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

BBC broadcasting services
BBC on-demand programme services
BBC online material

Welsh version available

Procedures

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1. Introduction

1.1 This document outlines the Procedures that Ofcom will normally follow when considering the determination of a sanction against the BBC in relation to a breach of content standards (including in relation to Fairness and Privacy) on: **UK Public Broadcasting Services** ("BBC broadcasting services"); **UK Public On-Demand Programme Services** ("BBC ODPS")[1] provided by the BBC[2]; and in **UK Public Online Material**[3] ("BBC online material"). These Procedures are effective from 19 November 2026.

1.2 If Ofcom considers it would be fairer and more appropriate to follow a different procedure in any particular case, we will explain to the BBC our reasons for departing from these Procedures. (The urgency of addressing potential ongoing harm where material remains available on BBC ODPS or in BBC online material is one example of a reason why it might be appropriate for Ofcom to depart from these Procedures).

2. Statutory framework

Ofcom's Regulation of the BBC

2.1 Ofcom regulates the BBC's services by virtue of section 198 of the Communications Act 2003 (the "2003 Act") to the extent that provision to do so is contained in the BBC Charter ("the Charter") and the Framework Agreement ("the Framework Agreement")[4], the 2003 Act and Part 5 of the 1996 Act.

BBC broadcasting services

2.2 Ofcom's duties in relation to broadcasting include securing the application, in the case of all television and radio services, of standards that provide adequate protection:

- to members of the public from offensive or harmful material in such services: section 3(2)(e) of the 2003 Act; and
- to members of the public and all other persons from both unfair treatment in programmes included in such services and unwarranted infringements of privacy resulting from activities carried on for the purposes of such services: section 3(2)(f) of the 2003 Act.

2.3 By virtue of section 3(4)(g) of the 2003 Act, Ofcom must have regard to the need to secure that the application of those standards is in the manner that best guarantees an appropriate level of freedom of expression.

2.4 More specifically, Ofcom has a duty under section 319 of the 2003 Act to set such standards for the content of programmes to be included in television and radio services as appear to Ofcom best calculated to secure certain "standards objectives", which are set out in section

[1] Such as the BBC iPlayer and iPlayer Kids (both audiovisual and sound programmes).
[2] Sanctions procedures applying to services provided by BBC companies are available on the Ofcom website: https://www.ofcom.org.uk/__data/assets/pdf_file/0030/71967/procedures_for_consideration.pdf. Ofcom has no remit to consider complaints concerning the BBC World Service and these procedures do not apply to material broadcast on the World Service.
[3] For the definition of UK Public Online Material, see paragraphs 3A(9)-(11), Schedule 3 of the updated Framework Agreement . This can be found in clause 7 of the updates to BBC Framework Agreement: December 2025, 16 December 2025.
[4] https://www.gov.uk/government/publications/bbc-charter-and-framework-agreement

319(2). Ofcom is required to establish codes containing these standards. To meet this duty, Ofcom applies the provisions of the Ofcom Broadcasting Code ("the Broadcasting Code").[5]

2.5 Similarly, Ofcom has a specific duty under section 107 of the Broadcasting Act 1996 ("the 1996 Act") to draw up a code giving guidance as to the principles to be observed and the practices to be followed by broadcasters in connection with the avoidance of unjust or unfair treatment[6] in programmes and unwarranted infringement of privacy in programmes (or in connection with the obtaining of material included in them). This is referred to as the "Fairness Code". To meet that duty, Ofcom applies Sections Seven ("Fairness") and Eight ("Privacy") of the Broadcasting Code.

2.6 The Charter and Framework Agreement set out the BBC's obligations to comply with the Broadcasting Code and Ofcom's powers to investigate and enforce compliance by the BBC.

