OFCOM

BBC Online Material Code

Individual response to the public consultation

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1. Executive summary

I support the creation of an enforceable BBC Online Material Code. The December 2025 amendments establish a clear policy and constitutional basis for Ofcom to replace the existing opinion-based arrangement with binding standards for defined UK Public Online Material. Consistency with the Broadcasting Code is an appropriate starting point, but it is not an end point: an online item can persist, change, fragment, resurface, be reposted, appear through search and be distributed through interfaces over which the BBC has differing degrees of control.

The draft is broadly well judged. My support is nevertheless qualified by several points that should be resolved before publication of the final Code and Procedures.

1. The three consultation Procedures each state that they are effective from 2 July 2026 and call that date the commencement date, while the consultation says the final Code and Procedures will be issued after consultation and Schedule 3 paragraph 3A(8) ties the BBC's standards obligation to final Code publication. The official materials therefore create an apparent commencement and transition conflict. Ofcom should resolve that conflict expressly in the final statement and instruments rather than leave complainants or the BBC to infer which publication event controls.
2. The Code should distinguish the identity of an online item from the state of a particular version. Material amendments, corrections, added media, deliberate re-promotion and reposting can change compliance, complaint timing or remedy without necessarily creating an entirely new item.
3. Ofcom should distinguish legal scope from platform control. BBC-posted in-scope material remains subject to the Code even where a third-party platform autonomously ranks or recommends it. Reasonable control is relevant to attribution of a separate distribution act, contextual audience encounter, the steps available to the BBC, and the feasibility and scope of any direction - not as a general defence to liability for the BBC's own in-scope material.
4. Protection of under-eighteens should remain outcome based and proportionate. Guidance should not turn age assurance into a universal default, particularly for public-interest news. It should assess the seriousness and likelihood of harm, the age and likely encounter of users, fragments and previews, available measures, public-interest value, privacy, accessibility and exclusion risk.
5. Section Two's contextual framework should distinguish passive archival availability, active BBC recirculation, organic renewed interest and third-party algorithmic resurfacing. Age and duration of availability should never operate as automatic mitigation.
6. Section Three guidance should preserve reporting, investigation, quotation and scrutiny in the public interest while explaining how attribution, proximity and visibility of context operate when audiences encounter a short fragment rather than a complete item.
7. Section Five should retain the online-item concept, but the concepts of editorial linkage, appropriate period, signalling and discoverability need sharper treatment. Balance elsewhere should count only where the relationship is deliberate and realistically available to the audience; broad subject similarity is insufficient.
8. Corrections should be effective at the materially live points of distribution. Correcting the main page may not be enough where a BBC-controlled headline, social post, excerpt or summary continues to convey the significant mistake.

9. Section Six should distinguish passive archives from active election-period promotion. Ofcom should also address constituency and electoral-area coverage with precision: the BBC already has a statutory section 93 candidate-participation code which it applies to relevant online material, while Ofcom is not itself required by section 93 to impose equivalent online rules. Ofcom should assess whether a separate enforceable online backstop under the section 319/320 standards objectives is proportionate and adds material protection rather than duplicating the BBC's statutory code.
10. Applying the Fairness Code is justified, but the legal routes should remain distinct. Schedule 3 paragraph 3A(5) makes observance of the Fairness Code binding for relevant BBC online material; Sections Seven and Eight of the Broadcasting Code are the operative Fairness Code; and Ofcom proposes to have regard to the Broadcasting Act 1996 Part 5 complaint criteria so far as relevant when designing and applying the online procedure. The adaptation from recording or filming to obtaining material should be bounded by purpose and context, consent should be assessed across material changes in use, and vulnerability should not be equated with incapacity.
11. Complaint procedures should reopen time only for material new content, meaning or editorial prominence, and normally only for the affected issue. Minor edits should do neither; deliberate prominence changes can. The BBC should preserve material, not every trivial, version state.
12. The sanction toolkit is suitable if directions identify the relevant item, version, BBC-controlled copies and required outcome. Correction, labelling, access restriction, removal, links to findings, undertakings and penalties should be selected according to persistence, seriousness, recurrence, editorial purpose and effectiveness.
13. The impact assessment understates the incremental costs of enforceability. Existing Editorial Guidelines reduce substantive familiarisation, but they do not eliminate new versioning, evidence, training, complaints, governance, assurance and remedy costs. Historic complaint numbers are not a reliable forecast for a newly publicised enforceable regime.
14. Ofcom already commits to bilingual publication of the Code and associated procedures and to Welsh-language complaint access. The final regime should build on those existing commitments by seeking equivalent operational access to guidance, forms, correspondence, material decisions, searchable precedent and accessible formats, with any additional measures clearly framed as implementation enhancements rather than existing legal requirements.

These recommendations do not require Ofcom to micro-manage editorial judgement. They require the final regime to identify the regulated object, the relevant version, the source of authority, the degree of BBC control, the applicable time and complaint state, and a proportionate route to correction and closure.

2. Cross-cutting legal and implementation principles

2.1 Current law, current practice and the proposal

The Communications Act 2003 supplies the relevant standards objectives and public-law considerations. The Royal Charter and Framework Agreement provide the constitutional route through which Ofcom regulates the BBC. The December 2025 amendments extend that architecture to defined UK Public

Online Material and require Ofcom to set online standards. The draft BBC Online Material Code is expressly for consultation and is not the final operative Code. The three consultation Procedures are more difficult to characterise because each says that it is effective from 2 July 2026, even though the consultation describes final Procedures as a later output. That current-reference tension should be preserved rather than resolved by assumption.

The current Broadcasting Code and its guidance are competent comparators. The BBC Editorial Guidelines, Complaints Framework and election guidance are important implementation evidence and may already impose wider internal obligations. None of those internal mechanisms can replace the enforceable minimum standards that Ofcom is required to set. Conversely, Ofcom need not duplicate internal detail that is unnecessary to secure the statutory objectives.

2.2 Consistency should be functional, not verbal

Schedule 3 paragraph 3A requires appropriate consistency with broadcast standards, not word-for-word transplantation. A familiar formulation should be retained where the objective and consequence remain the same online. It should be adapted where scheduling, audience encounter, item formation, persistence, search, updates, social distribution or platform control alter how the protection works.

That approach protects legal certainty in both directions. It prevents unnecessary divergence from settled regulatory concepts, and it prevents familiar words from concealing a different or incomplete online effect.

2.3 Freedom of expression and editorial independence

The rules most likely to affect political and public-interest speech are the contextual rules on potentially harmful or offensive material, the crime and abuse provisions, due impartiality, major matters, elections, corrections, access restrictions and removal. Their legitimate purposes are strong, but foreseeability matters. Alongside Article 10, section 3(4)(g) of the Communications Act 2003 requires Ofcom to have regard to the need to apply standards in the manner that best guarantees an appropriate level of freedom of expression. A binding obligation should be found in the Code where liability depends on it; guidance should explain application, not create a new prohibition through examples.

Due impartiality is not numerical equality. Nor does editorial independence prevent enforceable minimum standards. A proportionate regime should preserve a high threshold for major matters, allow context-sensitive editorial judgement, require intelligible reasons, and use the least intrusive remedy that effectively addresses the breach and any continuing harm.

2.4 The online regulatory object

An online item should be treated as a stable identity that can have multiple material versions. The regulatory record should therefore be able to answer four distinct questions:

- what item and components were presented as one identifiable editorial object;
- what materially relevant version was available at the time in question;
- through which BBC-controlled page, account, post, link or other distribution point it was encountered; and
- what later change, correction, repost or prominence intervention occurred.

This does not require permanent retention of every minor edit. It requires preservation of changes capable of altering meaning, standards compliance, the complaint clock or the effectiveness of a remedy.

2.5 Reasonable control on third-party platforms

BBC-posted material that falls within the definition of UK Public Online Material remains subject to the Code even where a third-party platform hosts, ranks or recommends it. A platform's autonomous recommendation should not itself be attributed to the BBC merely because it increased reach. Reasonable control is therefore relevant to whether a separate distribution or promotion act is attributable to the BBC, to the context in which users encounter the material, to the mitigation steps reasonably available to the BBC, and to the feasibility and scope of any direction. It should not operate as a general limitation on liability for the BBC's own in-scope content.

The same distinction should inform directions. Ofcom may require the BBC to remove or alter a BBC-controlled post or link and to take reasonable steps concerning copies or settings under its control. It should not frame a direction as a guarantee that third-party caches or unauthorised redistribution will disappear. Equally, lack of control over an autonomous recommender does not make the underlying BBC post out of scope.

In a disputed platform case, the control analysis should be evidence-based. Relevant material may include official-account settings, paid promotion, BBC-curated recommendation modules, homepage or feed configuration, repost history, editorial scheduling, available moderation controls and the platform functions actually available to the BBC at the relevant time. Ofcom should not require data that the BBC cannot lawfully or practically obtain from an independent platform.

2.6 Complaints, evidence and effective remedy

The complaint lifecycle should identify whether BBC First applies, the relevant first-posted state, any exceptional circumstances, the evidence preserved, the applicable guidance version, the decision route and the closure condition. A complainant should not lose a valid complaint because they used the wrong label or because an accessibility need made a standard channel impracticable.

Expedition and procedural fairness are compatible. Urgent continuing risks justify accelerated preservation, contact and assessment; they do not justify an unexplained final decision or an overbroad remedy. Where an evident correction can be made promptly without prejudging the final regulatory issue, the procedure should encourage it.

2.7 Mixed-service scope routing and parallel regimes

The new online regime will frequently encounter mixed objects. A single BBC webpage may embed an iPlayer or Sounds programme, quote or link to World Service material, contain a dissociable third-party module, or link to an external destination. The correct approach is component-sensitive: identify the legal status of each component before deciding which Code or procedure governs the complaint.

Where substantially the same editorial material appears both as broadcast or ODPS content and as BBC UK Public Online Material, parallel Broadcasting Code and Online Material Code issues may arise. The proposed content-standards Procedure already contemplates concurrent investigation where the same

or substantially the same issues arise. Ofcom's guidance should therefore include a short routing decision tree showing the primary regime, any parallel regime, the evidence object for each, and how findings or remedies are kept distinct.

This routing discipline should also cover cross-posted World Service material and external links. An excluded source does not automatically make a later BBC UK Public Service editorial act excluded; conversely, an in-scope BBC page should not convert an embedded or dissociable out-of-scope service into online material merely by proximity. The decisive question is the status of the particular content and the BBC editorial act being regulated.

