Broadcasters~~ **The BBC** can record telephone calls between the ~~broadcaster~~ **BBC** and the other party if they have, from the outset of the call, identified themselves, explained the purpose of the call and that the call is being recorded for possible **broadcast inclusion in a publication of online material** (if that is the case) unless it is warranted not to do one or more of these practices. If at a later stage it becomes clear that a call that has been recorded will be **broadcast published online** (but this was not explained to the other party at the time of the call) then the ~~broadcaster~~ **BBC** must obtain consent before **broadcast** publication from the other party, unless it is warranted not to do so.

(See “practices to be followed” 7.14 and 8.13 to 8.15)

Practice 8.13: Surreptitious ~~filming or recording~~ **obtaining of material** should only be used where it is warranted. Normally, it will only be warranted if:

- there is prima facie evidence of a story in the public interest; and
- there are reasonable grounds to suspect that further material evidence could be obtained; and
- it is necessary to the credibility and authenticity of the ~~programme~~ **online material**.

(See “practices to be followed” 7.14, 8.12, 8.14 and 8.15)

Meaning of “surreptitious ~~filming or recording~~ obtaining of material”

Where material is obtained without the knowledge of the individual concerned. ~~Surreptitious filming or recording includes~~ **For example**, the use of long lenses or recording devices, as well as leaving an unattended camera or recording device on private property without the full and informed consent of the occupiers or their agent. It may also include recording **or screenshotting** telephone, **video or text** conversations without the knowledge of the other party, or deliberately continuing a recording when the other party thinks that it has come to an end.

Practice 8.14: Material gained by surreptitious ~~filming and recording~~ **obtaining of material** should only be **broadcast published** when it is warranted.

Practice 8.15: Surreptitious ~~filming or recording~~, **obtaining of material** or doorstepping ~~or recorded wind-up calls to obtain material~~ for entertainment purposes may be warranted if it is intrinsic to the entertainment and does not amount to a significant infringement of privacy such as to cause significant annoyance, distress or embarrassment. The resulting material should not be **broadcast published** without the consent of those involved. However, if the individual and/or organisation is not identifiable in the ~~programme~~ **online material** then consent for **broadcast publication** will not be required.

(See “practices to be followed” 7.14 and 8.11 to 8.14)

Suffering and distress

- Practice 8.16:** ~~Broadcasters~~ **The BBC** should not ~~take or broadcast footage or audio~~ **obtain or publish material** of people caught up in emergencies, victims of accidents or those suffering a personal tragedy, even in a public place, where that results in an infringement of privacy, unless it is warranted or the people concerned have given consent.
- Practice 8.17:** People in a state of distress should not be put under pressure to ~~take part in a programme~~ **contribute to online material** or provide interviews, unless it is warranted.
- Practice 8.18:** ~~Broadcasters~~ **The BBC** should take care not to reveal the identity of a person who has died or of victims of accidents or violent crimes, unless and until it is clear that the next of kin have been informed of the event or unless it is warranted.
- Practice 8.19:** ~~Broadcasters~~ **The BBC** should try to reduce the potential distress to victims and/or relatives when making or ~~broadcasting programmes~~ **publishing online material** intended to examine past events that involve trauma to individuals (including crime) unless it is warranted to do otherwise. This applies to dramatic reconstructions and factual dramas, as well as factual ~~programmes~~ **online material**.

In particular, so far as is reasonably practicable, surviving victims and/or the immediate families of those whose experience is to feature in ~~a programme~~ **the online material** should be informed of the plans for the ~~programme~~ **online material** and its intended ~~broadcast~~ **publication**, even if the events or material to be ~~broadcast~~ **published** have been in the public domain in the past.

People under sixteen and vulnerable people

- Practice 8.20:** ~~Broadcasters~~ **The BBC** should pay particular attention to the privacy of people under sixteen. They do not lose their rights to privacy because, for example, of the fame or notoriety of their parents or because of events in their schools.
- Practice 8.21:** Where ~~a programme~~ **online material** features an individual under sixteen or a vulnerable person in a way that infringes privacy, consent must be obtained **where appropriate** from:
- wherever possible, the individual concerned; and
 - a parent, guardian or other person of eighteen or over in loco parentis **(in the case of individuals under sixteen); or**
 - **a person with primary responsibility for their care (in the case of a vulnerable person who is unable to provide consent)**

unless the subject matter is trivial or uncontroversial and the participation minor, or it is warranted to proceed without consent.