BBC ODPS

2.7 Under the Charter and Framework Agreement, in addition to the BBC's broadcast services, BBC ODPS must comply with the Broadcasting Code so far as Ofcom determines the standards are relevant to the provision of BBC ODPS.[7]

BBC online material

2.8 Under the Framework Agreement, as amended in December 2025, Ofcom also has a duty to set such standards for BBC online material as appear to Ofcom to be best calculated to secure the "standards objectives" set out in sections 319(2)(a) – (f) of the 2003 Act. Ofcom is required to establish one or more codes containing these standards. To meet this duty, Ofcom applies the provisions of the BBC Online Material Code.

2.9 In providing BBC online material, the BBC must also comply with the Fairness Code so far as Ofcom determine that the standards are relevant to the provision of BBC online material. For the purposes of enforcing the BBC's observance of the Fairness Code in relation to BBC online material, Ofcom will apply the existing Sections Seven and Eight of the Broadcasting Code, in so far as Ofcom determines the standards are relevant to the provision of that online material.

2.10 The Charter and Framework Agreement set out the BBC's obligations to comply with the BBC Online Material Code and the Fairness Code and Ofcom's powers to investigate and enforce compliance by the BBC.

Ofcom's enforcement powers

2.11 The Charter provides that if Ofcom is satisfied that the BBC has failed to comply with a specified requirement, Ofcom may:

a) direct the BBC, or accept undertakings from the BBC, to take such steps as Ofcom considers will:

i) remedy the failure to comply;
ii) ensure that the BBC complies with its requirements properly in future

[5] https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-standards/broadcast-code
[6] Unjust or unfair treatment is defined by section 130 of the 1996 Act as including treatment which is unjust or unfair because of the way in which material included in a programme has been selected or arranged.
[7] BBC ODPS are also subject to certain statutory requirements under Part 4A of the 2003 Act, including rules in relation to harmful material and product placement.

b) serve on the BBC a notice requiring it to pay them, within a specified period, a specified financial penalty. The maximum penalty that may be imposed on any occasion is £250,000.[8]

3. Ofcom's exercise of its enforcement powers

3.1 The imposition of a sanction is a serious matter. Ofcom may, following due process, impose a sanction if it considers that the BBC has (in relation to any of its broadcast services, BBC ODPS and/or BBC online material) seriously, deliberately, repeatedly[9] or recklessly breached a requirement of the Broadcasting Code, the BBC Online Material Code or the Fairness Code.

3.2 Examples of the sanctions Ofcom may impose include a decision to:

- issue a direction not to repeat a programme;
- issue a direction to remove and not include an item in its online material on any future occasion;
- issue a direction to restrict access to a programme on BBC ODPS and/or BBC online material;
- issue a direction to provide additional information to users prior to the selection of a specified programme on BBC ODPS and/or specified BBC online material;
- issue a direction to include a correction or a statement of Ofcom's findings, in such words and manner as specified by Ofcom, or a link to Ofcom's breach decision (or a summary of it) (or all three); and/or[10]
- impose a financial penalty.

3.3 In accordance with the Charter, Ofcom may direct the BBC, or accept undertakings from the BBC, to take such other steps as it considers appropriate in the circumstances of the case.

Direction not to repeat a programme

3.4 If Ofcom is satisfied that the inclusion by the BBC of a programme in any of its broadcasting services and/or BBC ODPS involved a breach of the Broadcasting Code, it may direct the BBC not to include that programme in the service(s) on any future occasion.

Direction to remove and exclude an item of BBC online material

3.5 If Ofcom is satisfied that the posting by the BBC of an item of BBC online material involved a breach of the BBC Online Material Code or the Fairness Code, it may direct the BBC to remove and not include that item in its online material on any future occasion.

Direction to include a correction or statement of findings

3.6 If Ofcom is satisfied:

c) that the BBC has, in relation to any of its broadcasting services, BBC ODPS and/or BBC online material, breached the Broadcasting Code, the BBC Online Material Code and/or the Fairness Code (as applicable); and

[8] The maximum is specified in section 198(5) of the 2003 Act.

[9] A repeated breach would include, for example: a repeat of the breach of the same requirement as has already been recorded; repetition of the same or similar conduct as that which earlier contravened a requirement; or multiple breaches of other requirements.

