

BCI Code of Programme Standards

Guidance Notes

10th April 2007



Introduction

*The purpose of this document is to provide guidance on the **BCI Code of Programme Standards** for both broadcasters and the public. The document should not be regarded as a complete or authoritative statement of law. These guidance notes are non-binding and are provided to assist broadcasters and the general public to interpret and apply the **BCI Code of Programme Standards**. The BCI accepts no responsibility or liability in respect of any guidance that may be given and reserves the right to revise and review any guidance provided. Broadcasters must make their own independent assessment after taking their own advice and making inquiries/research as appropriate. This document does not purport to explain all the relevant provisions of the Code or give an exhaustive list of possible applications.*

This is an organic document and will be added to from time to time as the need becomes apparent. Except where definitions are provided, the terms used in the Code should be interpreted in accordance with their natural and ordinary common meaning and/or their meaning in a broadcasting context.

Comments on the guidance notes may be emailed to codes@bci.ie or forwarded by post to:

***BCI Code of Programme Standards-Guidance Notes,
Broadcasting Commission of Ireland,
2-5 Warrington Place, Dublin 2.***

i) Legislation

The BCI Code of Programme Standards has been developed further to Section 19(1)(a) of the Broadcasting Act, 2001 which requires the BCI to develop:-

- (a) a code specifying standards to be complied with, and rules and practices to be observed, in respect of the taste and decency of programme material, the subject of a broadcasting service or sound broadcasting service, and, in particular, in respect of the portrayal of violence and sexual conduct in such material...*

*This Code will apply to most programme material. However, the Code does not apply to commercial communications i.e. advertising, sponsorship, teleshopping and other forms commercial promotions. In addition, the Code does not apply to matters pertaining to fairness and balance in news and current affairs coverage or matters pertaining to the privacy. This does not mean that the aforementioned broadcast material is not regulate; commercial communications must comply with the **BCI General Advertising Code** and the **BCI Children's Advertising Code**, while matters pertaining to fairness and balance in news and current affairs coverage and privacy must comply with Section 9 of Radio and Television Act, 1988 and Section 3 of the Broadcasting Authority Act 1976.*

ii) Jurisdiction

*All broadcasters licensed in the Republic of Ireland and/or those who make use of a frequency or satellite capacity or up-link situated in the Republic of Ireland are required to comply with the **BCI Code of Programme Standards**. In practical terms, the Code shall apply to RTÉ radio and television services, TG4 and national, regional, local and community radio and television services licensed further to the provisions of the Radio and Television Act, 1988 and/or the Broadcasting Act, 2001, including temporary and institutional services (where appropriate).*

*Programmes broadcast on services licensed in the United Kingdom or in other jurisdictions are not required to comply with this Code e.g. BBC, BSkyB, ITV, Channel 4. This is because of the ‘country of origin’ principle within the **Television Without Frontiers Directive**, which is the key piece of European legislation governing television broadcasting services throughout Europe. This principle means that television stations must obey the rules laid down in the country in which they are licensed, in other words the country in which they ‘originate’.*

iii) Compliance

Broadcasters coming within the jurisdiction of the Code are obliged to comply with the provisions of this Code. Consequently, they should take steps to ensure that all relevant staff members are familiar with the provisions of this Code. This may include the provision of appropriate training. Appropriate mechanisms should also be put in place by broadcasters to ensure that compliance with the Code is maintained. While suggestions in this regard are made in this document, broadcasters are best placed to decide the mechanisms which are most appropriate for their service and its audience.