- Practice 8.22:** Persons under sixteen and vulnerable people should not be questioned about private matters without the consent of a parent, guardian or other person of eighteen or over in loco parentis (in the case of persons under sixteen), or a person with primary responsibility for their care (in the case of a vulnerable person), unless it is warranted to proceed without consent.

Meaning of “vulnerable people”

This varies, but may include those with learning difficulties, those with mental health problems, the bereaved, people with brain damage or forms of dementia, people who have been traumatised or who are sick or terminally ill.

A4. Procedures

- [Annex 4A: Procedures for investigating breaches of content standards;](#)
- [Annex 4B: Procedures for the consideration of sanctions for BBC breaches of content standards](#)
- [Annex 4C: Procedures for the consideration and adjudication of Fairness and or Privacy complaints](#)

A5. Impact assessments

Impact assessment

- A5.1 Ofcom recognises that the decisions we make can deliver significant value for citizens and consumers but can also impose significant costs on our stakeholders. Impact assessments provide a valuable way of assessing the options for regulation and showing why the chosen option(s) was preferred. They form part of best practice policy making.
- A5.2 Section 7 of the Act requires us to carry out and publish an assessment of the impact of proposals which are likely to have a significant impact on businesses or the general public, or when there is a major change in Ofcom’s activities. Impact assessments help us to understand effects of policy decisions we are proposing to take and to consider whether those decisions would best fulfil our applicable duties and objectives in the least intrusive way.
- A5.3 As a matter of policy, Ofcom is committed to carrying out impact assessments in the large majority of our policy decisions and has discretion as to the substance and form of an impact assessment. Our impact assessment guidance sets out our general approach to how we assess and present the impact of our proposed decisions.⁷⁶
- A5.4 As set out at paragraph 3.6 of our impact assessment guidance, whether we need to carry out an impact assessment will depend on the nature of the proposal we are putting forward, in particular (i) whether Ofcom is required to act in a particular way; and (ii) whether an individual proposal implements a policy or process on which an impact assessment has already been carried out. An example of a scenario where, as a general rule, an impact assessment will not be required is where we are required by legislation to intervene (although we may carry out an impact assessment where we have discretion over the precise manner in which we intervene). In instances where we do not carry out an impact assessment as part of a consultation process, we will explain why.
- A5.5 Throughout this consultation and in preparing the draft Code, we have considered the impacts of our proposed implementation of the statutory requirements. This includes:
- a) likely benefits and protections for audiences, contributing to the effectiveness of our proposals overall in achieving our objectives; and
 - b) whether the impacts of our proposals on the BBC are proportionate.

Impacts on the BBC

- A5.6 As outlined above, our regulatory remit regarding the BBC’s online material is changing from having the power to issue an opinion on the BBC’s compliance with its own Editorial Guidelines to having new full enforcement powers over certain BBC online material under our new Code and in relation to the Fairness Code. It is the potential impact of this change which we assess in this annex.
- A5.7 Overall, we do not consider that the proposed Code and procedures, which give effect to this change, will impose a significant burden on the BBC. This is because the Code does not introduce new standards to which the BBC is not already complying its online material. Its Editorial Guidelines, which it currently applies to its online, on-demand and broadcast

⁷⁶ Ofcom, [Impact assessment guidance](#), 2023.

content, already take into consideration the Broadcasting Code and are more detailed and are more restrictive in some places. The new Code is closely aligned to the Broadcasting Code as both codes are underpinned by the same standards objectives and Ofcom is required to prepare the Code having particular regard to the objective of being consistent with the Broadcasting Code, as appropriate.

A5.8 As our proposals in the Code reflect the requirements of the updated Framework Agreement we consider that any impacts are due to the duties in the updated Framework Agreement rather than arising from our proposals. Nevertheless, we have analysed some potential costs and risks to the BBC in further detail below.