[10] In some cases, Ofcom may impose more than one sanction.

d) that the breach can be appropriately remedied by the inclusion in the relevant service(s) or BBC online material of a correction or statement of findings or a link to Ofcom's breach decision (or a summary of it) (or all three),

Ofcom may direct the BBC to include a correction or statement of findings or a link to Ofcom's breach decision (or a summary of it) (or all three) in the service(s) and/or BBC online material (as applicable).

3.7 A direction may require the correction or statement of findings to be in such form, and to be included in programmes at such times, or in such locations in or in relation to specific BBC online material, as Ofcom may determine.

3.8 Where the BBC includes a correction or statement of findings in a service and/or BBC online material in pursuance of such a direction, it may announce that it is doing so in pursuance of a direction.

Financial penalty[11]

3.9 If Ofcom is satisfied the BBC has, in relation to any of its broadcast services, BBC ODPS and/or BBC online material, breached the Broadcasting Code, the BBC Online Material Code and/or the Fairness Code, it may impose a financial penalty on the BBC.

3.10 The imposition of a financial penalty does not preclude the imposition of any other sanction in respect of the same breach(es).

Decision-making under these Procedures

3.11 In accordance with the Charter, Ofcom will not impose a sanction on the BBC unless it has given the BBC a reasonable opportunity of making representations about the matters appearing to Ofcom to provide grounds for the imposition of the sanction.

3.12 In sanctions cases under these Procedures, decisions on sanctions will be made by two senior members of the Ofcom Executive who have been given appropriate delegated authority by the Ofcom Board (one of whom will be the final decision maker on the breach), together with a Non-Executive member of Ofcom's Content Board.

3.13 A decision maker in a sanctions case will not have been involved in the investigation of the breach, up to and including the preparation of the Preliminary View on the breach.

3.14 When Ofcom writes to the BBC in accordance with paragraph 4.3 below, it will identify the decision maker(s).

4. Procedures

Consideration of sanctions

4.1 The consideration of a sanction under these Procedures follows a decision by Ofcom that the BBC has breached a requirement of the Broadcasting Code and/or the BBC Online Material Code. A case will normally be considered for the imposition of a sanction when Ofcom considers that the BBC has seriously, deliberately, repeatedly, or recklessly breached the Broadcasting Code, the BBC Online Material Code and/or the Fairness Code.

4.2 Ofcom aims to conclude the consideration of the imposition of a sanction within 60 working days from the date Ofcom records the breach(es) of the Broadcasting Code, the BBC Online

[11] Ofcom's Penalty guidelines, which set out how it proposes to determine the amount of the penalties it imposes, can be found at: https://www.ofcom.org.uk/about-ofcom/corporate-policies/penalty-guidelines.

Material Code and/or the Fairness Code. However, the circumstances of individual cases can vary considerably, and completion may in some cases take longer.

4.3 If Ofcom considers that a sanction may be appropriate, it will write to the BBC with the following information, as appropriate:

- details of the breach(es);
- comments on any issue raised by the BBC that is material to the case;
- details of any relevant cases on which Ofcom has already adjudicated;
- details of the BBC's recent compliance history;
- details of Ofcom's Preliminary View that a sanction may be appropriate;
- details of Ofcom's Preliminary View on the type and level of any sanction considered to be appropriate and proportionate;
- a summary of the material on which it has relied in reaching its Preliminary View; and
- a copy of the relevant documentation[12] that Ofcom has taken into account.

4.4 Where, at this stage, Ofcom's Preliminary View is that the appropriate sanction should include a financial penalty, it will, as appropriate, consider the penalty in accordance with the Penalty Guidelines published by Ofcom at: https://www.ofcom.org.uk/about-ofcom/corporate-policies/penalty-guidelines.

4.5 Ofcom will invite the BBC to make representations on its Preliminary View that a sanction may be appropriate and of the type and level of any sanction being considered. Depending on the type and level of any sanction, this may be by written and/or oral representations as Ofcom may consider appropriate (see paragraphs 4.6 to 4.8 below).

