**Ofcom**
Riverside House
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18th August 2026

**Re: Consultation on the BBC Online Material Code**

Dear BBC Online Material Code consultation team,

The Trans Advocacy and Complaints Collective (TACC) welcomes the opportunity to respond to Ofcom's consultation on the proposed BBC Online Material Code.

TACC supports the introduction of an enforceable Code following the extension of Ofcom's regulatory powers to the BBC's online material. This is an important opportunity to strengthen accountability for BBC content published through its websites, apps, and social media accounts. We welcome the principle that audiences should have meaningful regulatory protection regardless of whether they encounter BBC journalism through traditional broadcasting or online.

For trans people, the effectiveness of the new framework is particularly important because there is already evidence of a serious lack of confidence in BBC coverage among some trans audiences.

Ofcom's own qualitative research into perceptions of BBC due impartiality included six depth interviews with trans respondents[1]. It reported that some of the strongest criticism came from trans participants. Some perceived the BBC as taking an anti-trans rights position and some said BBC coverage led them to stop watching BBC News.

This concern is also reflected in a 2025 YouGov survey commissioned by Good Law Project, involving 457 trans, non-binary, and intersex adults[2]. The published results reported that 70% considered BBC News generally hostile when reporting on trans people and 78% rated its reporting of trans-rights stories badly or very badly.

Taken together, these findings indicate a material confidence problem among many trans people in relation to the BBC. TACC wants a BBC that works well for trans audiences as well as cis audiences. The purpose of the new regulatory framework should therefore not only set common standards, but to also ensure that those standards can work effectively for different audiences in practice. Getting this right for

[1] Jigsaw Research for Ofcom, Drivers of perceptions of due impartiality: The BBC and the wider news landscape (June 2022), especially pp. 54–55 and sample information at p. 69.
[2] Good Law Project, Poll shows 70% of trans people think BBC News is 'hostile' (14 November 2025)

trans audiences can also improve the system for other minority audiences, particularly where similar problems arise around stereotyping, unequal treatment, or confidence in the complaints process.

In summary, we ask Ofcom to:

1. **Look at patterns across BBC coverage, not only individual articles.** Problems can emerge through repeated framing, language, source choices, or unequal treatment over time.
2. **Consider how people actually encounter BBC content online.** Headlines, social-media posts, notifications, clips, and search results can shape people's understanding even when someone never reads the full article.
3. **Make sure balance elsewhere is genuinely accessible.** The BBC should not be able to rely on another article for balance or context unless audiences have a realistic chance of seeing it.
4. **Judge claims according to the strength of the evidence.** Political prominence should not make a weak or unsupported claim more credible.
5. **Make corrections meaningful.** Where inaccurate material has been widely promoted, corrections should be clear and reach people through similar channels.
6. **Protect under-eighteens without restricting beneficial information or creating new safeguarding risks.** Young people should retain access to appropriate educational, health, and support information, and protective measures should not expose sensitive interests, including LGBT+ content, to parents or carers.
7. **Make complaints easier to use and more effective.** People should understand how to complain, what happens next, and how serious or repeated problems can lead to wider action.
8. **Strengthen the equality assessment.** Ofcom should look more closely at how the new rules may affect trans people.

These concerns are reflected throughout our consultation response, which focuses on practical changes to the Code, guidance, and complaints process that would make the new framework more effective for trans audiences. Improving confidence would help ensure that trans audiences can use, trust, and challenge BBC journalism on more equal terms with cis audiences.

The proposed BBC Online Material Code represents a significant opportunity to create a more effective system of accountability. For audiences who already have little confidence in BBC coverage concerning them, the detail of that system will determine whether the extension of Ofcom's powers produces meaningful change. A framework that responds effectively to the concerns raised by trans audiences can also provide stronger protection and accountability for other minority audiences where comparable problems arise.

We urge Ofcom to use the consultation process to strengthen the Code, procedures, and accompanying guidance accordingly, and to engage directly with trans-led organisations and other affected groups before the framework is finalised.

We would welcome the opportunity to discuss these concerns further with Ofcom and would be grateful for any response you are able to provide.