Costs and risks

Familiarisation by the BBC and potential amendments to its complaints processes

A5.9 In our view it is likely the BBC will incur some one-off costs in familiarising itself with the Code and associated documents and considering whether any changes to its Editorial Guidelines are required following the change to our remit. We have sought to reflect the Broadcasting Code and its associated complaints procedures, where possible and appropriate, to minimise impact and regulatory burden on the BBC, so we expect any such one-off costs to be minimal. The BBC should also be familiar with the contents of the Fairness Code.

A5.10 The BBC may also need to make limited amendments to its complaints-handling processes and related materials. For example:

- updating its complaints framework to reflect Ofcom’s new regulatory remit over BBC online material, in particular in relation to:
 - the time limit to make a complaint to the BBC, taking into account Ofcom’s proposal under the draft complaints procedures that where the BBC makes material changes to the content or prominence of its online material after it was first posted, Ofcom may treat the date of these changes as the “first posted” date for the purposes of the time limits to make a complaint to Ofcom⁷⁷; and
 - reflecting the new possibility that Ofcom may consider imposing a sanction in relation to online material where a serious, deliberate, repeated, or reckless breach of the Code has occurred; and/or
- revising its complaint-response templates and online information to reflect Ofcom’s new regulatory remit.

Potential increased workload arising from increased contact with Ofcom

A5.11 Our evidence suggests that the BBC’s current level of engagement with Ofcom regarding its online material is relatively limited. For example, between 2017/18 and 2024/25 Ofcom only issued a total of seven opinions regarding whether the BBC had observed the relevant

⁷⁷ The BBC’s Complaints Framework currently specifies that complainants “should make [a] complaint within 30 working days of the date on which the content was broadcast or published on bbc.co.uk or a BBC social media site” and that “if you make a complaint about content currently published on a BBC website you should make it within 30 working days of the date when it first appeared online. The BBC may consider complaints received beyond that deadline but only if it is satisfied that there was a good reason for the delay, that the matter complained about was serious, as judged against the BBC’s editorial standards, and that it is practicable and cost-effective to investigate it and adjudicate upon it fairly.”

BBC Editorial Guidelines in its online material (only three of these found that it had not). Furthermore, in 2024/25, Ofcom assessed just 60 online material cases altogether, closing 58 with no further action (compared to 157 cases concerning the BBC's broadcast or on-demand content).⁷⁸

- A5.12 The existing Online Arrangement already provides facility for audiences to complain to Ofcom about the BBC's online material. Although under the new regulatory regime we will be shifting from oversight to enforcement of the BBC's online material, we do not currently have evidence that this would be likely to alter complaint volumes in a significant way. If that is the case, it follows that the level of engagement between the BBC and Ofcom is also not likely to be altered in a significant way. We will keep this issue under review but we do not currently consider that the new regulatory regime will materially increase the BBC's workload.
- A5.13 Notwithstanding this, it may be the case that our proposal to amend our sanctions procedures so that they apply to breaches of the Code and Fairness Code in BBC online material, as well as breaches of the Broadcasting Code, may result in additional engagement with Ofcom in sanction cases. However, we note that, as outlined above, between 2017/18 and 2024/25 only three opinions concluded that the BBC had not observed its Editorial Guidelines in its online material. Even if such cases were treated as breaches of the proposed Code or Fairness Code, they would not necessarily be considered for sanction; only serious, deliberate, reckless, or repeated breaches would qualify. We therefore consider that it's unlikely that our proposals will significantly increase the BBC's workload.
- A5.14 Overall, we consider that the transition from oversight to enforcement is not likely to substantially affect the BBC's workload in engaging with Ofcom on complaints, as the underlying procedures are broadly similar.