*Compliance with this Code will be assessed by the BCI with reference to the statutory provisions, the provisions of the Code and the procedures, practices and relevant policies of the BCI, including the **BCI Compliance Policy 2006**. This document may be accessed on the BCI’s website and is also available on request from the BCI’s offices.*

Complaints in respect of any alleged breach of this Code will be adjudicated upon by the Broadcasting Complaints Commission (BCC). The BCC can be contacted by email (info@bcc.ie), by phone (01 6761097) or by fax (014 676 0948). Complaints may also be made online (www.bcc.ie).

iv) Guidance

The BCI does not provide a clearance service for programme material. While the BCI is happy to provide general advice on the Code, it will only provide more specific advice in relation to atypical programme material which is submitted in the following manner:-

- 1. Requests for advice must be submitted in writing and include the complete audio/video copy of the programme material in question.*
- 2. The submission should clearly state the section/s of the Code, which the broadcaster believes are relevant, and set out the reasons why it believes the programme material in question is or may not be in compliance with such sections(s). **Queries which are submitted without audio/video or comment will not be considered.***
- 3. The BCI will view the programme material and will endeavour to provide an initial response to the query as soon as possible. However, broadcasters should note that this could take up to two working days or longer if the query is especially complex.*
- 4. The BCI response will set out in writing the BCI's view in relation to the submission but interested parties will be invited to make follow-up submissions within an agreed timeframe. Following this, the BCI will take a final view in the matter.*
- 5. While programme material is under consideration, broadcasters will normally be requested to refrain from airing the material.*
- 6. These procedures come into effect from 10th April 2007.*
- 7. Queries can be sent by post or emailed to: codes@bci.ie.*

1. ***Objectives of the BCI Code of Programme Standards***

- To promote responsible broadcasting in which entertainment, education and access to information and a range of views are enhanced and offence and harm are reduced
- To acknowledge the diversity of tastes and interests which exists within viewing and listening audiences and to facilitate broadcasting that caters for this diversity
- To inform viewer and listener choice
- To inform viewers and listeners on the standards they can expect from broadcasting services
- To provide guidance to broadcasters in relation to matters falling within the scope of the Code.

Five objectives are included in the Code. The objectives are intended to balance the need to inform viewer and listener choice with the need to facilitate responsible broadcasting. These objectives have been developed based on national and international research, the BCI's regulatory principles and, in particular, responses received in the BCI's consultation process.

The objectives have been developed in order to cater for the diversity of tastes and interests among viewers and listeners and in recognition of the fact that issues of taste and decency, offence and harm are influenced by a range of factors and determined by context. The intent of the Code, as encapsulated by these objectives, is not to censor or sanitise programme material. Rather, the aim is to minimise offence and harm and to facilitate responsible broadcasting. These objectives were proposed during the consultation process and have been adopted by the BCI on foot of strong support for their inclusion in the Code by respondents in that phase of the consultation process.

2. ***Content Principles***

*The experience of the BCI in its development of codes over recent years has been that it is not practical to attempt to capture every possible scenario within the detail of a broadcasting code; for example, the **BCI Children's Advertising Code** does not attempt to prescribe rules for every possible product or every possible type of advert. Rather, the children's code and other codes are intended as the framework within which individual material, advertising or otherwise, can be assessed.*

*Similarly, the **BCI Code of Programme Standards** follows this approach by developing principles intended to operate as the framework within which programme material can be assessed. This Code does not attempt to provide rules for every possible programme scenario nor does it attempt to define what is tasteful or decent, harmful or offensive. This approach is embodied in the principles and associated rules contained in this Code and an understanding of this approach is key to an understanding of the **BCI Code of Programme Standards** and the manner in which it will operate in practice.*

The adoption of a principle-based approach is also intended to accommodate changes in social mores. For example; what is deemed tasteful, decent, harmful or offensive within a society can change over a period of years, it can vary among particular audiences and it can be largely determined by issues of context. The principle-based approach aims to provide flexibility that acknowledges these variables rather than attempting to offer a uniform solution or response to all issues that might arise.

2.1. General Community Standards

Programme material shall not offend against commonly held standards considered acceptable in contemporary Irish society.

This principle is intended to outline to the public and broadcasters alike the basic requirement that programme material must adhere to, namely, it should not offend against commonly held standards in contemporary Irish society. An appeal to ‘commonly held standards’ is intended to capture the general prevailing consensus as to what is deemed acceptable in Irish society at any particular time. These standards will pertain to a range of issues such as specific language terms, the use of violent imagery and attitudes to sexual content, among others. When scheduling programme material, broadcasters are required to consider these standards with reference to the other principles of the Code, the specific rules pertaining to programme material (for example, violent programme material), and issues relating to context, including the time of the broadcast, the likely composition of the audience, etc.