3. Responses to consultation questions

Question 1 - Overall approach to Section One

Direct position: Agree with qualifications.

The move from scheduling-based broadcast rules to two principal online outcomes is appropriate. A watershed cannot protect a user who encounters an item through search or a social feed, and a rigid list of content-specific controls would age badly across varied BBC services. Rules directed at serious developmental risk and reasonable protective steps can therefore provide a durable foundation.

The qualification is that the outcome-based formulation places greater weight on guidance. Ofcom should make the decision structure visible without converting it into a checklist of mandatory technology. The assessment should consider the seriousness of the risk; the likely age and manner of access; whether the user sees the complete item or a fragment; the editorial and public-interest purpose; the platform tools reasonably available to the BBC; the efficacy and intrusiveness of a warning, rating, restricted mode, child-account control or age-assurance measure; and the accessibility and exclusion effects of that measure.

News and current affairs need separate emphasis. Distressing material can have genuine public-interest value, and a universal barrier could impede young people's access to important information. A clear warning or less prominent preview may be sufficient in one case; a stronger control may be justified where the material is severe, easily encountered out of context and has limited informational value. The Code should regulate the result rather than prescribe one response.

The rule should also operate at the encounter level. A warning on a full article does not necessarily protect a user who sees a BBC-controlled thumbnail or short extract that carries the principal risk without the warning. Ofcom guidance should therefore ask what the BBC could reasonably foresee and control at each material distribution point.

Question 2 - Protections for under-eighteens online

Direct position: Agree with qualifications.

Ofcom is right not to mandate a single age-assurance method. The BBC's public-service role, the range of material in scope and the different capabilities of BBC and third-party interfaces make a universal control disproportionate. Measures should be selected according to risk and evidence.

Guidance should expressly recognise four limitations. First, age assurance may process personal data or create exclusion for users who lack common credentials. Secondly, disability, literacy, language and device constraints may make a nominal protection inaccessible or unusually burdensome. Thirdly, an app control may not affect the same item reached through a web search. Fourthly, the BBC may use all settings reasonably available on a third-party platform without controlling the platform's ultimate recommendation.

The assessment should also include participation and identification risks. Legal reporting restrictions remain binding, but online aggregation can create a jigsaw effect across several apparently lawful items. The BBC should record why it considered combined identifiability where the risk is material. Welfare and dignity obligations should apply to the production and later reuse of a contribution, not only the first publication.

A proportionate approach would allow a user to access important news with an appropriately designed warning while applying stronger friction to material that presents a greater and less avoidable risk. Ofcom should test the effectiveness of measures rather than assume that the presence of an age gate proves protection.

Question 3 - Factors for Section One guidance

Direct position: Agree with qualifications.

The guidance should use an auditable, non-exhaustive factor framework. I recommend the following groups.

1. **Risk and likely audience:** seriousness, immediacy, likely age range, likelihood of access, repeated exposure and whether a user is likely to encounter the material unexpectedly.
2. **Editorial purpose:** news, education, documentary, drama, archive, support information or another public-interest purpose; whether the risky element is necessary and proportionate to that purpose.
3. **Encounter and format:** complete item, headline, search preview, thumbnail, clip, autoplay, embed, repost or notification; the proximity and visibility of any warning or context.
4. **Control:** whether the BBC controls the page, account, caption, selection, timing, settings or promotion; which material platform features are outside reasonable BBC control.
5. **Available protection:** content information, warnings, ratings, restricted modes, child accounts, PINs, age assurance, reduced preview prominence or another measure; its likely efficacy, privacy impact, accessibility and potential exclusion.
6. **Time and change:** passive archive, active recirculation, a new event, a material edit, a new fragment, changed prominence and whether earlier safeguards still work.
7. **Evidence and review:** the information available when the decision was made, the reason for the selected measure, tests or feedback on effectiveness, and triggers for reassessment.

The guidance should state that these are relevant considerations, not an automatic score. It should include contrasting examples where the same broad type of material reasonably receives different protection because encounter, purpose and control differ. The BBC should retain a proportionate decision record for higher-risk cases, not a full assessment for every routine item.

Question 4 - Further points on Section One

Direct position: Agree with qualifications.

The final section should address fragments, persistent material and later editorial intervention more expressly. If an older item remains passively available with adequate original protection, its age alone should not create a new breach. If the BBC selects a fragment for a new social post or promotes the item to a substantially different audience, it should reassess the protection for that new encounter.

Material warnings and controls should follow materially live BBC-controlled versions. A revised full page is not sufficient where a current BBC post still presents the risky fragment without the relevant warning. Similarly, a significant change in the item's content should prompt a new decision on suitability and protection.

Ofcom should also state how Rules 1.1 and 1.2 interact. Rule 1.1 should remain a high-threshold prohibition. Rule 1.2 supplies proportionate measures for unsuitable material below or outside that threshold. The presence of a measure should not make material permissible if the prohibition applies, while the absence of the most intrusive measure should not itself establish a breach where a less intrusive measure was effective.

Question 5 - Overall approach to Section Two

Direct position: Agree with qualifications.

The three-part structure - generally accepted standards, materially misleading factual material, and contextual justification for offence - is suitable for a diverse online environment. It avoids carrying across scheduling language that has no direct online equivalent and preserves a broad minimum standard.

Two qualifications are important. First, the context analysis must reflect how the audience actually encounters the material. A full article may be responsibly presented while a BBC-controlled headline or preview materially misleads or removes the context that justifies offence. Secondly, correction must be treated as a distribution problem as well as a page-editing problem. Where a significant error remains in a BBC social post or summary, the audience may continue to be misled even though the destination page is corrected.

Ofcom should maintain the distinction between factual non-news material under Section Two and news under Section Five. The governing route should follow the item's editorial function, not merely the fact that the BBC describes a page as an explainer. Where the same facts form part of news and non-news elements, Ofcom should identify the primary rule and avoid duplicate findings unless separate regulatory interests are engaged.

The decision not to reproduce every detailed broadcast rule can be justified if the overarching rules produce foreseeable results. Guidance should test the omitted areas for residual uncertainty and explain how the general rules apply, rather than recreate the omitted provisions through a shadow code.

Question 6 - Contextual factors in Section Two

Direct position: Agree with qualifications.

The proposed factors are relevant but should be organised to prevent vague or selective use. A useful structure would separate:

- **editorial context:** purpose, genre, subject, tone, treatment and public-interest value;
- **encounter context:** format, complete item or fragment, signalling, likely user expectation, accessibility and likely age;
- **distribution context:** BBC site or app, BBC-branded social account, search, embed, repost, available settings and BBC editorial promotion;
- **temporal context:** original publication, passive archive, material update, active recirculation, renewed event and duration of availability; and
- **remedial context:** warning, correction, label, link, access control and whether it reaches the materially affected audience.

Age of material and time available should have no fixed exculpatory effect. Old material can remain harmful; long availability can increase rather than reduce impact. Their relevance lies in audience expectation, historical context, the reason for renewed encounter, and whether the BBC has made a new editorial intervention.

Guidance should distinguish active BBC recirculation from organic popularity and autonomous platform resurfacing. The first can create a new editorial context. The second may affect the practical risk but should not be treated as a BBC act unless the BBC controls or adopts it. The third should be assessed through reasonable available controls and foreseeable response, not strict attribution.

Question 7 - Further points on Section Two

Direct position: Agree with qualifications.

Rule 2.2 should be supported by correction guidance. A significant factual correction should be timely, clearly signalled and applied to materially live BBC-controlled summaries, posts and previews where their continued wording would mislead. A less prominent correction may suffice for a low-reach historic item; the same approach may be ineffective where the original error was widely promoted.

For high-risk health and safety material, guidance should focus on the level of detail, editorial necessity, audience protection and signposting to appropriate support without reproducing harmful specifics. The binding rule should remain clear, while examples should be sparse and safety oriented.

The omitted detailed broadcast rules should be reviewed against foreseeable online risks. If a general rule clearly addresses a misleading simulation, unfair competition or imperceptible technique, guidance may confirm that application. If liability would otherwise depend on a novel and uncertain

interpretation, the obligation belongs in the Code or should not be imposed. Guidance should not quietly restore a deleted rule.

Finally, Ofcom should explain the relationship between Rules 2.1, 2.2 and 2.3. One item may engage more than one interest, but a decision should identify the distinct conduct and harm supporting each finding rather than multiply breaches from the same reasoning.

Question 8 - Overall approach to Section Three

Direct position: Agree with qualifications.

The proposed rules preserve the core protections against incitement, hate speech and abusive or derogatory treatment while recognising contextual justification. This is the correct basic approach. Reporting, interviewing, documenting and scrutinising unlawful or extreme views are important journalistic functions; offensiveness or the status of a speaker cannot substitute for the legal and contextual assessment.

Online fragmentation creates the main qualification. Context that is sufficient in a complete article may not travel with a quotation, clip or social post selected by the BBC. Guidance should consider attribution, proximity, visibility and likely encounter. It should not require every extract to repeat an entire rebuttal, but the extract should not materially reverse the editorial purpose or present prohibited material as endorsement.

The status or public position of a speaker is relevant to audience understanding but should not be decisive. Sufficient challenge will depend on format: a live interview, a text report, a short quotation, an archive item and a documentary can discharge the editorial purpose differently. Ofcom should assess the complete editorial arrangement and the BBC-controlled fragment actually distributed.

Question 9 - Guidance for Rules 3.1 to 3.3

Direct position: Agree with qualifications.

Guidance is particularly valuable here because context protects both audiences and editorial freedom. It should cover:

1. the editorial purpose and whether inclusion is necessary to report, investigate, explain, challenge, document or criticise;
2. clear attribution and whether the audience can distinguish quotation, description and endorsement;
3. the proximity and visibility of challenge or explanation in the encounter likely to occur;
4. the nature and authority of the speaker without treating status as a licence or automatic aggravation;
5. the difference between a complete item and a BBC-selected headline, clip, thumbnail, embed or repost;
6. live or rapidly updated material, including the timing and visibility of later challenge or correction;
7. archival availability compared with deliberate renewed promotion;
8. the reasonable-control boundary on third-party platforms; and

9. the risk that repeated excerpts create a cumulative impression different from each item considered alone.

