

## Compliance Form Guidance Note

(January 2009)

The compliance form is a snapshot of the editorial judgement on which we chose to go to air with a programme. It must be signed off by both the producer and a senior editorial figure before transmission. It summarises the judgement of the application of the BBC's Editorial Guidelines. A thorough understanding of the Editorial Guidelines (<http://www.bbc.co.uk/guidelines/editorialguidelines/edguide/>) and associated Guidance Notes (<http://edpol.gateway.bbc.co.uk/guidance/index.shtml>) is vital. Editorial judgement is not always easy and discussion with others is helpful and occasionally essential. If you want to discuss an aspect of the application of the Guidelines to your programme, please refer initially to your editorial line manager. If they are not available, contact Editorial Policy - 0870 333 4550.

Answering "yes" to any of the questions on the compliance form does not mean that there is a problem with the programme. It is a welcome recognition that the issue exists and has been considered. The answer box should be used to give the information specified and sketch the editorial judgement.

### Synopsis

All that is needed is the minimum information to enable people who subsequently look at the form to recognise the programme. This might simply be a list of the guests, or the short programme description (or billing). For dramas it should be a brief summary, not the full synopsis.

### Legal Issues

It is essential that the heading of the answer box is followed to the letter – "state name and date, a short indication of the issues(s) **but not the advice given**". In some instances referral up on a legal issue is a mandatory referral up in the Editorial Guidelines so you must state to whom it was referred up and when.

### Offensive Language

The difference between the headings of the two answer boxes should be noted: use of the most offensive language is a mandatory referral up in the Editorial Guidelines. There is no finite list of the words that qualify but it certainly includes cunt, motherfucker and fuck.

Equally, there is no consensus about other language that may cause offence. Shit, arse, bollocks, bugger and wank are amongst the words that could be offensive, along with racist or sexist abuse, pejorative words relating to illness or disability, and holy names linked with the most offensive language.

Context is key to justifying the use of either the most offensive language or other potentially offensive language and the response in the answer box should provide this, plus the timecode. A checklist to help assess whether the necessary context exists is:

- **what** was said
- by **whom** was it said and who is on the receiving end (age, ethnicity, gender, real person or fictional character can all be relevant)

- **why** is it used? To express frustration, deliberately to offend, to humiliate and demean, threaten or insult? Strong language used gratuitously (i.e. in a situation where it contributes nothing to the meaning, humour, tone or understanding of a programme) is invariably commented upon by audiences. However, a moderately offensive word when used in a threatening or aggressive manner can be problematic, whilst even the most offensive language can be made acceptable by humour
- **how**. Is it used in an affectionate, derogatory or personally aggressive way; is it in a humorous context, or in a casual and/or repetitive way?
- **where** it is used, both in the programme (building site, school playground, domestic situation) and, crucially, on transmission (network, date and slot – i.e. who will be listening; if children are likely to be in the audience, greater care is needed)
- **audience expectations**. Any evidence to indicate that the language and the manner in which it is used is within the expectations of those who could be listening to the programme

### Sexual content

The heading stating that further information is “discretionary” means here, as it does throughout, that common sense should still be applied. If it is obvious from either the title or the synopsis what the sexual content will be, don’t bother to provide details. If, however, the sexual content might surprise, then details should be provided.

### Imitative Behaviour

Greater care is needed when children are likely to be listening or when programmes are likely to be widely heard by under eighteens. Misuse of alcohol and (legal) smoking are treated in the same way as hard drugs. This section also concerns the potential imitation of any anti-social, life-threatening or criminal behaviour.

### Disturbing content

The images referred to are the ones created in the listeners’ heads. For violence involving children or domestic violence, try to put yourself into the head of a child listening to this output: they may personalise what they hear in a way that an adult would not. This applies not just to factual programmes but also, potentially, to other genres such as entertainment. Disturbing content may include violence to criminals as well as to people.

### Real People

Put yourself in the shoes of the continuity announcer who introduces your programme. If the preceding news bulletin refers to “X” having died or done something spectacular, it would be enormously helpful to know that “X” features in your programme. Please list those contributors who could fall into that category.

Detail of “References to public figures” should be provided only if the reference is unexpected in the context

### Privacy

We should behave fairly both to contributors and to those to whom reference is made in a programme. Amongst other things this means not disclosing material of a

personal or private nature without the fully informed consent of all relevant people to whom the information may be considered personal or private – unless there is a clear public interest in the disclosure. It should also be considered that broadcasting particularly personal information, even with the consent of those involved, has the potential to cause offence amongst the audience. Details of any such material must be given.

Secret recording is a mandatory referral up, and must be referred in advance of the recording.

### Editorial Integrity

The products/brands should be listed and the editorial justification sketched, unless the nature of the programme is a review in which case a collective description of the products and confirmation that all references are editorially justified is enough. Particular care should be taken with BBC products, some of which cannot be promoted or mentioned on BBC programmes, and any sponsored event or product. The mandatory referrals must take place in advance.

### Sensitive Issues

The Editorial Guidelines are a substantial document. The earlier questions list only those issues most likely to crop up. This question is a catch all – is there anything else that needs to be considered concerning the editorial, ethical and legal standards or judgements in the programme?

### Interactivity

There is a separate authorisation process for interactivity that must be completed in advance.

### TX recommendation

Unless the programme is completely time and network neutral (i.e. suitable for any possible audience to BBC programmes, including young children, at any time in the future), this should be answered “no” so that it is reviewed again before being transmitted or repeated. Your answer here may also affect the on-demand labelling of the programme.

### Additional editorial content

This is *only* content that has affected your judgement under the Editorial Guidelines. If the programme deals with difficult subject matter but part of your editorial justification is that a helpline is offered, details should be entered here. It is for those situations when we need to broadcast “If you have been affected by any of the issues in this programme please ring the BBC Helpline on ...”

### Compliance confirmation

The compliance form must be signed off by both the producer *and* a senior editorial figure before transmission. Each pre-recorded programme (in-house and independent) must be listened to *in full* by both the producer *and* a senior editorial figure prior to transmission unless it falls within one of the exceptions set out in the Audio & Music Compliance Policy.