Yours sincerely,
**Trans Advocacy and Complaints Collective (TACC)**

Trans Advocacy & Complaints Collective

# Our responses

## Question 1: Do you agree with our overall approach to Section One?

We agree in principle, subject to further safeguards.

We support replacing broadcast scheduling concepts with protections suited to an online environment and retaining rules protecting the welfare, dignity and legal rights of under-eighteens.

Protection should address both exposure to unsuitable material and harm caused by the BBC's treatment of under-eighteens, unnecessary restrictions on beneficial information, and privacy risks arising from age assurance or parental controls.

Accurate, age-appropriate information about trans people, gender identity, health, safeguarding or support should not be treated as unsuitable merely because the subject is politically contested. Conversely, sensationalised, misleading or demeaning treatment of trans young people may itself cause harm.

The Code or guidance should therefore require assessment of both the risk of exposure and the risk created by restricting access.

## Question 2: Do you have any comments on our approach to reflecting relevant protections for under-eighteens in the online environment?

The measures identified by Ofcom, including warnings, restricted modes, child accounts, PIN protection and age assurance, may be appropriate where they address an evidenced risk and use the least restrictive effective approach.

The BBC should consider whether: a warning or label would be sufficient; age assurance collects or retains more personal data than necessary; a parent or account holder could infer what information a young person has accessed; a restriction would prevent access to accurate educational, health, safeguarding or support information; the material has public-interest or protective value; the age, maturity and independent informational needs of the likely audience affect the assessment; and the restriction remains necessary as the material, audience or platform changes.

Parental expectations are relevant but should not be decisive where parental involvement could disclose a young person's sexual orientation, gender identity or related concerns without their consent, particularly where disclosure could place an LGBTQ+ young person at risk of harm or prevent them from seeking information or support safely.

Protections should also reflect how material is encountered. Headlines, thumbnails, notifications and social-media excerpts may require separate assessment from the full item.

Guidance on Rules 1.5 and 1.6 should address foreseeable consequences for young contributors and subjects, including unwanted identification, harassment, repeated circulation and the long-term digital record created by publication.

## Question 3: Do you have any comments on relevant factors we may wish to consider when developing our guidance to applying these rules?

Guidance should explain how the relevant factors are to be weighed in practice, particularly where protecting under-eighteens may conflict with privacy, access to beneficial information or other welfare considerations.

Where significant restrictions are imposed, the BBC should record the reasons for them and review them periodically to ensure they remain necessary and proportionate.

## Question 4: Do you have any further comments on the proposed content of Section One?

The Code or guidance should make clear that the reference to "physical, mental or moral development" in Rule 1.1 does not permit moral disapproval of a protected characteristic, including gender reassignment, sex or sexual orientation, to be treated as evidence that material is unsuitable.

Guidance on Rules 1.5 and 1.6 should address foreseeable risks arising from continued availability, republication, edited clips and hostile responses. Consent by a young person or parent should not remove the BBC's responsibility to assess those risks.

The BBC should also provide a clear mechanism for challenging incorrect age classifications or access restrictions.

## Question 5: Do you agree with Ofcom's overall approach to Section Two?

We support Section Two, subject to three changes: clearer recognition of cumulative harm, an interpretation of "generally accepted standards" that is not based on majority opinion alone, and separate assessment of material encountered outside its original context.

"Generally accepted standards" should not be treated simply as prevailing public opinion. Rule 2.1 should be applied with regard to relevant equality and human-rights considerations, dignity, evidential quality and foreseeable harm.

Ofcom should be able to assess cumulative harm: repeated choices in framing, terminology, source selection, omission or prominence may create a harmful pattern even where no single item clearly breaches the Code.

Headlines, social-media posts, clips and other separately distributed material should be assessed as audiences encounter them.

## Question 6: Do you have any comments on the proposed list of non-exhaustive contextual factors listed under the "meaning of context" in Section Two?

The proposed contextual factors are relevant. The Code should also make clear that headlines, thumbnails, captions, social-media posts, notifications, search-result text, clips and extracts may require separate assessment where they are encountered without the full item.

Context should include BBC-controlled placement, promotion, reposting and search presentation, and the relative prominence of allegations, qualifications and corrections. Ofcom should distinguish these choices from organic sharing and platform systems outside the BBC's control, while considering foreseeable loss of context.