Examples should include both compliance and breach outcomes and explain which factor changed the result. They should not operate as automatic safe harbours. Ofcom should avoid graphic or operational detail that could itself increase harm; the guidance can explain regulatory distinctions without reproducing the underlying material.

Other useful guidance areas include the boundary between robust criticism and abusive treatment, the treatment of historic documentary material, and when context elsewhere in the same item is too remote to be effective.

Question 10 - Further points on Section Three

Direct position: Agree with qualifications.

The principal definitions should remain in the binding Code because they determine the reach of liability. Guidance may clarify application but should not expand the protected groups, mental element or prohibited conduct beyond the legal text without consultation and a proper authority basis.

Ofcom should also explain overlap. A single extract might be alleged to be offensive, abusive and encouraging unlawful conduct. Separate findings are justified only where distinct rule elements and harms are established. This improves reasons, remedy selection and future precedent.

The Code should preserve the distinction between presenting a controversial view for examination and adopting it. Editorial challenge need not always be adversarial or immediate; context may be supplied through fact-checking, expert analysis, structure or clear framing. The test is whether the regulated item and its material distribution give adequate protection and a fair understanding of editorial purpose.

Question 11 - Overall approach to Section Four

Direct position: Agree with qualifications.

Section Four appropriately applies to a defined 'religious online item' rather than every item that merely mentions religion. The boundary is nevertheless broader than devotional programming: the draft definition covers an online item dealing with religion as the central subject or as a significant part of the item, and Ofcom expressly contemplates current-affairs or historical material where religion is a significant part. Scope should therefore be applied faithfully before contextual protection for criticism, satire and public-interest reporting is considered.

The rules should be read with Articles 9 and 10. They can protect audiences from improper exploitation and abusive treatment without insulating beliefs or institutions from criticism, satire, investigative journalism or policy debate. Offence to members of a faith group is relevant context but is not, by itself, proof of improper exploitation or abusive treatment.

The overlap with Sections Two and Three should be disciplined. A decision should identify whether the concern is general harm or offence, abusive treatment of a protected group, or the special

responsibilities of a religious item. Multiple findings should reflect distinct regulatory failures rather than restating the same editorial fact.

Question 12 - Further points on Section Four

Direct position: Agree with qualifications.

Guidance should clarify how the two limbs of the binding definition operate. Principal editorial purpose, presentation and intended function may be useful indicators of whether religion is the central subject, but they cannot displace the independent limb covering an item in which religion is a significant part. The guidance should illustrate both limbs and explain how borderline mixed-topic items are classified without narrowing the Code.

Online-specific examples would be useful for testimony, claims of benefit, livestreamed worship, appeals connected with religious material, and short clips detached from a longer documentary or discussion. The guidance should distinguish a personal account or belief statement from an unqualified factual claim likely to affect audience decisions.

The duty of proper responsibility should remain contextual. It should not become a general power to require theological balance or to suppress critical treatment. Where equality impacts are considered, Ofcom should test whether the same principles protect minority religions and non-religious beliefs without applying a lower threshold to controversial or unfamiliar views.

Question 13 - Overall approach to Section Five

Direct position: Agree with qualifications.

Mirroring the established principles of due accuracy and due impartiality is justified because the Framework Agreement expressly imports the relevant standards objectives. The online adaptations, however, require greater precision than a simple change of nouns.

The draft should preserve four distinctions. First, an online item is the unit presented as one editorial object, while a material version is the state assessed at a particular time. Secondly, a series requires deliberate editorial linkage, not merely a shared subject. Thirdly, signalling should make the relationship practically discoverable without demanding identical reach or numerical audience equivalence. Fourthly, a correction must address the significant mistake at materially live BBC-controlled distribution points.

The removal of the broadcast concept that linked programmes are likely to reach a similar audience creates a genuine online issue. Ofcom should not restore it as an impossible equivalent-audience test. It should instead require functional discoverability: clear labelling or linking proportionate to the service, item and encounter, so that the balancing material is not merely theoretical elsewhere.

Search, homepage placement, feeds and BBC social accounts can affect context where the BBC makes the editorial choice. Autonomous third-party personalisation or recommendation may be relevant evidence of audience encounter, but it is not automatically a separate BBC act. That distinction does not remove the underlying BBC-posted material from the Code; it affects attribution of distribution, available mitigation and the practical scope of any remedy.

Question 14 - Replacing programme with online item

Direct position: Agree with qualifications.

“Online item” is the better term because the regulated object may combine text, images, audio, video, links and live updates. The definition should nevertheless be supported by clear boundary and version principles.

An item should be identifiable by how the BBC presents it to users: a single page, post, audio or video object, livestream or other editorial arrangement. Embedded components normally form part of the item where they contribute to its meaning, but a separately presented linked item should not be aggregated solely because it is relevant. Conversely, the BBC should not be able to divide one integrated presentation artificially to avoid assessing its overall effect.

Updates should not automatically create a new item. A material version record should identify significant changes to claims, media, meaning, labelling, correction, authorship, editorial purpose or prominence. The record should be proportionate and retained for the complaint and enforcement period. Minor formatting, spelling or technical changes need not be preserved as separate regulatory versions.

This distinction makes enforcement fairer. Ofcom can determine whether a past version breached a rule, whether the current version remedies the problem, and what further direction, if any, is necessary without pretending that the item's history has disappeared.

Question 15 - Due impartiality across editorially linked items

Direct position: Agree with qualifications.

Allowing due impartiality to be achieved across a series is both principled and necessary. Long-form investigations, live developments and specialist coverage cannot always contain every significant perspective in each component. The qualification is that a series must be an editorial construction, not a collection assembled retrospectively after a complaint.

Three conditions should apply. The items should be deliberately linked by editorial design; the balance should be achieved within an appropriate period; and the relationship should be signalled in a way that is realistically discoverable from the relevant item. A common tag, subject or search result is not enough on its own. Equally, Ofcom should not require proof that every user encountered every component or insist on equal reach. That would make the series principle unusable online.

Functional discoverability is the better standard. Relevant indicators include a visible series label, reciprocal links, a collection page, a clearly identified follow-up or a stable navigation device. The strength of signalling required should reflect the importance of the subject, the imbalance in the individual item, the time between items and the durability of the earlier presentation.

Where an earlier item remains prominent after later balancing material appears, the BBC should consider adding a proportionate link or note to the earlier item. This is not a requirement to rewrite history. It ensures that reliance on a series remains meaningful when the individual components persist indefinitely.

Question 16 - Guidance for Section Five

Direct position: Agree with qualifications.

Section Five would benefit from substantial but carefully bounded guidance. The binding obligations and definitions should remain in the Code; guidance should explain how they operate in common online settings without creating new liability by example.

Guidance should address:

1. how to identify one online item where a page contains live updates, embedded media, expandable elements or a separately authored component;
2. which changes create a material version and which are merely technical or presentational;
3. how an authored or personal-view item is labelled, attributed and distinguished from the BBC's institutional voice;
4. how editorial linkage differs from topic similarity, automatic tagging and search co-occurrence;
5. what makes a period appropriate, taking account of editorial form, urgency, subject importance and continuing availability;
6. how signalling and functional discoverability can be achieved on articles, live pages, homepages, feeds, apps and BBC-controlled social posts;
7. how due weight differs from equal time, word count, prominence or numerical symmetry;
8. how the higher threshold for major matters of political or industrial controversy and major matters relating to current public policy should be applied consistently;
9. when a correction should be carried into a headline, summary, preview, search description, social post or other materially live BBC-controlled copy;
10. how to assess a fragment that can reasonably be encountered without the context of its source item;
11. how archives, renewed promotion and continuing recommendation should be distinguished; and
12. how reasonable BBC control should be assessed on third-party services.

The examples should show compliant and non-compliant outcomes using closely matched facts. Each should explain why one factor was decisive. This would be more useful than a long checklist and would reduce the risk that examples become rigid safe harbours.

Question 17 - Further points on Section Five

Direct position: Agree with qualifications.

The legal route for correction should be kept source-specific. Draft Rule 5.2 expressly provides that significant mistakes in news should normally be acknowledged and corrected quickly and that corrections should be appropriately signalled. Draft Rule 2.2, by contrast, prohibits materially misleading factual material outside the Section Five news route but does not replicate Rule 5.2's express correction wording. The BBC may also remediate voluntarily, and Ofcom's separate sanctions/remedies powers may support a correction, statement of findings or link where legally available.

As an implementation principle, a significant correction should be effective where the inaccurate impression remains materially live at BBC-controlled distribution points. That may require changing a

headline, summary, excerpt or social post as well as the source item, but the legal basis should be identified in each case: Rule 5.2 for significant news mistakes, Rule 2.2 for materially misleading non-news factual material, voluntary BBC remediation, or a lawful Ofcom remedy. Not every refinement requires formal correction across every distribution point.

Personal-view and authored items also require clarity. Attribution can inform audience expectation but does not remove the BBC's responsibility for hosting or publishing the material. The Code should preserve room for distinctive, challenging voices while requiring the nature of the item to be clear and preventing a labelled opinion format from being used to avoid rules that otherwise apply.

The treatment of politicians should avoid two opposite errors. Their contribution does not automatically become the BBC's view, but repetition, framing and absence of material challenge can affect the overall item. Assessment should remain contextual and should not create a numerical rebuttal requirement.

Finally, Ofcom should apply the category of major matters with discipline. The heightened impartiality obligation is justified for matters of exceptional public significance, but it should not be extended merely because a subject is contentious or politically criticised. Predictable criteria in guidance will protect both audiences and editorial freedom.

Question 18 - Overall approach to Section Six

Direct position: Agree with qualifications.

Adapting the established election and referendum principles to online material is appropriate. The public interest is especially strong during regulated election periods, while online pages and posts can remain available across several elections, serve several nations or localities and move between passive archive and active promotion.

The final framework should distinguish four states: ordinary archival availability; a substantive update; deliberate BBC recirculation or renewed prominence; and third-party or organic renewed attention. Only the first three are editorial states within BBC responsibility, and they do not have identical consequences. An old item that is merely accessible should not automatically be judged as new election-period output. If the BBC selects it for a current election feed, reposts it or materially refreshes it, the current context becomes relevant.