The Code does not include a definition of ‘commonly held standards’, since it is the BCI’s view that a definition, while appropriate for today’s audiences, might be inappropriate for audiences some years from now. However, being mindful of the need to illuminate the diversity of tastes that exist in a society and which constitute the commonly held standards of that society, the BCI has undertaken research in this area and will continue to do so on an ongoing basis. This research is intended to inform the BCI, the BCC, the public and broadcasters as to what constitutes ‘community standards’ in contemporary Irish society at a given time.

The latest research can be viewed on the BCI’s website www.bci.ie or on request from the BCI’s offices. Broadcasters should familiarise themselves with the outcomes of this research as it will give them a sense of the views of the Irish public on certain aspects of programme material. Relevant information from the survey is highlighted in the guidance notes.

2.2 Due Care

A broadcaster shall exercise due care by taking all reasonable measures to ensure that viewers and listeners of programme material on its channel/service are protected from undue offence and from harm.

The principle of Due Care encapsulates one of the key objectives of the Code, namely a requirement for broadcasters to show due care to its listeners and viewers by putting in place measures which will minimise the potential for offence and harm. In addition to this general requirement this principle is given effect by the requirement to provide audience information and guidance and the requirement to have particular regard when broadcasting programme material with which an individual audience member may identify.

2.2.1 Audience Information and Guidance

Where appropriate, due care shall include the provision by the broadcaster of audience information and guidance using at least one of the following mechanisms: -

- The use of prior warnings for programme material which has the potential to offend
- The operation of a ‘watershed’, during which time more adult-orientated programme material may be broadcast
- The implementation of an evaluative or descriptive classification system for programme material

Audience information and guidance shall be provided in a manner which is clearly visible and/or audible.

A broadcaster shall promote regularly the audience information and guidance mechanism(s) used on a service. When promoting a watershed as an audience information and guidance mechanism, broadcasters shall specify the times during which it operates.

This principle requires broadcasters to provide audience information and guidance about programming on their service(s). Under this principle, broadcasters are required to utilise at least one of the three audience information and guidance mechanisms detailed in the rule. In certain instances, more than one mechanism may be appropriate. For example, where a station operates a Watershed, a prior warning may be appropriate during a potentially distressing element in a news programme that is broadcast prior to the commencement of the Watershed.

Whichever mechanism(s) is utilised by a broadcaster, the use of the mechanism(s) must be regularly promoted on their service(s) so that viewers and listeners are familiar with the mechanism(s) in place and what they can expect from the service. With regard to the Watershed, broadcasters utilising this mechanism must include the Watershed period in these promotions i.e. the time at which it begins and ends. Furthermore, broadcasters are advised to put in place measures to ensure that the mechanism(s) are applied in a consistent fashion.

This principle is intended to assist audiences to make informed choices about their own media consumption and that of children. It is also intended to assist broadcasters to ensure, as far as possible, that programming is scheduled at appropriate times and for an appropriate audience, in order to minimise offence and harm. While the Code will require the mandatory provision of information, the BCI has decided to leave the choice of mechanism to the discretion of broadcasters. It was the BCI's view that a discretionary approach is more appropriate in the context of the Objectives of the Code, since a one-size-fits-all approach would not accommodate the diversity of tastes, expectations and interests of Irish viewers and listeners. Furthermore, it was the BCI's view that a discretionary approach recognises the differences between broadcasters in terms of remit and resources.

The rule does not specify the manner i.e. the 'where' and 'when', guidance and information shall be broadcast. In some jurisdictions, audience information and guidance is provided at the beginning of the programme only, in other instances, it is provided at the beginning of the programme and the end of each advertisement break during the programme. In addition, broadcasters may mix or vary both approaches depending on the type of programme and the level of offence that may be anticipated by a broadcaster when airing a particular programme. Broadcasters should use their own judgement in this regard taking into account their audience and the contextual factors set down under the principle of assessment.