Rights assessment

- A5.15 As a public authority, Ofcom must act in accordance with its public law duties to act lawfully, rationally and fairly, and it is unlawful for Ofcom to act in a way which is incompatible with the European Convention on Human Rights ("ECHR").⁷⁹
- A5.16 Any interference with ECHR rights must be prescribed by law, pursue a legitimate aim and be necessary in a democratic society. The interference must be proportionate to the legitimate aim pursued and corresponding to a pressing social need.
- A5.17 In carrying out our rights assessment of our proposals, we have addressed the relevant rights impacts on users, the BBC and other persons and have considered the extent to which our proposals may interfere with certain rights in the ECHR.
- A5.18 Overall, we consider that the Principles and Rules we propose in each section of the draft Code, and our proposed approach to the enforcement of the Fairness Code, represent a fair balance between securing adequate protections for audiences and the ECHR rights of audiences and the BBC, and other interested parties, as relevant. Our proposed Principles and Rules should make clear what the Code is designed to achieve and help the BBC make

⁷⁸ [Ofcom's Annual Report and Accounts 2024-25](#), p202

⁷⁹ [Section 6 of the Human Rights Act 1998](#).

the necessary judgements and to ensure that its online material complies with relevant UK laws.

Freedom of expression

- A5.19 As noted above, any interference with the right under Article 10 of the ECHR must be proportionate to the legitimate aim pursued and corresponding to a pressing social need. Ofcom has given careful consideration throughout to the impact of the Code on the BBC's and audiences' Article 10 rights.
- A5.20 We consider any interference is limited and that our proposals meet the requirements of Article 10(2) of the ECHR as being prescribed by law, in pursuit of a legitimate aim and necessary in a democratic society. The Act, the updated Framework Agreement, and the Code as set out are the applicable law for the purposes of Article 10(2). The relevant legitimate aims pursued are necessary in a democratic society for the prevention of disorder or crime, in the interests of public safety and for the protection of health or morals, and the protection of the rights of others. These are achieved by securing standards of BBC online material required by law which protect audiences from harmful content, ensuring the availability of duly accurate and duly impartial news, and aiming to maintain fair and equal democratic discourse in BBC online material to the benefit of society generally by requiring that a range of viewpoints are received by viewers who may then participate in democratic processes on an informed basis.
- A5.21 We have had particular regard to the specific obligation in the updated Framework Agreement that, in preparing the Code, Ofcom "...must have regard, in particular, to: (a) each of the matters contained in sections 319(4) of the Communications Act 2003...", which includes having regard "in particular and to such extent as appears to them to be relevant to the securing of the standards objectives, to [...] (f) the desirability of maintaining the independence of editorial control over programme content". We have also had regard to the aim of the Code to retain trust in the BBC, particularly in the area of due impartiality.
- A5.22 For all of the above reasons, Ofcom provisionally concludes that any interference with freedom of expression from our proposed Code is proportionate to the legitimate aim pursued, corresponding to a pressing social need and overall is justified.

Freedom of thought, conscience and religion

- A5.23 In preparing the draft Code, we have had regard to the right to freedom of thought, conscience and religion, and consider that any interference with this right is limited, proportionate, and that our proposals meet the requirements of Article 9(2) of the ECHR as being prescribed by law, and necessary in a democratic society in the interests of public safety and for the protection of public order, health or morals. We have considered the impact of certain draft rules on religious content under our equality impact assessment (paragraphs A5.37-A5.39 below).

Privacy

- A5.24 Article 8 of the ECHR sets out the right to respect for an individual's private and family life. We are not proposing any changes to the information we collect from complainants in relation to BBC online material. As a result, our proposals do not give rise to any need for further detailed assessment in relation to privacy.

A5.25 The Fairness Code balances Article 8 ECHR rights of under-eighteens and other individuals or organisations involved in or directly affected by BBC online material with the Article 10 rights of the BBC and audiences to receive and impart information without unnecessary interference. As the BBC’s Editorial Guidelines, which accounts for the relevant principles, rules and practices to be observed under the Fairness Code, already applies to BBC online material, our duty under the updated Framework Agreement to apply the Fairness Code to BBC online material (so far as we determine the standards are relevant) does not give rise to any need for further detailed assessment in relation to privacy.