Rolling live pages require particular care. The regulated item can span hours or days, while users enter at different points. Due weight should be assessed over an appropriate period and with attention to the structure and persistence of the page, not solely to the order of individual updates. Material corrections or candidate clarifications should be attached where they remain practically useful.

Multi-nation and local coverage also requires sensitivity. A contribution that is relevant in one electoral area should not be treated as nationally representative without clear framing. At the same time, online accessibility across the UK should not turn every local item into a UK-wide balance exercise.

Question 19 - Guidance for Section Six

Direct position: Agree with qualifications.

Guidance should give practical treatment to:

1. the start and end of the relevant election or referendum period, including material published or updated at the transition;
2. the evidence used to assess due weight, such as editorial plans, significant item groupings and the nature of contributions, without imposing mechanical counting;
3. passive archives, deliberate recirculation, homepage placement, feed inclusion, search presentation and BBC-controlled social reposting;
4. rolling pages, election hubs and explainers that change throughout a campaign;
5. candidate contributions, interviews and embedded material, including clear identification of status and constituency or electoral relevance;
6. personalisation and recommendation where the BBC controls the editorial settings, and the boundary where it does not;
7. national, devolved and local contests occurring at the same time;
8. treatment of independent candidates and significant viewpoints without reducing due weight to equal numerical treatment;
9. polling-day changes and restrictions, including the difference between an unchanged archive and a newly selected or refreshed item; and
10. retention of proportionate records sufficient to explain editorial treatment after the event.

The guidance should align with current electoral law and Ofcom's standards role without suggesting that the Code replaces statutory restrictions. It should also explain how a later correction or clarification is made visible when an election item continues to circulate.

Question 20 - Further points on Section Six

Direct position: Agree with qualifications.

The omission of Broadcasting Code Rules 6.8 to 6.12 should be assessed against the existing statutory election architecture rather than characterised as reliance on merely internal BBC guidance. Section 93 of the Representation of the People Act 1983 requires broadcasting authorities, including the BBC, to adopt a candidate-participation code for relevant services, and Ofcom records that the BBC's 2026 'Fairness to Candidates - Code of Practice' is already applied to its online material. Ofcom is not itself required by section 93 to adopt an equivalent code for BBC online material, although the consultation states that it could include equivalent online rules under the section 319/320 standards objectives.

There may still be a case for an Ofcom-enforceable online backstop, but it should be demonstrated rather than assumed. Ofcom should test whether the BBC's statutory section 93 code, the proposed Section Six rules and Ofcom's existing enforcement architecture leave a material protection or accountability gap for constituency or electoral-area online coverage. If such a gap is evidenced, a concise rule requiring due weight to candidates and relevant electoral interests could be justified; if not, duplicating the BBC's statutory code would add regulatory burden without clear benefit.

Any additional Ofcom rule should remain outcome focused. It should not require every item to mention every candidate or create equal-appearance quotas. Its purpose would be to address a demonstrated

online enforceability gap while respecting the BBC's statutory section 93 code, editorial judgement and the distinction between reporting a campaign event and presenting an electoral-area overview.

Question 21 - Application of the Fairness Code

Direct position: Agree with qualifications.

Applying Sections Seven and Eight to relevant BBC online material is justified, but the legal source should be stated precisely. Schedule 3 paragraph 3A(5) of the Updated Framework Agreement makes observance of the Fairness Code binding so far as Ofcom determines the standards are relevant; Sections Seven and Eight of the Broadcasting Code are the operative Fairness Code. The Broadcasting Act 1996 Part 5 criteria do not simply become a freestanding statutory online complaints regime. Ofcom's proposed online Procedure instead says that it will have regard to those statutory duties and criteria so far as relevant when considering and adjudicating online Fairness and Privacy complaints.

That distinction supports, rather than weakens, the proposed direct-to-Ofcom route and the use of concepts such as the person affected and the Entertainment Decision. It keeps the binding content obligation, the adapted procedural framework and the underlying broadcast statute in their correct legal roles.

The act of obtaining material should retain a meaningful connection to editorial conduct. The Code should address how information was secured, the representations made, the purpose understood by the contributor and any material later change of use. It should not imply that every fact lawfully available to a journalist was obtained under a continuing personal consent regime.

Consent should be specific enough to be informed but capable of operating in real journalism. Relevant dimensions include purpose, format, subject, expected prominence, identity protection, future reuse and any material alteration of context. A change from a limited background contribution to an attributed article, or from a short-lived item to renewed prominent use for a different purpose, may require fresh consideration. Mere continuing availability of the same item does not automatically require renewed consent.

Vulnerability should trigger care, explanation and appropriate support; it should not be treated as automatic incapacity. The person's own agency, understanding and circumstances remain central. Where another person is authorised to act, Ofcom should distinguish support, legal authority and a third party's separate interests.

Online persistence affects both privacy and remedy. A finding may need to address search presentation, BBC-controlled extracts and continuing republication, while recognising that third-party copies and caches may lie outside reasonable BBC control. The Article 8 and Article 10 balance must remain fact sensitive and should be stated in the reasons, including the public-interest value of the material and the practical effect of the proposed remedy.

Question 22 - Content-standards investigation procedure

Direct position: Agree with qualifications.

Alignment with the Broadcasting Code procedure provides a familiar and proportionate starting point. The BBC First requirement for content-standards complaints is consistent with the Framework Agreement, including the ordinary requirement that the complaint is first made to the BBC within 30 working days of first posting, provided that Ofcom preserves the stated exceptions and does not apply the requirement to Fairness and Privacy complaints.

The online procedure should add safeguards in five areas.

First, a complaint and any preliminary view should identify the online item, material version, relevant component, location and approximate time of encounter. A URL alone may be insufficient for a changing page. Secondly, the BBC should preserve proportionate evidence of material versions, amendments, relevant distribution copies and correction actions once a complaint or reasonably foreseeable issue arises. This should not become a duty to preserve every technical edit.

Thirdly, urgent handling should be available where continuing prominence creates a serious and readily preventable risk, while respecting the BBC's opportunity to make representations. An interim request to preserve evidence or clarify a warning is different from a final finding and should be described as such.

Fourthly, extensions should be reasoned, time limited and communicated. The procedure should explain when complexity, volume, accessibility needs or parallel proceedings justify more time. Fifthly, closure decisions and published outcomes should identify the decisive rule and version so that the online bulletin develops into useful, searchable precedent. Ofcom should also publish the methodology and aggregate findings of its annual representative-sample review of relevant BBC-resolved complaints, while protecting complainant information.

The draft timetable should be tested as part of implementation capacity. The content-standards Procedure aims to complete initial assessment within 15 working days and cases taken forward for investigation within 50 working days, with 10 working days normally allowed for the BBC's representations on the investigation and again on the Preliminary View. The sanctions Procedure separately aims to conclude sanction consideration within 60 working days after a breach is recorded. These are useful service targets, but urgent expedition, accessibility needs and genuinely complex evidence should be handled through transparent departures or extensions rather than by allowing the targets to distort procedural fairness.

Exceptional circumstances should include genuine barriers to access or communication, delayed discovery of a material change, incapacity and a reasonable inability to complete the BBC process. They should not become a routine way to bypass BBC First.

Question 23 - Meaning of first posted

Direct position: Agree with qualifications.

The proposed interpretation needs a more exact material-change rule. The original posting date should remain the default. A later change should restart time only where it creates a materially new content state, materially changes the item's meaning or effect, or deliberately gives the item materially new editorial prominence. The consequence should ordinarily be limited to the changed issue rather than reopening every aspect of the item.

The final procedure should distinguish:

1. technical, typographical and layout changes, which do not restart time;
2. factual or editorial additions that do not affect the complained-of issue, which restart time only for the new matter if material;
3. a correction or clarification, which may create a new complaint point about the correction but should not automatically revive unrelated historic allegations;
4. an amendment that changes the overall meaning or fairness of the item, which may justify treating the whole materially revised state as newly posted;
5. deliberate BBC reposting, renewed homepage placement or inclusion in a current campaign collection, which may restart time for issues arising from that renewed presentation; and
6. organic popularity, external linking or autonomous platform recommendation, which should not restart time without a relevant BBC editorial act.

A change in prominence should be assessed by reference to BBC conduct and the actual editorial presentation, not simply audience numbers. The BBC should keep a proportionate record of material amendments and significant renewed promotion so that neither complainants nor Ofcom must reconstruct the history from incomplete screenshots.

The procedure should also state how continuing or rolling items are treated. A new update can be timely while an unchanged earlier entry remains outside the ordinary period, unless the later editorial structure materially re-presents that entry. This preserves finality without creating immunity for genuinely new publication decisions.

Question 24 - Fairness and Privacy procedure

Direct position: Agree with qualifications.

Alignment with the established Fairness Code procedure is appropriate, but the final text should preserve the direct-to-Ofcom route. A complainant may choose to approach the BBC first, but that voluntary step should not be converted into a mandatory exhaustion requirement.

Online-specific provisions should address standing and authorisation while preserving the procedural character of the adapted Part 5 concepts. Ofcom should explain how applications may be brought for a child, a person requiring support, a person who has died or an organisation, while keeping the proposed 'person affected' test at the centre of the online Procedure. Vulnerability should not displace the affected person's wishes or capacity without an adequate basis.

The proposed Procedure already supplies a substantial timing architecture and the final response should build on it rather than imply that the position is unspecified. Direct Fairness/Privacy complaints should ordinarily be made within the 30-working-day reasonable-time benchmark from first posting. If a complainant voluntarily uses the BBC route first, the draft says they should normally wait for the BBC's final response and then refer the matter to Ofcom within 20 working days; where that route is used, the BBC is expected to retain the relevant online material and related material for at least 90 working days from the point at which it may reasonably expect the complainant to have received the final response. The remaining clarification should focus on material changes, exceptional circumstances, accessibility barriers and the unresolved commencement issue.

Once a Fairness/Privacy complaint reaches Ofcom, the draft aims to make the Entertainment Decision within 25 working days after receipt of the complaint and any further information requested; if entertained, the BBC is normally given 20 working days for its substantive statement, the complainant and BBC are each given 10 working days in sequence to respond to the Preliminary View, and Ofcom aims to complete adjudication within 90 working days of entertainment. Those clocks should be included in resource and accessibility planning and should remain subject to fair extension where the case requires it.