Ofcom should also be able to assess cumulative patterns across related material, including repeated framing or terminology, recurring source-selection practices, associations between a minority group and danger or wrongdoing, differential treatment of comparable people, or outcomes produced by a common editorial practice.

Relevant context should include source expertise and interests, evidential quality, methodological limitations and the adequacy of challenge or qualification. Evidence from affected people may inform actual and foreseeable harm, but subjective offence alone should not determine compliance.

Context supplied by another item should count only where there is a direct editorial link, prominent signposting and a realistic likelihood that substantially the same audience will encounter it.

We recommend adding: "Where potential harm or discriminatory treatment arises from a pattern of related online material, the cumulative effect of that material, including its framing, terminology, prominence, distribution and persistence."

## Question 7: Do you have any further comments on the proposed content of Section Two?

Rule 2.1 should recognise that harm does not require an explicit insult or conventionally offensive language. Guidance should distinguish personal offence from harm to dignity, discriminatory effects, risks to safety or welfare, and cumulative harm.

Discriminatory treatment may arise through selection, omission, framing, juxtaposition, unequal terminology or repeated presentation. We suggest: "For the purposes of this section, treatment includes treatment arising from the selection, omission, arrangement, framing, description, juxtaposition or repeated presentation of material. Ofcom may consider related items together where necessary to assess harm or discriminatory treatment."

The draft permits consideration of series in Sections Three and Five but does not clearly provide for related items to be considered together under Section Two.

Guidance should also explain the boundary between Rule 2.2 and Section Five so that misleading factual presentation does not fall between the rules.

Information intended to reduce harm or offence should be prominent where the audience first encounters the material. A qualification later in an article should not automatically correct a misleading headline, post or notification.

Ofcom should also be able to obtain BBC internal policies as evidence where they may explain repeated outcomes, even where those policies are not themselves regulated material.

## Question 8: Do you agree with Ofcom's overall approach to Section Three?

We support the principle and broad structure of Section Three, including the treatment of gender, sex and gender reassignment in the hate-speech definition and the protections in Rules 3.2 and 3.3.

Our support is subject to clearer limits on the exception for material justified by context.

The BBC must remain free to report offensive, extreme or controversial views where there is a genuine editorial and public-interest justification. However, political or philosophical disagreement should not justify demeaning, dehumanising or discriminatory treatment, or unsupported factual claims.

Ofcom should distinguish reporting or scrutinising a controversial view from amplifying or adopting it. Relevant factors should include editorial purpose, challenge, framing, repetition and whether audiences are likely to encounter any context supplied elsewhere.

The final approach should also allow consideration of cumulative treatment and include examples covering gender reassignment and other protected characteristics.

## Question 9: Do you have any comments on our proposal to use guidance to help clarify how contextual factors relating to Rules 3.1, 3.2 and 3.3 might apply to online material? Are there any other areas in Section Three which you think it may be particularly helpful to supplement with guidance?

Detailed guidance is important because the contextual exception will materially affect Rules 3.2 and 3.3. Ofcom should consult affected groups as well as the BBC.

The assessment should consider editorial purpose, necessity, whether less harmful presentation could achieve the same purpose, whether material is endorsed or challenged, the quality and prominence of challenge, how the material is encountered, cumulative effects and mitigation. More serious material should require stronger justification.

Guidance should distinguish reporting offensive views for scrutiny from prominently reproducing them for attention, adopting their assumptions through BBC framing, or repeatedly presenting them without meaningful scrutiny. Attribution alone should not be sufficient.

Challenge should be assessed by its proximity, prominence, specificity and evidential quality. Relevant expertise should also be distinguished from institutional authority, political prominence, campaigning, celebrity or social-media profile.

BBC-authored headlines, captions, clips, notifications and social-media posts should be assessed as encountered. The BBC should not be responsible for every third-party action, but should remain accountable for foreseeable effects of its own editorial and distribution choices.

Guidance should also cover repeated claims, recurring associations between groups and danger or wrongdoing, differential terminology, repeated reliance on weak or interested sources and patterns produced by common editorial systems.