Equality impact assessment

Legal Context

- A5.26 Section 149 of the [Equality Act 2010](#) (“the 2010 Act”) imposes a duty on Ofcom, when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The 2010 Act also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share specified protected characteristics and persons who do not.
- A5.27 Section 75 of the [Northern Ireland Act 1998](#) (“the 1998 Act”) also imposes a duty on Ofcom, when carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and have regard to the desirability of promoting good relations across a range of categories outlined in the 1998 Act. Section 75(2) of the 1998 Act also requires Ofcom to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. Ofcom’s Revised Northern Ireland Equality Scheme explains how we comply with our statutory duties under the 1998 Act.⁸⁰
- A5.28 To help us comply with our duties under the 2010 Act and the 1998 Act, we assess the impact of our proposals on persons sharing protected characteristics and in particular whether they may discriminate against such persons or impact on equality of opportunity or good relations.
- A5.29 When thinking about equality we consider the potential impacts more broadly and not just in relation to those groups of persons that share protected characteristics identified in equalities legislation (see paragraph 4.7 of our impact assessment guidance⁸¹).
- A5.30 In particular, section 3(4) of the A also requires us to have regard to the needs and interests of specific groups of persons when performing our duties, as appear to us to be relevant in the circumstances. These include:
- the vulnerability of children and of others whose circumstances appear to us to put them in need of special protection;
 - the needs of persons with disabilities, older persons and persons on low incomes; and

⁸⁰ Ofcom, [Revised Northern Ireland Equality Scheme for Ofcom](#), 2014

⁸¹ Ofcom, [Impact assessment guidance](#), 2023.

- the different interests of persons in the different parts of the UK, of the different ethnic communities within the UK and of persons living in rural and in urban areas.

A5.31 We examine the potential impact our policy is likely to have on people, depending on their personal circumstances. This also assists us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers, regardless of their background and identity.

Equality impact assessment

A5.32 We have carefully considered the impacts of our proposals regarding the Code and associated procedures on individuals with protected characteristics and any potential risks of discrimination, as well as impacts on equality of opportunity and fostering good relations. We have also considered wider impacts on other groups, such as people from different socio-economic groups and vulnerable groups, including children.

Positive Impacts

A5.33 We consider the Code will positively affect our ability to protect users of BBC online material from harm by moving our remit over BBC online material from oversight of the BBC's adherence to its Editorial Guidelines to the enforcement of standards, through the Code and under the Fairness Code. These standards are expressed in rules protecting users from hate speech and abusive and derogatory material aimed at groups or communities, as well as from harmful or offensive material (including material which discriminates against people with protected characteristics, or which could be harmful to children).

A5.34 While this move will not necessarily increase the standards to which the BBC already holds itself through its Editorial Guidelines, which already cover the same concepts as the Code and the Fairness Code, it will provide increased incentive for the BBC to continue to maintain and live up to its standards as well as providing an additional route for redress for those negatively impacted by BBC online material.

Neutral Impacts

A5.35 Any existing safeguards in our current complaints procedures, i.e. regarding people with disabilities, will continue to be available to individuals who want to complain to us about the BBC's online material under the new regulatory regime.

A5.36 After a careful assessment, we have not identified any adverse impacts on specific groups of persons within Northern Ireland that are likely to be affected in a different way to the rest of the UK.

Negative Impacts

A5.37 Section One (Protecting under-eighteens) of the Code includes rules relating to the standards objective under section 319(2)(a) that persons under the age of eighteen are protected. Whilst the proposed Code does not include an equivalent rule to Rule 1.27 in the Broadcasting Code that includes a restriction on demonstrations of exorcisms, occult practices and the paranormal (which purport to be real), it is considered that proposed Rule 1.2 would address any potential harm arising from such content (see paragraph 3.16 above). Section Two (Harm and offence) of the Code also includes rules relating to the standards objective under section 319(2)(a) (described above) and section 319(2)(f) that generally accepted standards are applied so as to provide adequate protection for members of the public from offensive and harmful material. Whilst the proposed Code does not include an equivalent rule to Rules 2.6 and 2.8 in the Broadcasting Code that also includes restrictions on demonstrations of exorcisms, the occult, the paranormal,

divination, or practices related to any of these that purpose to be real, it is considered that proposed Rules 2.1 and 2.2 would address any potential harm arising from such content (see paragraph 3.32 above). Therefore, the application of Rules 1.2, 2.1 and 2.2 could be potentially discriminatory to adherents of certain beliefs and/or religions.