The treatment of material around commencement is presently uncertain because the consultation's publication sequence and the 2 July effective-date wording in the draft Procedures are difficult to reconcile. The final Procedure should therefore state expressly how pre-commencement material, post-commencement material, material changed after either relevant date and complaints already in the older Online Arrangement are handled. Pre-commencement material may be relevant context for a complaint that is within the new regime, but the response should not assume the operative commencement date before Ofcom resolves the source conflict.

Disclosure should be sufficient to permit a fair response while protecting confidential journalistic material, personal information and vulnerable contributors. Any non-disclosure should be justified and its effect on the fairness of the process considered. Written determination should remain the norm, with an oral hearing or meeting available exceptionally where it is necessary to resolve a material issue fairly.

Published adjudications should identify the relevant item and version without unnecessarily repeating private information. The remedy should address the practical online impact and should be no more intrusive than necessary to secure the purpose of the Fairness Code.

Question 25 - Common sanctions procedure

Direct position: Agree with qualifications.

Using the existing BBC sanctions procedure as the common procedural framework is efficient and supports consistency. The amendments should nevertheless make the regulated online object explicit at each stage. A preliminary view, notice, representation and final decision should identify the item, version, relevant BBC-controlled copy and conduct in issue.

The procedure should preserve a clear sequence: breach finding; assessment of seriousness and whether formal sanction is appropriate; notice of the proposed sanction and reasons; a fair opportunity for representations; and a reasoned final decision. Urgent protective action should not collapse the distinction between interim steps and final sanction.

Where the item has changed or been removed before sanction, that fact should inform seriousness, persistence, deterrence and remedy but should not automatically extinguish a finding about an earlier version. Equally, removal should not be required merely to make a sanction visible if a correction, notice or other less intrusive measure would be effective.

Final decisions should explain how the sanction relates to the BBC's editorial independence, the public interest, prior relevant compliance, recurrence, steps taken to remedy the issue and the audience effect. This will make the common procedure genuinely consistent rather than merely textually similar.

Question 26 - Types of sanction and online remedies

Direct position: Agree with qualifications.

The proposed online remedies form a suitable range: directions to correct, provide a statement or link, restrict access, remove material or prevent specified future inclusion; undertakings; and, where the legal threshold and procedure are met, a financial penalty. The final text should make selection and scope precise.

Ofcom should choose the least intrusive measure that is likely to be effective. Relevant factors include seriousness, duration, continuing prominence, audience impact, editorial purpose, whether the breach was repeated, deliberate or reckless, the quality and speed of voluntary remediation, and whether the same problem remains at other BBC-controlled distribution points.

A direction should state:

1. the item and material version to which it relates;
2. the BBC-controlled locations, accounts or copies within scope;
3. the outcome required and the compliance period;
4. the treatment of substantially identical reposts or continuing dynamic pages;
5. any evidence or confirmation required; and
6. the technical and legal limits of BBC control over third-party caching, copying or autonomous recommendation, without treating those limits as an exemption for the underlying BBC-posted material.

The expression preventing an item from being included on a future occasion is potentially ambiguous for a continuously updated page. It should be recast in terms of identified prohibited conduct or materially equivalent content, with sufficient precision to permit compliance and representations. It should not amount to a general prior restraint on a subject.

Correction, labelling and a prominent link to a finding will often preserve the public record better than deletion. Access restriction or removal may be justified where a continuing harm cannot be remedied adequately by context or correction. Ofcom should explain why the selected outcome is necessary and how long any continuing restriction should last.

The statutory maximum financial penalty is unchanged by this consultation and remains £250,000 under section 198(5) of the Communications Act 2003. Its availability should not make it the default. The existing seriousness framework - including serious, deliberate, repeated or reckless conduct - should be applied transparently, with full representations and a reasoned proportionality assessment.

Question 27 - Impact, rights and equality assessments

Direct position: Agree with qualifications.

The assessments identify the principal benefits and rights, but the evidential and implementation analysis should be strengthened before the final statement.

Impact assessment

The benefits are plausible: a single enforceable minimum can improve accountability, remedy and public confidence while reducing uncertainty about Ofcom's role. Familiarity with the Broadcasting Code and the BBC's existing Editorial Guidelines should reduce some substantive learning costs.

Those existing mechanisms do not remove the incremental costs of enforceability. The BBC will need proportionate systems for material-version records, scope and platform mapping, evidence preservation, complaint routing, training, Welsh and accessible channels, governance, assurance, correction propagation, sanction response and monitoring. Ofcom will need staff capability, intake design, precedent publication and quality assurance across mixed media and changing items.

Historic complaint volumes under an opinion-based and less visible arrangement are not a reliable central forecast for a new enforceable regime. Ofcom should publish a low, central and high implementation range, distinguish set-up from recurring cost, and monitor complaint volume, admissibility, resolution time, BBC First outcomes, version disputes, urgent cases and remedy effectiveness during at least the first two years.

The final assessment should also test indirect effects. Overly uncertain rules may encourage removal or defensive editorial decisions; under-specified duties may leave users without effective remedy. Good guidance, triage and a materiality threshold reduce both risks.

Rights assessment

The relevant balance includes freedom of expression, privacy, freedom of thought, conscience and religion, non-discrimination, procedural fairness and the audience interests served by accurate and appropriately impartial public-service material. Editorial independence is not an exemption from standards; it is a reason to keep rules foreseeable and remedies proportionate.

The final assessment should map the most intrusive powers - particularly removal, access restriction and restrictions on future inclusion - to necessity, less intrusive alternatives, duration, practical control and representations. That analysis should expressly connect Article 10 with section 3(4)(g) of the Communications Act 2003, which requires Ofcom to have regard to the need to apply standards in the manner best guaranteeing an appropriate level of freedom of expression. It should also address how short fragments, personal data, confidential sources and published adjudications affect Articles 8 and 10.

Legal certainty depends on the final division between Code, guidance and procedure. Core liability and the regulated object belong in the Code; application factors normally belong in guidance; timing, evidence and due process belong in procedure. This allocation should be part of the rights analysis, not treated as a drafting detail.

Equality assessment

The equality assessment should address the practical operation of the regime, not only the content of the standards. Protection of under-eighteens can interact with disability, privacy, digital exclusion and access to public-interest information. Age assurance or warning design may have different effects on people who lack conventional identity documents, use assistive technology or share devices.

Complaint and remedy systems should be usable by disabled people and by people requiring language or communication support. Guidance on religion, hate speech and abusive treatment should be tested for equal application to minority religions, racial groups and non-religious beliefs. The assessment should include the public sector equality duty and the distinct Northern Ireland equality framework where applicable.

Ofcom should publish measurable mitigations: accessible formats, alternative complaint channels, response-time monitoring, user testing, equality data collected proportionately, periodic review of warnings and access measures, and a process for identifying unintended exclusion. A post-implementation review should report outcomes rather than merely the number of documents translated or staff trained.

Question 28 - Welsh-language effects

Direct position: Agree with qualifications.

The proposals can have positive effects on opportunities to use Welsh and on treating Welsh no less favourably than English. Ofcom already states that the Code and associated procedures will be published in Welsh and English, that Welsh users can complain to Ofcom in Welsh, and that those arrangements will continue under the enhanced remit. The recommendations below are therefore proposed operational enhancements to those existing commitments and standards, not assertions that every output is already subject to an identical legal publication duty.

Building on the existing commitments, I recommend that guidance, complaint forms, procedural explanations, accessibility information and material updates are made available in Welsh and English on an equivalent timetable where relevant. Users should be able to submit and pursue a complaint in Welsh without delay or a reduced service standard. Correspondence, preliminary views where shared with a Welsh-speaking complainant, published decisions and material sanction notices should be available in Welsh where the applicable standards and operational context require or support that treatment.

Searchable precedent is part of meaningful access. Welsh users should be able to find and understand decisions affecting Welsh-language BBC material without relying on an English-only index. Terminology should be consistent across the Code, guidance and forms, with specialist quality assurance rather than literal translation alone.

Ofcom should monitor comparative waiting times, abandonment, requests for alternative formats, user satisfaction and the availability of Welsh decisions. It should consult Welsh-language users and relevant organisations when testing the service. Where an urgent case is submitted in Welsh, the need for translation should not postpone proportionate protective action.

The final Welsh-language assessment should therefore commit to equivalent process, timeliness, accessibility and precedent, not only equal publication. With those qualifications, the new regime should strengthen practical opportunities to use Welsh.

4. Commencement, transition and current-reference control

The final instruments should resolve an apparent current-reference conflict rather than assume that one source already controls. Each of the three consultation Procedures states that it is effective from 2 July 2026, and the content-standards and Fairness/Privacy Procedures describe that date as the Commencement Date. Clause 57(8) of the Updated Framework Agreement defines the complaints commencement date as the date on which Ofcom publishes the first procedure under clause 57 making provision for handling and resolving UK Public Online Material complaints; clause 60(4) then uses that commencement date to divide the old and new online-material regimes.

At the same time, the consultation says that Ofcom will consider responses and then publish a final statement, Code and Procedures, while Schedule 3 paragraph 3A(6)-(8) requires consultation before the standards are set and provides that the BBC must observe those standards for UK Public Online Material posted from the date the final Code is published. On the official materials presently available, that creates a genuine question whether the 2 July Procedure wording was intended to trigger complaint commencement before final Code publication, is draft wording carried into consultation instruments, or reflects some other transition design. The response should not decide that question unilaterally.

Ofcom should therefore state clearly, in the final statement and instruments:

1. the date on which the BBC becomes responsible for complying with the standards in the final Code under Schedule 3 paragraph 3A(8);
2. the date that Ofcom treats as the clause 57(8) complaints commencement date for BBC First content-standards complaints and the online Fairness/Privacy procedure;
3. whether the standards-publication date and complaints commencement date are identical and, if not, the legal and practical reason for the gap;
4. how complaints about material first posted between 2 July 2026 and final Code publication are treated under each route;
5. how complaints already pending under the older BBC/Ofcom Online Arrangement at the operative transition point are preserved, transferred or completed;
6. how a materially changed, corrected, reposted or deliberately re-presented item is treated where the original posting and the material change fall on opposite sides of either relevant date;
7. whether unchanged material from before the operative date may be taken into account as context, and the limits on treating that older material as an independent basis for a new-Code finding;
8. the version of the Code, Procedure and guidance applicable to each material event, together with the location of any superseded instrument, correction notice or transition statement.