2.2.2 Identification with Characters, Actions and Personal Circumstances

Broadcasters shall exercise due care when broadcasting programme material containing characters, actions and personal circumstances with which a person may identify. Broadcasters shall exercise particular care when scheduling and broadcasting the following programme material:-

- Sexual violence i.e. rape and sexual assault
- Self-harm (including suicide)
- Reconstructions of factual events and archive footage which may impact adversely on a viewer or listener because of their personal circumstances.

Programme material of this nature shall be accompanied by the provision of one of the three audience information and guidance mechanisms set out in 2.2.1. Broadcasters shall also provide other appropriate information and guidance deemed necessary such as the provision of relevant telephone helpline details.

This principle is intended to recognise the potential for a person to identify with the programme material they are listening to or watching because of their own particular circumstances and their personal history.

This principle requires broadcasters to schedule programming with this in mind and to take steps to minimise offence and avoid harm to viewers and listeners. In addition, particular care must be taken by broadcasters before airing programme material containing sexual violence, self-harm (including suicide), reconstructions of factual events and the use of archive footage. While audience information and guidance may be necessary before the broadcasting of these types of programme material, the provision of additional information may also be warranted; for example, information about help lines or prior contact with people included in archive footage or involved in events reconstructed for radio or television.

2.3 Protection for Children

The *BCI Code of Programme Standards* recognises that broadcasters share a responsibility with parents and guardians in protecting children i.e. those under 18 years of age, from exposure to inappropriate and harmful programme material.

To this end, broadcasters shall have due regard to the protection of children when scheduling programme material.

Particular care shall be taken in the following circumstances:-

- i. When scheduling programme material that is broadcast either side of programmes that are likely to be watched or listened to by children,
- ii. When scheduling programme material during school-run times,
- iii. When scheduling programme material during school holidays when the viewing and listening patterns of children can change.

Under this principle, broadcasters are required to schedule responsibly during school-run times, during holiday periods and in and around programming likely to be watched or listened to by children thereby recognising daily and seasonal variations in viewing and listening habits. This principle also recognises the role shared by parents, guardians and broadcasters when it comes to responsible broadcasting to, and consumption by, children of radio and television programme material.

*As well as the specific content rules pertaining to children's programmes, this principle is intended to offer additional protection to children with regard to programme material broadcast on Irish television and radio. This approach reflects the provisions of the **Television Without Frontiers Directive** which requires broadcasters to take measures to protect children from offence and harm.*

The rule in relation to the school-run pertains to radio primarily. The school-run period has not been specified in the Code as these periods in the day will vary depending on whether a station is national, local or community and consequently the period during which children will hear radio on the school-run. Broadcasters are best placed in this regard to decide the periods during the day when children are likely to listen to their services.

The rule in relation to holidays requires broadcasters to be aware that children will hear and see more radio and television during mid-term breaks, during the summer period and during the Christmas period. Programme material should be scheduled by broadcasters bearing in mind changes in audiences during holiday periods taking into account the contextual factors listed under the principle of Assessment.

2.4 Assessment

Programme material shall be assessed with reference to the principles and rules contained in the Code. The principles are indivisible-that is, all programme material shall conform to all principles.

Broadcasters should be mindful of all the provisions of this Code as programme material may be required to comply with one or more applicable provision.

Programme material shall be assessed in whole and in context. The following contextual factors shall apply:-

- Time of broadcast
- The type of programme
- The use of audience information and guidance
- The channel/service type
- Whether the inclusion of material is editorially justified
- The likely composition of the audience listening to or watching the programme

This fourth and final principle relates to the assessment of programme material and it is intended to provide the framework for assessing compliance with the Code. In practice, this principle will be used by the BCI to monitor compliance as part of its routine assessment of programme broadcasts. It will also be used by the BCC to adjudicate on complaints received.