A5.38 It is Ofcom’s view that any potentially adverse impact or interference with Article 9 of the ECHR (freedom of thought, conscience and religion) caused by the interpretation of such rules meet the requirements of Article 9(2) as being prescribed by law, in pursuit of a legitimate aim and necessary in a democratic society. The Act, the updated Framework Agreement, and the Code as set out are the applicable law for the purposes of Article 9(2). The relevant legitimate aims pursued are necessary in a democratic society in the interests of public safety and for the protection of public order, health or morals. These are achieved by securing standards of BBC online material required by law which protect under-eighteens, ensure the proper degree of responsibility is exercised with respect to religious online items, and prevent improper exploitation of any susceptibility of audiences of religious online items. We also consider that these proposals for the interpretation of such rules are a proportionate means of achieving those aims, as these restrictions are already included in the Broadcasting Code to which we must have regard to the objective of maintaining consistency with, as appropriate, under the updated Framework Agreement. We also note that the BBC already imposes similar restrictions in its own Editorial Guidelines, so these rules are unlikely to have a significant impact on the type of content included in BBC online material.⁸²

A5.39 While compliance with the Code is likely to increase regulatory costs for the BBC (see above), we are confident these costs remain small and those costs would not be passed on disproportionately to financially vulnerable customers and/or those in lower socio-economic groups. This is because the BBC already complies with its own Editorial Guidelines which are more detailed in places than the Code and those Editorial Guidelines already account for the relevant standards objectives the Code sets standards to achieve. We also (as outlined above) do not anticipate the change in regulatory role of Ofcom over BBC online material to substantially affect the BBC’s workload.

Consultation Questions

- **Question 27:** Do you have any comments on our impact assessment, rights assessment, or equality impact assessment? Please provide any information or evidence in support of your views.

A5.40 Ofcom can provide information in a variety of formats on request, e.g. accessible PDF, large print, easy read, audio recording or braille. If you let us know what information you require and in what format, we will consider the request and respond within 21 days.

Welsh language impact assessment

Legal Context

A5.41 The Welsh Language (Wales) Measure 2011 made the Welsh language an officially recognised language in Wales. This legislation also led to the establishment of the office of the Welsh Language Commissioner who regulates and monitors our work. Ofcom is

⁸² See the [BBC’s Editorial Guidelines](#) on Religion (5.4.66 – 5.4.68) and Exorcism, the Occult and the Paranormal (5.4.69 - 5.5.71).

required to take Welsh language considerations into account when formulating, reviewing or revising policies which are relevant to Wales (including proposals which are not targeted at Wales specifically but are of interest across the UK).⁸³

A5.42 Where the Welsh Language Standards are engaged, we consider the potential impact of a policy proposal on (i) opportunities for persons to use the Welsh language; and (ii) treating the Welsh language no less favourably than the English language. We also consider how a proposal could be formulated so as to have, or increase, a positive impact, or not to have adverse effects or to decrease any adverse effects. The following section provides our Welsh language impact assessment.

Welsh language impact assessment

A5.43 The Welsh language has official status in Wales.⁸⁴ To give effect to this, certain public bodies, including Ofcom, are required to comply with Welsh language standards.⁸⁵ Accordingly, we have considered:

- the potential impact of the proposed Code and procedures on opportunities for persons to use the Welsh language;
- the potential impact of the proposed Code and procedures on treating the Welsh language no less favourably than the English language; and
- how our proposals could be formulated so as to have, or increase, a positive impact; or not to have adverse effects or to decrease any adverse effects.

A5.44 In formulating our proposals in this consultation, where relevant and to the extent we have discretion to do so in the exercise of our functions, we have considered the potential impacts on opportunities to use Welsh and treating Welsh no less favourably than English.