A short transition table should map at least four dates or states: material first posted before 2 July; material first posted from 2 July but before final Code publication; material posted after final Code publication; and material whose content or prominence is materially changed after either date. The table should identify the complaint route, substantive standards applicable, treatment of pending complaints, and whether earlier material may be considered as context. Until Ofcom provides that clarification, these should be framed as transition questions rather than asserted legal outcomes.

The final publication set should also use one defined legal term for material in scope, one consistent short form and clean consolidated versions of the instruments. This is not a technical matter only. Clear

transition treatment protects complainants, the BBC and Ofcom from avoidable disputes about retrospectivity, jurisdiction, applicable standards, time limits and evidence preservation.

5. Consolidated recommendations

Ofcom should, before final publication:

1. retain the six-section Code architecture and the adapted Fairness Code, subject to the qualifications in this response;
2. define the relationship between an online item, a material version, its components and materially live distribution copies;
3. place core liability and regulated-object rules in the Code, procedural rules in the Procedures, and contextual indicators and examples in guidance;
4. distinguish Code scope from platform control: keep BBC-posted in-scope material subject to the Code while using reasonable control for attribution of separate distribution acts, contextual assessment, available mitigation and the feasible scope of directions;
5. keep protection of under-eighteens outcome based and reject universal age assurance as a default for public-interest material;
6. publish a structured protection-of-under-eighteens matrix addressing seriousness, likelihood, age, encounter, public interest, control, effectiveness, intrusion, privacy, accessibility and evidence;
7. distinguish passive archive, material update, deliberate BBC recirculation, organic renewed interest and autonomous third-party resurfacing;
8. ensure that BBC-selected fragments do not materially reverse the context or editorial purpose of their source item;
9. preserve reporting, investigation, quotation, criticism and documentary functions without enlarging prohibitions through guidance;
10. apply the full religious-online-item definition, including the independent 'significant part' limb, and protect robust criticism, satire and public-interest reporting through contextual application rather than by narrowing scope in guidance;
11. require deliberate editorial linkage, an appropriate period and functional discoverability before balance elsewhere in a series is relied upon;
12. explain due weight without numerical symmetry and apply the major-matters threshold predictably;
13. require effective correction at materially live BBC-controlled points where a significant mistake continues to be conveyed;
14. publish detailed but non-prescriptive Section Five guidance on items, versions, linkage, signalling, corrections, fragments and control;
15. distinguish archival availability from current election-period promotion and address rolling pages and overlapping electoral areas;
16. acknowledge the BBC's statutory section 93 candidate code and assess whether a separate Ofcom-enforceable online due-weight backstop is necessary and proportionate before adding one;
17. bound the wider concept of obtaining material by editorial conduct, representations, purpose and context;

18. assess consent across material changes of purpose, format, identification and reuse without equating vulnerability with incapacity;
19. preserve BBC First for content standards, the direct Ofcom route for Fairness and Privacy, accessible exceptions and extensions, and transparent representative-sample oversight;
20. restart complaint time only for a material new state or deliberate material re-presentation and ordinarily only for the affected issue;
21. require proportionate preservation of material versions and relevant correction or distribution evidence, not every technical edit;
22. identify the item, version, copy, required outcome, period and practical control/feasibility boundary in any online direction;
23. select the least intrusive effective remedy and give full reasons where removal, access restriction or future-publication limits are used;
24. replace the ambiguous future-inclusion wording with a precise description of prohibited conduct or materially equivalent content;
25. strengthen the impact assessment with implementation ranges, complaint-volume sensitivity, recurring costs and a two-year monitoring programme;
26. map intrusive powers and the Code-guidance-procedure allocation expressly in the rights assessment;
27. extend the equality assessment to accessibility, digital exclusion, under-eighteen protections and the Northern Ireland framework;
28. build on Ofcom's existing bilingual publication and Welsh-complaint commitments with proportionate operational parity in guidance, timeliness, material decisions, searchable precedent and accessible formats;

publish a mixed-service routing decision tree for pages or posts that combine BBC online material with broadcast/ODPS, World Service, dissociable third-party or linked external material, including when parallel investigations may proceed;

publish the principal procedural service clocks and extension/expedition rules in one accessible implementation table, so resource planning, evidence retention and complainant expectations are aligned across content, Fairness/Privacy and sanction routes;

29. resolve expressly the conflict between the 2 July effective-date wording, clause 57(8)/clause 60(4), the consultation's final-publication narrative and Schedule 3 paragraph 3A(6)-(8), with a transition table covering pending and between-date complaints;
30. publish clean consolidated instruments, a correction/version notice and stable links alongside the final statement.

Annex A - Allocation of requirements

Issue	Binding Code	Ofcom procedure	Ofcom guidance	BBC implementation
Regulated object	Define online item, material version and core component rules	Require identification of item, version and relevant copy	Provide boundary examples	Maintain stable identifiers and proportionate material-change records
Platform control	Keep BBC-posted in-scope material subject to the Code; do not create a general platform-control defence	Take evidence on attribution, encounter, available steps and the feasible scope of directions	Illustrate BBC-controlled acts, autonomous platform acts and evidence capable of distinguishing them	Retain official-account settings, paid/curated promotion and repost history where proportionate; do not demand inaccessible platform data
Under-eighteens	State the protection outcome	Support urgent and accessible handling	Publish the proportionality and measure-selection matrix	Document suitable warnings, controls, review and accessibility testing
Harm and offence	Retain core outcome rules	Identify the complained-of version and issue	Group and explain contextual factors	Record material editorial rationale where risk is appreciable
Accuracy and correction	Keep Rule 5.2 news correction duty distinct from Rule 2.2 non-news material-misleading prohibition	Identify the legal route for any correction, finding, link or other remedy	Explain effective remediation across materially live BBC-controlled copies without implying one correction duty for all factual material	Maintain correction and distribution records proportionate to significance

Issue	Binding Code	Ofcom procedure	Ofcom guidance	BBC implementation
Impartiality across a series	Require deliberate linkage, appropriate period and adequate signalling	Allow evidence of the asserted series	Explain functional discoverability by format	Preserve series labels, links and editorial planning evidence
Elections	Retain Section Six duties; add any electoral-area backstop only after accounting for the BBC's statutory s.93 code	Provide timely handling during election periods	Cover archives, promotion, rolling pages, multiple contests and interaction with the BBC s.93 code	Maintain election-period plans and proportionate due-weight / s.93 compliance evidence
Fairness and Privacy	Preserve para 3A(5) Fairness Code obligation and adapted Sections Seven/Eight	Use Part 5 criteria as adapted procedural reference so far as relevant; preserve direct access, standing and fair adjudication	Explain purpose, format, reuse, persistence, vulnerability and the limits of adapted Part 5 concepts	Retain relevant consent, representation and publication records securely
Complaint timing	Preserve only any rule essential to liability	Define first posting, material change, renewed prominence and transition	Provide closely matched examples	Log material amendments and significant BBC-controlled re-promotion
Sanctions	Identify the available powers by lawful authority	Protect representations and define the sanction object	Explain proportionality factors	Demonstrate compliance across affected BBC-controlled locations
Equality and Welsh	State any necessary access principle	Provide equivalent routes and reasonable adjustments	Publish accessible bilingual explanations	Deliver bilingual, accessible complaint and evidence processes

Issue	Binding Code	Ofcom procedure	Ofcom guidance	BBC implementation
Commencement	Do not assume the operative date; identify standards publication under para 3A(8)	Resolve clause 57(8)/60(4) against the 2 July wording and publish transition treatment	Explain routes for pending, between-date and materially changed items	Train staff and preserve evidence according to the clarified transition table
Mixed-service routing	Keep scope definitions/exclusions component-specific	Allow parallel Code routes where the same or substantially same issue spans online and broadcast/ODPS material	Publish a routing decision tree for embedded, cross-posted, dissociable and linked material	Record primary regime, parallel regime and the evidence object for each component

Annex B - Practical application scenarios

These scenarios are deliberately concise. They are intended to expose classification, lifecycle and remedy questions; they are not proposed safe harbours or substitutes for assessment of the complete facts.

Scope, item identity and control

Scenario 1 - Article with embedded BBC media

A BBC news page contains text and an embedded BBC-produced clip that contributes directly to the account. The page and clip should normally be assessed as components of one item for overall effect, while a material defect confined to the clip can still be identified precisely.

Scenario 2 - Separately linked analysis

A report links to a separately presented analysis with its own title, author and URL. The editorial act and clarity of the link are part of the report, but the two items should not be collapsed automatically into one object merely because they concern the same subject.

Scenario 3 - External destination changes

A BBC item links clearly to an independent source whose page later changes without the BBC's knowledge or control. The BBC remains responsible for the editorial choice and framing of the link, not automatically for every later version of the external page; review may nevertheless be appropriate after notice.

Scenario 4 - Official social excerpt

An official BBC account posts an excerpt, caption and thumbnail linking to a complete report. Those selected elements are within BBC editorial control and should be assessed as an online item or distribution copy capable of conveying a materially different impression from the destination.

Scenario 5 - Autonomous ranking

A third-party service recommends an unchanged BBC post because of its own ranking system. Recommendation alone should not be attributed to the BBC, although the BBC remains responsible for the post and for any account setting or renewed action it reasonably controls.

Scenario 6 - Staff personal account

A BBC employee posts on an account that is genuinely personal, not BBC-branded and not used to deliver a UK Public Service. The account is outside the defined material merely because of employment status, unless the BBC later adopts or reposts the contribution through an in-scope channel.

Scenario 7 - Rolling page boundary

A live page receives many updates, some with separate media and headings. It remains one presented item, but the BBC should preserve material states and Ofcom should identify the relevant entry and version rather than treating every technical refresh as a new publication.

Scenario 8 - Dissociable third-party section

A BBC page displays a clearly separated third-party module controlled and updated by another provider. The module may fall outside scope where it is genuinely dissociable, but the BBC remains responsible for how it selects, labels and integrates the module into its own presentation.

Protection of under-eighteens

Scenario 9 - Public-interest report with warning

A report of strong public importance contains material unsuitable for younger users but can be understood without encountering it immediately. A clear warning, careful preview and user choice may be more proportionate than a universal identity check that would exclude users from the whole report.

Scenario 10 - Preview bypasses protection

The source item uses a suitable protective measure, but an official social preview reveals the very material the measure is meant to place behind user choice. The protection is ineffective at that distribution point and should be assessed there.