Rule 3.1 guidance should address indirect encouragement of unlawful conduct. Rules 3.2 and 3.3 should cover abusive treatment conveyed through images, captions, comparisons, insinuation or repeated questioning of a group's legitimacy, not only explicit slurs.

Guidance should also include examples of robust but lawful criticism of policy, law, medical practice, public bodies and political positions.

## Question 10: Do you have any further comments on the proposed content of Section Three?

Rule 3.3 should expressly cover abusive or derogatory treatment arising from editorial selection and arrangement. We suggest: "Material which contains abusive or derogatory treatment of individuals, groups, religions or communities, including treatment arising from the selection, arrangement, framing, description, juxtaposition or repeated presentation of material, must not be included in online material except where justified by the context."

Rule 3.3 should also cross-refer to the grounds in the hate-speech definition or the examples of discriminatory treatment in Section Two, so that treatment of a group defined by gender reassignment is clearly within scope.

The Code should additionally state: "In applying Rules 3.2 and 3.3, Ofcom may consider the cumulative effect of a related series or pattern of BBC online material, including repeated framing, terminology, source selection, prominence and distribution."

Context in another item should count only where clearly signposted and reasonably likely to reach substantially the same audience. Publication in news or current affairs should not itself establish justification.

Where repeated outcomes may arise from a common editorial system, Ofcom should be able to examine that system as evidence and address the underlying cause following a breach.

## Question 11: Do you agree with Ofcom's overall approach to Section Four?

Yes. The three proposed overarching rules provide a proportionate basis for religious online material. They should protect against improper exploitation and abusive treatment while preserving legitimate criticism, debate and freedom of expression.

"Abusive treatment" should be applied consistently with Section Three and should not shield religious institutions, doctrines or public-policy positions from robust, evidence-based criticism.

## Question 12: Do you have any further comments on the proposed content of Section Four?

Ofcom should provide concise guidance distinguishing abusive treatment of religious views and believers from legitimate criticism of a religion, institution, doctrine or practice.

The assessment should include the complete presentation, including headlines, images, captions and separately distributed fragments, and recognise that abusive treatment may arise through framing or repeated presentation rather than explicit language alone.

## Question 13: Do you agree with Ofcom's overall approach to Section Five?

We support Section Five, subject to clearer treatment of evidence-based due weight, linked series, recurring editorial patterns and corrections.

Due weight should depend on evidential quality and relevance, contributor expertise, informed support for a position, factual uncertainty and the adequacy of scrutiny. Political prominence alone should not make a claim factually credible or entitle it to equal editorial weight.

Policy disputes affecting trans people can and should be reported, but their factual premises should be tested. Due impartiality should not require established facts to be treated as competing opinions merely because they arise within a politically contested subject.

Section Five already permits consideration of linked items and due weight over time. The Code should also explain how Ofcom will assess recurring patterns that do not constitute a qualifying series, including source selection, framing, prominence, terminology and omission.

Where the BBC relies on a series, stronger safeguards are needed to ensure meaningful links between items. Significant errors should also be corrected prominently.

## Question 14: Do you agree with the proposal to replace “programme” with “online item” in these rules? If not, explain why.

Yes, in principle. “Programme” does not adequately describe text articles, social-media posts, live pages, short videos, audio items or mixed-media packages. “Online item” better reflects the material being regulated.

A headline, social-media post, notification, search card or clip presented as a distinct piece of BBC material should ordinarily be assessed as presented, even where it links to a longer item.

Compliance should take account of the complete presentation, including headline, standfirst, images, captions, labels, thumbnails, embedded media, metadata and associated BBC-authored social text.

Where an item is updated, the BBC should retain sufficient records to establish what users originally encountered, when changes were made, how the original version was distributed and whether any correction could realistically reach the earlier audience.

## Question 15: Do you agree with Ofcom’s proposed approach to preserving due impartiality across a series of editorially linked online items taken as a whole? If not, explain why.

We accept that due impartiality may sometimes be achieved across a genuinely connected series, but we do not agree with the proposal as presently drafted.

Removing the concept of a “like audience” does not remove the audience problem. A user who encounters one item through search, social media or recommendation may never see the material relied upon to establish impartiality.