A5.45 We consider that our proposals have no known adverse effects on opportunities for persons to use Welsh and nor do they treat Welsh less favourably than English. We expect that for Welsh language speakers, our enhanced remit over BBC online material will be of benefit by independently holding the BBC to specific standards for its online material, including on behalf of Welsh users of its Welsh language online material, such as [BBC Cymru Fyw](#). The Code and associated procedures will all be [published in Welsh](#) and English, affording equality of opportunity to Welsh language users to use and understand the new code. At present Welsh users can complain to Ofcom in Welsh about BBC online material (as they can to the BBC). This equal opportunity will remain under our enhanced remit, as will our approach of using Welsh when publishing investigation outcomes that are in and of themselves relevant to Wales.

Consultation Questions

- **Question 28:** Do you agree that the proposed Code and procedures are likely to have positive effects on opportunities to use Welsh and treating Welsh no less favourably than English? If you disagree, please explain why, including how you consider they could be revised to have positive effects or more positive effects,

⁸³ See Standards 84-89 of [Hysbysiad cydymffurfio](#) (in Welsh) and [compliance notice](#) (in English). Section 7 of the Welsh Language Commissioner's Good Practice Advice Document provides further advice and information on how bodies must comply with the Welsh Language Standards.

⁸⁴ Section 1(1), Welsh Language (Wales) Measure 2011.

⁸⁵ [hysbysiad cydymffurfio](#) (in Welsh) [compliance notice](#) in English

or no adverse effects or fewer adverse effects on opportunities to use Welsh and treating Welsh no less favourably than English.

A6. Responding to this consultation

How to respond

- A6.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 27 August 2026.
- A6.2 You can download a response form [here](#). You can return this by email or post to the address provided in the response form.
- A6.3 If your response is a large file, or has supporting charts, tables or other data, please email it to bbcomc@ofcom.org.uk, as an attachment in Microsoft Word format, together with the cover sheet. This email address is for this consultation only and will not be valid after 27 August 2026.
- A6.4 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- > send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files; or
 - > upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A6.5 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A6.6 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt of a response submitted to us by email.
- A6.7 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A6.8 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at [Annex 9](#). It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A6.9 If you want to discuss the issues and questions raised in this consultation, please contact bbcomc@ofcom.org.uk.

Confidentiality

- A6.10 Consultations are more effective if we publish the responses before the consultation period closes. This can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish responses on the Ofcom website at regular intervals during and after the consultation period.
- A6.11 If you think your response should be kept confidential, please specify which part(s) this applies to and explain why. Please send any confidential sections as a separate annex. If

you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.

- A6.12 If someone asks us to keep all or part of a response confidential, we will treat this request seriously and try to respect it. It is however for Ofcom to decide whether or not information is confidential. Sometimes we may consider it necessary to publish all or part of a response, including those that are marked as confidential (for example, so we can explain our decisions and people can understand our reasoning or in order to meet legal obligations).

Where this is the case (and the relevant information is not already in the public domain), we will normally first explain our intention to publish information from your response and give you the opportunity to raise concerns about the proposed publication. We will generally try to resolve any objections you may have through constructive dialogue. If we remain of the view that we need to publish all or part of your response and you continue to object, we will give you advance warning prior to publication.

- A6.13 To fulfil our pre-disclosure duty, we may share a copy of your response with the relevant government department before we publish it on our website.
- A6.14 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our Terms of Use.

Next steps

- A6.15 Following this consultation period, Ofcom plans to publish a statement in November 2026.
- A6.16 If you wish, you can register to receive mail updates alerting you to new Ofcom publications.

Ofcom's consultation processes

- A6.17 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in [Annex 7](#).
- A6.18 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A6.19 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A7. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

1. Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

2. We will be clear about whom we are consulting, why, on what questions and for how long.
3. We will make the consultation document as short and simple as possible, with an overview of no more than two pages. We will try to make it as easy as possible for people to give us a written response.
4. When setting the length of the consultation period, we will consider the nature of our proposals and their potential impact. We will always make clear the closing date for responses.
5. A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
6. If we are not able to follow any of these principles, we will explain why.