Scenario 11 - Educational context

A learning resource for older pupils addresses a sensitive historical subject in a carefully framed and age-appropriate way. Educational value, likely age, teacher or parent mediation and presentation all matter; subject matter alone should not determine the outcome.

Scenario 12 - Mixed-age homepage

A general-audience homepage promotes an item likely to be unsuitable for younger users using a neutral title and image. The low-detail promotion and a clear warning at the point of entry may provide adequate protection where the underlying material is not exposed before the choice.

Scenario 13 - Accessibility conflict

A warning or age measure cannot be operated reliably with common assistive technology. Even if protective in theory, it is not a suitable measure without an accessible equivalent and may create unjustified exclusion.

Scenario 14 - Material update

An initially suitable article is later updated with substantially more sensitive media. The earlier protection decision should be reviewed against the new version, and materially live previews should be checked rather than assuming the original assessment still applies.

Scenario 15 - Young contributor

A young person contributes to an item with support and a clear explanation of use. The BBC should consider welfare, identification risk, likely persistence and later repromotion while preserving the young person's agency and not treating age alone as incapacity.

Harm, offence, accuracy and correction

Scenario 16 - Passive historic item

An old item remains searchable, its date and historic context are clear, and the BBC has not promoted it again. Age can inform context, but it cannot excuse a continuing serious defect that is apparent and readily correctable.

Scenario 17 - Renewed BBC promotion

The BBC places the same historic item in a prominent current collection without adding context about later developments. The deliberate renewed presentation is relevant and may require a note, link or other proportionate update.

Scenario 18 - Organic renewed interest

An unchanged archive page attracts attention after an external event, without BBC action. Audience interest alone does not create a new posting date, although notice of a significant continuing mistake may still engage the correction obligation.

Scenario 19 - Significant headline mistake

A material factual error appears in both the headline and body. Correcting the body while leaving the BBC-controlled headline, search description and social post unchanged is unlikely to correct the significant mistake effectively.

Scenario 20 - Immaterial refinement

An editor improves wording without changing any fact, meaning or assessment. The change need not be preserved as a regulatory version and should not restart complaint time.

Scenario 21 - Developing event

An early report is accurate on the information then available and is clearly marked as developing. Later facts differ. Updating the item may be good practice, but the later development does not itself prove that the earlier version was unduly inaccurate.

Scenario 22 - Correction changes the dispute

A correction resolves the original significant mistake but introduces a different material assertion. A complaint about the new assertion may be timely from that version; unrelated aspects of the original item should not automatically reopen.

Unlawful conduct, hate speech and religion

Scenario 23 - Critical reporting of unlawful advocacy

A report quotes a short statement to explain and scrutinise unlawful advocacy, with clear attribution and nearby challenge. The editorial purpose and context can distinguish reporting from endorsement, subject to assessment of the BBC-controlled excerpt as encountered.

Scenario 24 - Context lost in a clip

A complete interview contains effective challenge, but an official short clip removes that context and presents the statement alone. Ofcom should assess the distributed clip and should not assume that users encountered the full interview.

Scenario 25 - Historic documentary extract

An archive documentary includes contested language to document past attitudes and is clearly framed. Age, purpose, attribution and explanation can justify inclusion, but a newly promoted extract may require context that was supplied only elsewhere in the original programme.

Scenario 26 - Repetition changes effect

Several individually contextualised posts repeat the same hostile claim in quick succession on an official account. Ofcom may consider the cumulative BBC-controlled presentation while still identifying which item or grouping supports the finding.

Scenario 27 - Religious testimony

A contributor describes a personal religious experience and the item makes clear that it is testimony rather than an established factual guarantee. The Code should preserve the account while considering whether the presentation improperly exploits audience susceptibility.

Scenario 28 - Investigation of a religious institution

An investigation robustly challenges the conduct and claims of a religious institution. If religion is the central subject or a significant part of the item, Section Four may apply even though the item is investigative rather than devotional. That classification does not make robust criticism, offence or disagreement a breach: the substantive assessment should turn on the actual Rules 4.1-4.3, context, evidence, tone, public interest and Articles 9 and 10.

Due accuracy and due impartiality

Scenario 29 - Genuine linked series

Three reports are visibly labelled as parts of one investigation, link to each other and are published over a clearly explained period. Due impartiality can be assessed across the series if significant perspectives receive due weight within that arrangement.

Scenario 30 - Retrospective topic collection

After a complaint, the BBC identifies unrelated articles sharing a topic tag and calls them a series. Automatic tagging and subject similarity alone do not establish deliberate editorial linkage or adequate signalling.

Scenario 31 - Follow-up not discoverable

A later item supplies an important contrasting perspective but is not linked, labelled or otherwise visible from the persistent earlier item. It may contribute to the service's wider coverage, but should not automatically cure imbalance in an asserted series.

Scenario 32 - Appropriate period

A fast-moving policy decision receives an initial report and a clearly signalled follow-up later the same day. That period may be appropriate for the format, while a comparable gap during a settled, long-form series may require a different assessment.

Scenario 33 - Equal time not required

An item gives more space to one perspective because it is examining the evidence supporting that position, while representing significant opposing views accurately and with due weight. Unequal word count does not by itself establish undue impartiality.

Scenario 34 - Personal-view label

An authored analysis is clearly labelled, attributed and presented as a particular interpretation. The label informs audience expectation but does not excuse a significant factual mistake or remove any applicable impartiality duty.

Scenario 35 - Search fragment

A complete report is accurate, but a BBC-controlled search description preserves an outdated significant claim after correction. The continuing fragment should be corrected where it remains a materially live point of encounter.

Scenario 36 - External personalisation

A third-party platform disproportionately recommends one of several BBC posts despite the BBC using the same available settings for all. The resulting reach may provide context, but should not be attributed automatically to an editorial choice the BBC did not control.

Scenario 37 - Major-matter threshold

A vigorous dispute draws political attention but has limited public-policy significance. Ofcom should apply ordinary due-impartiality principles unless the evidence meets the higher major-matter threshold, rather than treating controversy alone as decisive.

Elections and referendums

Scenario 38 - Archived candidate profile

A clearly dated profile from a previous election remains in the archive and is not promoted. Its accessibility alone should not make it new campaign material, although misleading current labelling would require attention.

Scenario 39 - Profile deliberately recirculated

During a new election period, the BBC reposts the old profile through an official account without explaining that circumstances have changed. The renewed editorial act and current framing should be assessed under the current election context.

Scenario 40 - Constituency overview

An item is presented as an overview of a named constituency but unjustifiably omits a candidate or electoral interest of material relevance. A concise enforceable due-weight principle would provide a clearer backstop than internal guidance alone.

Scenario 41 - Event report

A short report covers one candidate's campaign event and does not purport to review the whole constituency. It need not list every candidate, though framing and any linked election collection should not create a materially misleading impression of the contest.

Scenario 42 - Polling-day transition

A rolling page begins before polling opens and continues after the applicable restrictions change. The BBC should identify the transition, review persistent elements and preserve a material version sufficient to show what was presented during each period.

Fairness and Privacy

Scenario 43 - Changed purpose

A contributor agrees to provide background information without identification, but the proposed item later attributes the account and gives it prominent treatment. The material change of purpose and identification requires fresh consideration and ordinarily renewed informed consent.

Scenario 44 - Same-purpose archive

An interview remains available in the same form, for the same clearly explained purpose, after its original publication. Continuing availability alone does not necessarily require renewed consent, although a later materially different promotion may.

Scenario 45 - Supported contributor

A contributor who requires communication support understands the proposed use and expresses a clear choice with suitable assistance. The process should respect that agency rather than substituting another person's preference merely because support was needed.

Scenario 46 - Private information in a screenshot

An online item uses a screenshot containing unnecessary private details beyond the public-interest purpose. Cropping, obscuring or paraphrasing may achieve the editorial aim with less intrusion and should be considered before publication.

Scenario 47 - Remedy and third-party copies

Ofcom finds an unwarranted privacy intrusion in a BBC item that has been copied elsewhere. A direction can address the BBC page, official posts and reasonable steps within BBC control, but should not guarantee erasure of independent third-party copies.

Complaints, sanctions and access

Scenario 48 - Material update after a complaint period

An old page is materially rewritten to add a new contested assertion. A complaint about that assertion can run from the new version, while unrelated unchanged passages retain their original timing unless the rewrite changes the meaning of the whole item.

Scenario 49 - Precise corrective direction

A significant mistake persists in an article, an official social post and a BBC-controlled preview. A direction identifies those locations, the material versions, the required corrective outcome and the compliance date, leaving the BBC reasonable editorial choice over exact wording.

Scenario 50 - Accessible Welsh complaint

A Welsh-speaking user submits an urgent complaint in Welsh using an accessible format. The route, timing, triage and substantive standard should be equivalent to an English complaint, and any necessary translation should not cause a reduced service or avoidable delay.

Annex C - Complaints, investigation and sanction assurance matrix

The draft procedures contain service targets and response periods that should be treated as part of implementation capacity, not merely drafting detail. They remain subject to the Procedures' extension, expedition and fairness mechanisms.