Where the BBC relies on a series, the items should have a direct editorial relationship, be prominently signalled and cross-linked, be published within an appropriate period, receive reasonably comparable prominence, be distributed through routes likely to reach substantially overlapping audiences, and remain connected while the BBC relies on the series.

Rule 5.6 should require clear signalling. General topic pages, algorithmically generated related-content boxes and ordinary navigation should not be sufficient.

Each item should also meet a minimum independent standard. Reliance on a series should not permit a materially misleading headline, misrepresentation of facts or views, or presentation of an allegation as established fact.

## Question 16: Are there any areas in Section 5 which you think it may be particularly helpful to supplement with guidance?

Yes. Guidance would be particularly useful on evidential quality, complete presentation, corrections, linked series, recurring patterns and contributor disclosures.

Ofcom should explain how expertise, informed opinion, the distinction between fact and opinion and factual uncertainty affect due weight. Political activity, media attention or repetition should not themselves establish evidential significance.

Due accuracy should apply to the complete presentation, including headlines, standfirsts, images, captions, social-media text and notifications. Guidance should address weak or self-selecting evidence, polling, anecdotal material, preliminary research, legal and medical claims, omitted qualifications and allegations presented as fact.

Ofcom's 2023 Bulletin concerning the BBC article originally titled "We're being pressured into sex by some trans women" is relevant. Ofcom found the original title misleading and considered that insufficient scepticism had been applied to a small, self-selecting questionnaire, while reaching separate conclusions on impartiality and harm. This demonstrates that presenting a range of perspectives does not remove the requirement for a sound evidential basis.

**Source:** Ofcom, *Bulletin for complaints about BBC online material*, Issue 38, 3 April 2023.

Guidance should also require proportionate and visible correction of significant errors, including associated presentation where necessary, and reasonable steps to reach the original audience. A silent amendment should not ordinarily be sufficient.

Ofcom should explain how recurring patterns may be assessed and clarify that relevant contributor interests may require disclosure where material to accuracy, impartiality, due weight or misrepresentation, without creating a general disclosure requirement for every contributor.

Before finalising the guidance, Ofcom should engage affected groups as well as the BBC.

## Question 17: Do you have any further comments on the proposed content of Section Five?

The requirement that significant mistakes should normally be corrected quickly is too discretionary. We recommend: "Significant mistakes in news must be acknowledged and corrected promptly, unless exceptional circumstances make this impracticable. The correction must be clearly and prominently signalled to the audience. Where proportionate, the BBC must also take reasonable steps to bring the correction to the attention of audiences who encountered the original mistake."

The prominence of a correction should reflect the distribution and prominence of the original error.

Misrepresentation may arise through selective quotation, omission, headline framing, unequal labelling, visual presentation, contributor arrangement or repeated choices across related material. We recommend: "For the purposes of this rule, misrepresentation may arise through material omission, selection, arrangement, labelling, headline treatment, visual presentation or cumulative presentation across related online material."

The Code or guidance should also explain when Ofcom may examine recurring patterns, while distinguishing this from a formally linked series relied upon for due impartiality.

Internal BBC materials may fall outside the regulated definition of online material, but Ofcom should be able to obtain them as evidence where relevant. Where a common policy or practice contributed to breaches in regulated material, remedial or sanctions powers should be capable of addressing that cause.

## Question 18: Do you agree with Ofcom's overall approach to Section Six?

Yes, in principle. We support extending the heightened impartiality requirements applying during elections and referendums to BBC online material.

Due weight should take account of relevant evidence, including past and current electoral support, rather than online attention alone. Ofcom should also consider the prominence and audience pathways through which election and referendum material is distributed.

## Question 19: Are there any areas in Section Six which you think it may be particularly helpful to supplement with guidance?

Guidance should explain how past and current electoral support is weighed alongside significant views and how due weight applies across websites, apps, social-media accounts, notifications, live pages and other distribution routes.

It should also address separately encountered material; archived material that is actively promoted, reposted, edited or returned to recommendation systems during an election or referendum period; updates and corrections; and the application of author restrictions to commissioned, co-authored or previously prepared material.