Written representations

4.6 The BBC will have the opportunity to make written representations on Ofcom's Preliminary View that a sanction may be appropriate, and on the type and level of any sanction being considered. The period for written representations will normally be 15 working days, unless otherwise specified. In some circumstances, Ofcom may, if it considers appropriate, seek further information or representations from the BBC.[13]

Oral representations

4.7 In addition, Ofcom will offer the BBC the opportunity to attend an oral hearing to make oral representations on the matters referred to in Ofcom's Preliminary View. Ofcom will normally give the BBC at least 15 working days notice of the date for making those representations. The hearing will be in private and may take place in England, Northern Ireland, Scotland or Wales, or online, as appropriate. The hearing will be transcribed and the transcript will be provided to the BBC. The BBC may bring legal advisers to the oral hearing to assist in presenting its oral representations.

4.8 The procedure for making oral representations will be at the discretion of Ofcom. Ofcom will write to the BBC in advance of the date for hearing the representations, to set out what the procedure will be.

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[12] Ofcom may withhold material it believes to be confidential, market sensitive or legally privileged or that it is under some other legal obligation to protect from disclosure. In such cases, the BBC will be notified that relevant material has been withheld and the reasons why.

[13] Under Article 47 of the BBC Charter, Ofcom may require the BBC and any other person to provide information for the purposes of the carrying out by Ofcom of their its functions.

Disposal

4.9 After consideration of written and/or oral representations from the BBC, Ofcom may decide that no sanction is appropriate in a particular case. The BBC will then receive written notification to this effect and the notification will be published in Ofcom's Broadcast and On Demand Bulletin and/or Bulletin for Complaints about BBC Online Material.

Sanction Decisions

4.10 If, after considering all the evidence and representations from the BBC, Ofcom believes that a sanction is appropriate, it shall consider and decide which of the available sanctions is appropriate. If Ofcom decides that the sanction should include a financial penalty, it will, as appropriate, have regard to the Ofcom Penalty Guidelines published at: https://www.ofcom.org.uk/about-ofcom/corporate-policies/penalty-guidelines

Publication of Sanction Decision

4.11 The Sanction Decision, with a statement of reasons, will be sent to the BBC, for information only, one working day before its publication.

4.12 Ofcom will publish its decision on its website. A summary of the Sanction Decision will normally be published where relevant in:

- Ofcom's Broadcast and On Demand Bulletin at: https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-standards/broadcast-bulletins;
- Ofcom's Bulletin for Complaints about BBC Online Material at: https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-standards/bbc-online-bulletin.

Non-Disclosure

4.13 It is essential to the integrity of Ofcom's processes and its ability to regulate fairly that all parties abide by Ofcom's published rules and procedures, including those relating to non-disclosure below.[14]

Non-Disclosure

Ofcom expects the BBC to keep all information, correspondence and documents relating to sanctions cases strictly confidential, unless already in the public domain. In particular, Ofcom expects the BBC to keep strictly confidential any information provided to it by Ofcom as part of the sanctions process, including any provisional indication/decision on the type and level of any sanction that may be imposed.[15]

This does not limit what Ofcom can publish in its decision at the end of the investigation.

Time limits

4.14 The BBC should keep to the time limits specified in these Procedures. However, Ofcom may consider it appropriate (in the interests of fairness and/or properly to make decisions

[14] Ofcom is obliged to meet various statutory obligations relating to the disclosure of information (for example, under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004). Information provided to Ofcom may need to be disclosed by Ofcom in order to meet such obligations.
[15] Ofcom may withhold material it believes to be confidential, market sensitive or legally privileged or that it is under some other legal obligation to protect from disclosure. In such cases, the BBC will be notified that relevant material has been withheld and the reasons why.

relating to sanctions) to amend or adapt the time limits in a particular case. If the BBC requires an extension to a time limit, it should explain in writing to Ofcom why it believes the relevant time limit should be extended.