Route / stage	Draft timing	Assurance significance	Implementation point
Content standards - initial assessment	15 working days aim	Early triage must identify rule, item/version and whether investigation is warranted	Allow expedition for urgent harm and reasoned extension where necessary
Content standards - investigation	50 working days aim	Complex online evidence, mixed services and material changes can make a rigid target unsafe	Track age of case and extension reason; preserve fair representations
Content standards - BBC representations	10 working days on investigation request; 10 working days on Preliminary View	Representation periods must remain meaningful in complex cases	Use accessible extension/departure mechanism where justified
Fairness/Privacy - Entertainment Decision	25 working days aim after complaint and requested information	Standing/person-affected and scope decisions can determine whether the case proceeds	Make information requests early and record the entertained issues precisely
Fairness/Privacy - BBC statement	20 working days	The BBC must understand the entertained case and applicable Fairness Code provisions	Coordinate with evidence retention and confidentiality handling
Fairness/Privacy - Preliminary View representations	10 working days complainant + 10 working days BBC	Sequential rounds protect fairness but can lengthen urgent cases	Use expedition only with clear notice and equal procedural opportunity
Fairness/Privacy - final adjudication	90 working days aim from entertainment	Important for complainant expectations and resource planning	Report extensions and monitor accessibility-related delay separately
Fairness/Privacy -	20 working days to	Existing timing rules	Clarify edge cases

Route / stage	Draft timing	Assurance significance	Implementation point
voluntary BBC route	Ofcom after BBC final response/deadline; BBC material retention at least 90 working days from expected receipt of final response	reduce uncertainty but interact with material changes and commencement	rather than duplicate the rule
Sanction consideration	60 working days aim from recorded breach	Sanction is a separate second-stage process after breach	Preserve the separate 15-working-day written representation period and any oral hearing timetable
Lifecycle stage	**Required control**	**Failure risk**	**Proportionate assurance**
Scope triage	Confirm UK Public Online Material status by component, exclusions, responsible service and any separate BBC-controlled distribution act	Wrong regime applied to mixed material, or autonomous platform conduct confused with BBC editorial conduct	Record scope decision, component route and decisive control evidence; escalate genuinely uncertain mixed-service boundaries
Item identification	Capture stable location, title, component, encounter and material version	A changing URL obscures what was complained about	Use a case identifier, material timestamp and preserved representation where proportionate
Route	Separate BBC First content-standards route from direct Fairness/Privacy route	An unlawful or inaccessible exhaustion requirement	Give clear route information and record the complainant's election
Initial timing	Apply the ordinary period from first posting under the final material-change rule	Minor edits revive all historic issues or genuine new material becomes immune	Classify the change and state which issue, if any, has a new date
Exceptions	Consider exceptional circumstances consistently and accessibly	Rigid exclusion of users facing genuine barriers or arbitrary bypass of BBC First	Publish factors, invite short evidence and give reasons

Route / stage	Draft timing	Assurance significance	Implementation point
Evidence hold	Preserve material versions and relevant distribution/correction evidence after a foreseeable case	Neither party can establish the state assessed	Issue a targeted hold; exclude trivial technical versions and impose retention limits
Urgency	Triage serious, continuing and readily preventable effects	Harm continues during a routine timetable or interim action prejudges the case	Use time-limited preservation or protective steps and preserve representations
Preliminary assessment	Identify rule, facts, version and provisional reasoning	Parties respond to an undefined case or Ofcom expands it late	Give a focused case statement and permit proportionate amendment where new evidence requires it
Disclosure	Share sufficient material for a fair response while protecting legitimate confidentiality	Unfair surprise, unnecessary exposure of private information or journalistic material	Give reasons for non-disclosure and assess whether the process can remain fair
Representations	Provide a real opportunity to address breach and sanction separately within the stated procedural clocks	Liability and remedy are collapsed, or service targets displace procedural fairness	Use stated 10/20/15-day representation periods as applicable, allow accessible extensions and consider material responses expressly
Decision	State authority, rule, version, findings, rights balance and outcome	Unclear precedent and difficulty securing compliance	Publish a reasoned, searchable decision with necessary privacy protections
Voluntary remedy	Credit prompt and effective action without erasing the historic issue	Perverse incentive to delay correction or assumption that removal ends the case	Assess speed, completeness, distribution reach and prevention of recurrence

Route / stage	Draft timing	Assurance significance	Implementation point
Sanction selection	Choose the least intrusive effective lawful measure	Disproportionate removal, ineffective notice or ambiguous future restraint	Compare alternatives and state necessity, scope, duration and control limits
Direction drafting	Identify object, copies, required outcome, deadline and the practical control/feasibility boundary	Impossible compliance, overbroad platform responsibility or dispute about dynamic pages and third-party caches	Use precise conduct- and outcome-based wording; distinguish underlying BBC liability from third-party execution limits
Closure and monitoring	Confirm completion and record systemic learning	Nominal compliance without correction at live distribution points	Verify targeted locations, close the case formally and monitor recurrence proportionately
Publication and Welsh access	Provide accessible, searchable outcomes in both languages where relevant	A nominally public regime that is difficult to use or learn from	Maintain equivalent indexes, formats, timeliness and terminology

Annex D - Discrepancy and drafting ledger

Point	Current source state	Risk if unresolved	Recommended resolution
Effective date in all three draft Procedures	Each consultation Procedure says effective from 2 July 2026; clause 57(8) defines commencement by publication of the first applicable procedure, while the consultation says final Procedures will follow consultation	Uncertain complaint jurisdiction, transition from clause 60, applicable process and retrospectivity	Do not assume the 2 July wording is operative or erroneous; require Ofcom to state expressly whether it triggered clause 57(8) and correct or explain the instruments
Code and complaint commencement	Schedule 3 para 3A(8) ties standards observance to final Code publication; clause 57(8)/60(4) use a procedure-publication commencement date	A gap may exist between complaint commencement and substantive standards, including for material posted between 2 July and final Code publication	Publish a transition table for before-2-July, between-date, post-Code and materially changed material, including pending complaints
Defined material terminology	UK Public Online Material, BBC online material and related formulations appear across the source set	Scope uncertainty and unstable precedent	Define the legal term once and use a consistent short form in all final documents
Annex 3 format	The proposed Fairness Code adaptation is presented through amendment marking	Users may misread retained, inserted or deleted text	Publish a clean consolidated annex alongside any redline and identify the version date
Item, version and first posting	The drafts address online material and first posting without a complete consequence map for material change and prominence	Minor edits revive cases; new material is missed; remedy targets the wrong state	Add the item/version/change taxonomy and identify the timing consequence for the affected issue

Point	Current source state	Risk if unresolved	Recommended resolution
Correction consequences	A correction can remedy a breach, create new content and affect distribution without necessarily resetting the whole item	Complainants and editors cannot predict timing or required propagation	Separate substantive correction, new complaint point, evidence state and timing consequences
Series and signalling	Editorial linkage is proposed, but discoverability and automatic topic associations are not fully distinguished	Balance elsewhere becomes theoretical or an impossible same-audience test reappears	Require deliberate linkage and proportionate functional discoverability; reject topic similarity alone
Archive and active recirculation	Age and availability are contextual, but the editorial lifecycle is not completely specified	Passive archives are over-regulated or deliberate renewed promotion escapes current assessment	Distinguish passive availability, material update, BBC recirculation, organic interest and external recommendation
Third-party control	BBC-branded third-party material is in scope; platform ranking/recommendation may be autonomous	Autonomous distribution is wrongly attributed to the BBC, or lack of platform control is misread as a defence to the BBC's own content	Use control for attribution, context, mitigation and remedy feasibility; keep the underlying BBC-posted material subject to the Code
Future inclusion sanction	Proposed wording can be read broadly when an online page is continuous or re-used	Uncertain prior restraint and unenforceable directions	Identify prohibited conduct or materially equivalent content, the object, period and lawful scope

Point	Current source state	Risk if unresolved	Recommended resolution
Electoral-area minimum	The draft does not transpose Rules 6.8-6.12; the BBC nevertheless has a statutory s.93 candidate code and applies its 2026 code online	Either unnecessary duplication or a real Ofcom-enforcement gap is assumed rather than demonstrated	Assess the statutory BBC code, proposed Section Six rules and enforcement gap before deciding whether an Ofcom online backstop under ss.319/320 is proportionate
Welsh parity	Ofcom already commits to Welsh/English Code and procedure publication and Welsh complaint access; wider operational parity is not all stated as an existing duty	Enhancements are mischaracterised as current legal requirements, or practical Welsh access remains thinner than English access	Separate existing standards/commitments from recommended enhancements and monitor practical equivalence
Religious online item	Draft definition covers religion as the central subject OR as a significant part of the item	Guidance based on principal purpose could narrow a binding limb of the Code	Treat principal purpose as one indicator only; preserve the independent 'significant part' limb and protect speech through contextual application
Fairness/Privacy legal route	Para 3A(5) makes the Fairness Code binding; proposed Procedure says Part 5 Broadcasting Act criteria are used/adapted so far as relevant	Automatic statutory transposition is implied beyond the Updated Framework Agreement	State the binding Fairness Code source and the adapted procedural role of Part 5 separately

Official sources relied upon

All sources below are primary or official sources and were checked as at 20 August 2026. The draft BBC Online Material Code is expressly a consultation proposal. The three consultation Procedures are also published within the consultation package, but each contains wording asserting that it is effective from 2 July 2026; that status is preserved as an unresolved current-reference issue against the consultation's later final-publication narrative and the Updated Framework Agreement. The legislation, Royal Charter and Framework Agreement remain the governing authority; the existing Broadcasting Code is a current comparator for broadcasting rather than the final online Code.

1. Ofcom, Consultation: BBC Online Material Code, including status, deadline, response route and consultation annexes.
2. Ofcom, Consultation: BBC Online Material Code - consultation paper.
3. Ofcom, draft BBC Online Material Code.
4. Ofcom, draft Procedures for investigating breaches of content standards.
5. Ofcom, draft Procedures for the consideration of sanctions for BBC breaches of content standards.
6. Ofcom, draft Procedures for the consideration and adjudication of Fairness and/or Privacy complaints.
7. Department for Culture, Media and Sport, Updates to BBC Framework Agreement: December 2025, especially the amended complaints and Schedule 3 online-material provisions.
8. Department for Culture, Media and Sport, BBC Charter and Framework Agreement collection, including the current Royal Charter and Framework Agreement.
9. BBC Royal Charter, especially editorial independence, complaints and Ofcom enforcement and representation provisions.
10. Communications Act 2003Communications Act 2003, especially section 3 (including section 3(4)(g)), section 198, sections 319 and 320.
11. Communications Act 2003, section 198, including the current maximum BBC financial penalty.
12. Broadcasting Act 1996, especially section 107 and Part V.
13. Human Rights Act 1998, Schedule 1, including Articles 8, 9, 10 and 14.
14. Representation of the People Act 1983, section 66A and section 93.
15. Equality Act 2010, section 149.
16. Northern Ireland Act 1998, section 75.
17. Welsh Language (Wales) Measure 2011.
18. Ofcom, The Broadcasting Code, used as the current broadcast comparator, including Sections Five, Six, Seven and Eight.
19. Ofcom, programme-related guidance, used only as current broadcast guidance and not as a substitute for future online guidance.
20. Ofcom, Annual Report and Accounts 2024-25, used for the historic online-complaints context.

Submission information

The consultation page states that responses must be submitted no later than 5pm on 27 August 2026. Ofcom provides its consultation response form and the email address **bbcomc@ofcom.org.uk**.