BBC Online Material Code

Consultation Response

The Writers' Guild of Great Britain (WGGB) is a trade union representing over 3000 professional writers in TV, film, theatre, radio, books, comedy, poetry, animation and videogames. Our members also include emerging and aspiring writers. We negotiate national agreements on pay and conditions with key industry bodies, including the BBC, ITV and Pact.

The BBC is central to many of our members' livelihoods and so we welcome this opportunity to comment on Ofcom's regulation of the BBC's online material.

In general, WGGB welcomes the introduction of the code but would like to highlight a limited number of areas where we have specific concerns.

Section 1

WGGB is concerned that the approach being proposed is too 'light touch' in its approach to the protection of children. Ofcom should require specific compliance measures to guarantee a minimum level of protection, rather than suggesting possible steps that the BBC could take. This is particularly important considering the way in which young people can access unlimited amount of content at any time of day on a range of devices – including private devices such as phones.

We welcome the decision to expand the definition of 'children' to include the under-18s but believe that this expansion makes it more important that specific age-related rules are set and governed by Ofcom, rather than being left to the BBC to define. We believe that this would support the BBC to maintain the trust of children and parents.

The new rules do not include a definition of 'moral development' or the type of content that might be seen as harmful to the 'moral development' of a child. Due to the changing and contested understanding of what constitutes 'moral development' in contemporary UK society, this is a worrying aspect of the new code. We are particularly concerned that, if left undefined, such a phrase may be used to justify the exclusion of some topics or depictions from children's content.

Section 3

We are concerned that dramatic and scripted content is not sufficiently separated here from news, journalism and current affairs. A lack of clarity can result in regulation being inappropriately applied to restrict legitimate content and drives risk aversion across the sector.

Section 4

We believe the definition of 'religious online item' is unhelpfully broad.

The rules as currently written could be used to stifle or present legitimate criticism of religious groups and practices. This is not in the public interest.

We are concerned that dramatic content and documentary is not sufficiently separated here from other types of programming.

As mentioned above, a lack of clarity can result in regulation being inappropriately applied to restrict legitimate content and drives risk aversion across the sector.

Section 5

We believe that the drafting of Section 5 is unclear considering the breadth of content the BBC produces. To reduce its entire dramatic, entertainment and musical coverage as simply 'other content' when placed alongside 'news' is unhelpful in a regulatory context.

The definition of 'online item' is also unhelpful as it does not appropriately differentiate between factual and non-factual content, or specific genre (including parody and satire)– all of which are relevant when considering issues of impartiality.

It is essential that dramatists have the freedom to explore the widest possible range of topics, including controversial ones. They also, as freelance workers, have the right to privacy in terms of their political viewpoints and for their work to be assessed on its own merits. This is why many writers work under an assumed name.

However, point 5.8 states that 'Any personal interest of a reporter, presenter *or author* which would call into question the due impartiality of the online material must be made clear to the audience.'

This code introduces the term 'author' because of the way in which online articles are attributed but does not address the other, more widely used use of the term. This means that the code is unclear in how it would be applied to the authors of scripted content.

Furthermore, the code does not explain what it is about an author that might call into question the 'impartiality of the online material'.

WGGB is concerned that, in its current form, the code could result in writers being excluded from projects for the BBC on the basis of personal characteristics or assumed political affiliation.