Where the BBC relies on a series to achieve due impartiality, guidance should require prominent linking, reasonable proximity and a realistic prospect that substantially the same audience will encounter the relevant items.

## Question 20: Do you have any further comments on the proposed content of Section Six?

We do not object, on the evidence presented by Ofcom, to the decision not to reproduce the constituency and electoral-area rules, given the BBC's separate statutory code of practice.

Ofcom should keep the resulting difference between regulatory frameworks under review and explain how compliance with the BBC's code can be scrutinised and complaints routed.

Archive material need not be removed merely because an election or referendum period begins. However, active promotion, reposting, substantial editing or renewed distribution during that period should be treated as a fresh editorial act.

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

We support applying the Fairness Code to BBC online material. Equivalent protection from unjust or unfair treatment and unwarranted infringement of privacy should apply regardless of whether BBC material is broadcast or published online.

Online unfairness may arise from the combined effect of headlines, standfirsts, thumbnails, captions, embedded material, social copy, metadata, links and later updates. Guidance should therefore address the complete presentation.

So far as the statutory framework permits, an affected person should also be able to identify multiple closely related items where the alleged unfairness arises across those items. Relevant practices may include differential terminology, selective use or omission of information, unequal scrutiny, greater prominence for allegations than responses and repeated framing across formats.

Contributor-welfare provisions should cover foreseeable harassment, unwanted disclosure of identity or trans status, hostile social-media attention and repeated circulation.

Ofcom should interpret "sufficiently direct interest" as broadly as the statutory framework permits, accept supporting evidence from representative organisations, route wider content-standards issues without requiring a fresh complaint, and consider an own-initiative investigation where credible evidence indicates a systemic problem.

The Fairness Code should protect individuals without allowing wider editorial issues to fall between regulatory routes.

## Question 22: Do you have any comments on the proposal to align the proposed Procedures for investigating breaches of content standards in BBC online material with the equivalent procedures for breaches of the Broadcasting Code?

Procedural consistency is a reasonable starting point, but the procedures should reflect the persistent, editable and distributable nature of online material.

The BBC and Ofcom should provide a clear intake and routing process. Where BBC First applies, a complaint submitted to Ofcom should be transferable to the BBC with consent. Mixed fairness and content-standards complaints should be separated and routed without resubmission or loss of the original submission date.

Ofcom should also publish clear criteria for accepting complaints outside the normal time limit where exceptional circumstances apply. Relevant factors should include an issue that could not reasonably have been identified during the original complaint period; disability, trauma or safety concerns affecting the ability to complain; a cumulative practice that became apparent only after later material was published; substantial renewed circulation of older material; continued active BBC distribution; or an inadequately signalled correction.

Existing evidence supports clearer routing. The Government's 2024 BBC Mid-Term Review, drawing on Ofcom's 2022 research, reported that 21% of surveyed people were aware of BBC First. Among those who had complained to the BBC, 18% described the experience as good, while Ofcom's underlying survey found that 54% described it as bad. A separate mystery-shopper exercise recorded higher satisfaction. This supports making the complaints route more visible and easier to navigate.

**Sources:** Department for Culture, Media and Sport, *BBC Mid-Term Review 2024*, paragraphs 159 and 166; Ofcom, *Audience perceptions of the BBC First complaints system*, 2022.

Paragraph 6.4 allows Ofcom to disclose a complainant's name and contact details to the BBC unless confidentiality is requested. This should be explained clearly. In cases involving identity, protected characteristics, privacy or harassment, confidentiality should be the default unless disclosure is necessary for fair determination and the complainant has been informed.

Complainants should ordinarily receive a non-confidential summary of the BBC's substantive response, be able to correct material misunderstandings and submit relevant evidence, and be invited to comment where a Preliminary View introduces new reasoning. Reasonable adjustments and reasons for decisions not to investigate should also be provided.

The procedures should accommodate cumulative and systemic issues by allowing defined groups of related items, aggregation of complaints concerning the same practice, pattern evidence from representative organisations, thematic or own-initiative investigations, and examination of relevant editorial systems.