After the consultation

7. We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish the responses on our website at regular intervals during and after the consultation period. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A8. Consultation coversheet

Basic details

Consultation title:

To (Ofcom contact):

Name of respondent:

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
- > Name/contact details/job title
- > Whole response
- > Organisation
- > Part of the response

If you selected 'Part of the response', please specify 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)?

Yes No

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.

Ofcom aims to publish responses at regular intervals during and after the consultation period. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

A9. Consultation questions

Please tell us how you came across this consultation.

- Email from Ofcom
- Saw it on social media
- Found it on Ofcom's website
- Found it on another website
- Heard about it on TV or radio
- Read about it in a newspaper or magazine
- Heard about it at an event
- Somebody told me or shared it with me
- Other (please specify)

Consultation Questions

- **Question 1:** Do you agree with our overall approach to Section One?
- **Question 2:** Do you have any comments on our approach to reflecting relevant protections for under-eighteens in the online environment?
- **Question 3:** Do you have any comments on relevant factors we may wish to consider when developing our guidance to applying these rules?
- **Question 4:** Do you have any further comments on the proposed content of Section One?
- **Question 5:** Do you agree with Ofcom's overall approach to Section Two?
- **Question 6:** Do you have any comments on the proposed list of non-exhaustive contextual factors listed under the "meaning of context" in Section Two?
- **Question 7:** Do you have any further comments on the proposed content of Section Two?
- **Question 8:** Do you agree with Ofcom's overall approach to Section Three?
- **Question 9:** Do you have any comments on our proposal to use guidance to help clarify how contextual factors relating to Rules 3.1, 3.2 and 3.3 might apply to online material? Are there any other areas in Section Three which you think it may be particularly helpful to supplement with guidance?
- **Question 10:** Do you have any further comments on the proposed content of Section Three?
- **Question 11:** Do you agree with Ofcom's overall approach to Section Four?
- **Question 12:** Do you have any further comments on the proposed content of Section Four?
- **Question 13:** Do you agree with Ofcom's overall approach to Section Five?
- **Question 14:** Do you agree with the proposal to replace "programme" with "online item" in these rules? If not, explain why.

- **Question 15:** Do you agree with Ofcom’s proposed approach to preserving due impartiality across a series of editorially linked online items taken as a whole? If not, explain why.
- **Question 16:** Are there any areas in Section 5 which you think it may be particularly helpful to supplement with guidance?
- **Question 17:** Do you have any further comments on the proposed content of Section Five?
- **Question 18:** Do you agree with Ofcom’s overall approach to Section Six?
- **Question 19:** Are there any areas in Section Six which you think it may be particularly helpful to supplement with guidance?
- **Question 20:** Do you have any further comments on the proposed content of Section Six?
- **Question 21:** Do you have any comments on Ofcom’s proposed application of the Fairness Code set out under Sections 7 and 8 of the Broadcasting Code, in relation to BBC online material?
- **Question 22:** Do you have any comments on the proposal to align the proposed Procedures for investigating breaches of content standards in BBC online material with the equivalent procedures for breaches of the Broadcasting Code?
- **Question 23:** Do you have any comments on our proposed interpretation of when BBC online material is “first posted”?
- **Question 24:** Do you have any comments on the proposal to align the proposed Procedures for investigating breaches of the Fairness Code in relation to BBC online material with the equivalent procedures for breaches of the Fairness Code under sections 7 and 8 of the Broadcasting Code?
- **Question 25:** Do you have any comments on the proposal to apply the same sanctions procedures to breaches of the Code as breaches of the Broadcasting Code by amending the existing sanctions procedures?
- **Question 26:** Do you have any comments on the proposed amendments to the types of sanctions which may be available to Ofcom following a breach by the BBC of content standards, or the Fairness Code in relation to BBC online material?
- **Question 27:** Do you have any comments on our impact assessment, rights assessment, or equality impact assessment? Please provide any information or evidence in support of your views.
- **Question 28:** Do you agree that the proposed Code and procedures are likely to have positive effects on opportunities to use Welsh and treating Welsh no less favourably than English? If you disagree, please explain why, including how you consider they could be revised to have positive effects or more positive effects, or no adverse effects or fewer adverse effects on opportunities to use Welsh and treating Welsh no less favourably than English.