TACC's internal review of 45 BBC online items published between 3 February 2025 and 15 February 2026 identified a recurring difference in pronoun usage concerning Sandie Peggie and Dr Beth Upton: the BBC generally used she/her pronouns for Sandie Peggie while largely avoiding pronouns for Dr Beth Upton. This practice also happened in the BBC's reporting of Isla Bryson. We cite this as an example of a pattern that may become apparent across a body of coverage.

Ofcom should send decisions and concise reasons directly to complainants and publish structured complaint and enforcement data while protecting personal identities.

Non-disclosure rules should expressly permit confidential assistance from lawyers, advocacy organisations, researchers, support workers and representatives.

## Question 23: Do you have any comments on our proposed interpretation of when BBC online material is "first posted"?

We broadly support Ofcom's proposed interpretation. A material change to the content, presentation or prominence of an item should be capable of establishing a new first-posted date. The assessment should focus on the effect of the BBC's action rather than the technical size of the change.

A new first-posted date should be considered where the BBC materially exposes an existing item to a fresh or substantially enlarged audience, including through significant changes to its headline or presentation, prominent placement, notifications or newsletters, links from later material, reposting, reuse, or renewed BBC-controlled recommendation or promotion.

Materiality should be qualitative. A short change concerning a person's identity, status, pronouns, alleged conduct or legal position may alter the meaning or impact of an item more significantly than a much longer factual update.

The interpretation should also address older material that receives substantial renewed circulation. Where that results from fresh BBC promotion or redistribution, it should be capable of constituting a fresh editorial act and, where sufficiently material, a new first-posted date. Organic sharing by third parties should not by itself reset the date.

Ofcom should provide guidance on the factors determining materiality, including the nature of the change, the extent of renewed BBC distribution, the size and character of the new audience and whether the renewed publication materially changes the context or foreseeable impact of the item.

## Question 24: Do you have any comments on the proposal to align the proposed Procedures for investigating breaches of the Fairness Code in relation to BBC online material with the equivalent procedures for breaches of the Fairness Code under sections 7 and 8 of the Broadcasting Code?

We support retaining the established Fairness Code protections, including direct access to Ofcom, disclosure of the BBC's substantive response and Ofcom's Preliminary View, an opportunity to make representations, the possibility of an oral hearing and, where appropriate, a direction to publish a summary.

The procedure nevertheless requires adaptation for online material.

Ofcom should interpret “sufficiently direct interest” as broadly as the legislation permits, allow complaints concerning multiple linked items, accept supporting submissions from representative organisations and identify systemic content-standards issues raised by fairness complaints. Issues that cannot be dealt with under the fairness procedure should be transferred or considered for an own-initiative investigation.

Fairness, privacy, accuracy, harm and discriminatory-treatment issues should be separated and routed appropriately without loss of the original submission date.

The procedure should also adopt the approach to republication in Question 23 and allow reliance on a defined series where the alleged unfairness consists of a repeated pattern.

Unnecessary disclosure of identity and sensitive information should be minimised. Anonymisation or pseudonymisation should be used where necessary, confidential legal and advocacy assistance should be permitted, and reasonable adjustments should be available.

Subject to these changes, alignment with the established fairness procedure is preferable to a weaker online-only process.

## Question 25: Do you have any comments on the proposal to apply the same sanctions procedures to breaches of the Code as breaches of the Broadcasting Code by amending the existing sanctions procedures?

We support a common sanctions procedure, including consistent decision-making, separation between investigation and sanction decisions, and a reasonable opportunity for the BBC to make representations.

Where repeated breaches may justify sanction, Ofcom should be able to consider similar conduct across different items, services, accounts and editorial teams, including conduct arising from a common editorial practice or continuing after the BBC has been alerted through complaints.

Compliance history should therefore include the underlying practice as well as previous findings of breach.

Where a fairness or privacy remedy may affect an individual’s interests, that person should be invited to comment on its proposed wording, location and prominence, while Ofcom retains final control.

Ofcom should publish reasons explaining whether a breach was referred for sanction, how repeated or related conduct was assessed and why the sanction was proportionate.

## Question 26: Do you have any comments on the proposed amendments to the types of sanctions which may be available to Ofcom following a breach by the BBC of content standards, or the Fairness Code in relation to BBC online material?

We support the proposed range of sanctions, including removal or restriction of material, corrections or statements of findings, links to regulatory decisions, financial penalties and other proportionate steps needed to remedy a breach and prevent recurrence.

Where proportionate, Ofcom should be able to require a clear correction or notice on the item, correction of associated presentation and social posts, and reasonable steps to reach the audience exposed to the original material. A silent amendment or bare link to a regulatory decision should not ordinarily be sufficient for a significant breach.

Where material is removed, Ofcom should be able to require a notice at the former location while preserving a regulatory copy and publication history.

Where a breach resulted from a wider editorial practice, remedies should be capable of addressing that cause, including relevant policies, style guides, templates, training, editorial review or complaint monitoring.

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

We support the principle of an enforceable Code and recognise that it may benefit audiences, including trans people. Before finalising the regime, Ofcom should strengthen its equality and privacy assessments in relation to trans-specific impacts, barriers to complaining, privacy, cumulative effects and monitoring.

Ofcom identifies gender reassignment as a protected characteristic and anticipates positive effects from the proposed protections, but does not examine trans-specific risks in comparable detail. Its detailed discussion in paragraphs A5.37 and A5.38 of possible adverse effects on a protected characteristic instead concerns religion or belief in connection with exorcism, the occult and paranormal practices.

Ofcom's 2022 qualitative research provides a basis for further assessment. Six trans respondents were interviewed, some of whom expressed concerns about BBC coverage, including a perceived anti-trans-rights stance, a narrow focus on contested subjects and loss of trust. The small sample cannot establish prevalence, but it identifies issues of trust, framing and representation.

**Source:** Ofcom, *Drivers of perceptions of due impartiality: the BBC and the wider news landscape*, 2022, especially pp. 54–55 and 69.

A 2025 YouGov survey commissioned by Good Law Project found that, among 457 trans, non-binary and intersex adults surveyed, 70% described BBC News coverage as generally hostile and 78% rated its reporting of trans-rights stories badly or very badly. Because the published material does not fully explain recruitment, weighting or representativeness, these figures should be treated as indicative rather than precise population estimates.

**Sources:** YouGov, *Good Law Project survey results*, 2025; Good Law Project, *Poll shows 70% of trans people think BBC News is 'hostile'*, 14 November 2025.

A revised equality assessment should consider trans and non-binary adults, trans children and young people, and intersectional effects involving disability, race, religion, age and socio-economic disadvantage. It should address: barriers arising from low trust in BBC First and the burden of complaining; harassment and disclosure of identity or trans status; contributor welfare; cumulative stereotyping and differential treatment; mechanical balance or false equivalence; restrictions on useful information or disclosure of a young person's interests through age-assurance or parental controls; whether corrections reach the original audience; and whether monitoring identifies recurring or unequal effects.

The assessment should address loss of access and participation as well as direct harm.

Complaint transparency should also form part of the assessment. TACC's published account of its Freedom of Information requests indicates that available data do not readily allow external assessment of the volume, recurrence or handling of complaints about trans coverage. Ofcom and the BBC should therefore publish structured complaint and enforcement data while protecting personal information.

**Source:** TACC, Media Complaints Collector, 30 April 2025.

Ofcom should also reconsider its privacy assessment. Paragraphs A5.24 and A5.25 do not fully address the effects of changes to regulatory scope, enforcement and the interaction between BBC and Ofcom procedures.

A revised privacy assessment should consider default confidentiality in sensitive cases, necessary information-sharing, whether complainants understand disclosure arrangements, indirect identification in published findings, reasonable adjustments and confidential legal or advocacy assistance.

Ofcom should engage directly with trans organisations and other affected minority groups, explain how cumulative and systemic evidence will be assessed, test the complaints process with groups reporting low trust, publish equality monitoring and structured complaint data, and conduct a post-implementation review.

The Code should continue to protect legitimate disagreement and freedom of expression while requiring factual claims to be properly evidenced and people to be treated fairly.

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

Yes, subject to implementation. Publishing the Code and procedures in Welsh and English, retaining the ability to complain in Welsh and using Welsh for relevant investigation outcomes should have positive effects.