Programme material will also be assessed with reference to the six contextual factors outlined under this principle. These contextual factors are included in recognition of the various factors which can influence the viewer or listener's perception of programme material and hence the degree of offence or harm that can occur. A viewer may judge a piece of violent programme material differently, if his/her expectations have been tempered by information provided in advance by the broadcaster, as to the likely content of the programme. The contextual factors are intended to recognise such variables.

Programme material will also be assessed in whole and in context with reference to the principles and rules. For example, a complaint about violent programme material during a children's programme may be assessed with reference to all four principles, rules pertaining to violent programme material and rules pertaining to children's programming.

3. Content Rules

The Code contains specific rules in relation to eight types of programme material. These are: -

- *violent programme material*
- *sexual conduct*
- *coarse and offensive language*
- *persons and groups in society*
- *factual programming*
- *children's programming*
- *drugs, alcohol and solvent abuse*
- *imitative behaviour*

These rules are intended to set the standards required of programme material of this nature. In addition to the statutory requirement to include rules in respect of violent programme material and sexual conduct, the other six areas were identified by the BCI with reference to the research conducted by the BCI into equivalent codes in other jurisdictions and the National Attitudinal Research undertaken.

The provisions of this section of the Code do not attempt to provide rules for every possible individual programming scenario. Rather, they include general rules under each of the eight programme material areas identified. Where necessary, a number of specific rules are included under each heading in order to provide additional protection to the viewer and listener in relation to areas where particular offence can occur; for example rules pertaining to the portrayal of people with a disability. The areas where particular offence can occur were highlighted by the BCI's research including the National Attitudinal Survey.

Broadcasters should be aware that the content rules apply to all types of programme genres. However, the Code does not include rules in relation to issues such as fairness and balance in news and current affairs reporting, privacy and incitement to crime as these are provided for by other legislative provisions.

3.1 Violent Programme Material

3.1.1 As a general rule, broadcasters shall have due regard to the appropriateness of, and/or justification for, the inclusion of violent content in programming material.

This rule pertains to all types of violent programme material and requires broadcasters to handle responsibly the inclusion of programme material of this nature. This includes, where necessary, appropriate scheduling and the provision of audience information and guidance. Broadcasters must also be cognisant of the contextual factors listed under the principle of Assessment and any other relevant sections of the Code.

Research indicates that 'theatrical' violence, such as that which appears in 'action' movies, is generally more acceptable once scheduled responsibly. Similarly, cartoon or slapstick violence is also generally more acceptable, again, once it is scheduled responsibly. However, particular care is needed when broadcasting violent content which features depictions of violence which takes place in everyday life and involves characters with which we can identify.

3.1.2 The inclusion of the following violent programme material must have strong editorial justification in a factual context or be justified in the context of the development of a story and/or characters:-

- Graphic violence
- Sexual violence i.e. rape and/or sexual assault
- Self-harm, including suicide
- Violence against children

3.1.3 In programme material featuring sexual violence, the detail of this violence shall be kept to a minimum and such violence shall not be condoned.

*Rules 3.1.2 and 3.1.3 require broadcasters to take particular care when including graphic violence, sexual violence, self-harm (including suicide) and violence against children since, at any given time, the members of the audience viewing or listening to a programme may have experienced or be experiencing the consequences of such violence. Adherence to the requirements set down in the principle of **Identification with Character, Actions and Personal Circumstances** is particularly necessary when broadcasting material of this nature. Audience information and guidance will be necessary in some instances.*

The four types of programme material identified under rules 3.1.2 and 3.1.3 are highlighted in the National Attitudinal Survey as those that can cause particular offence. This is reflected by their placement in the Code in this section.

3.2 Sexual Conduct

3.2.1 As a general rule, broadcasters shall have due regard to the appropriateness of, and/or justification for, the inclusion of sexual conduct during programme material.

This rule pertains to all types of programme material featuring sexual conduct and requires broadcasters to handle responsibly the inclusion of programme material of this nature. This includes, where necessary, appropriate scheduling and the provision of audience information and guidance. Broadcasters must also be cognisant of the contextual factors listed under the principle of Assessment and any other relevant sections of the Code.

The National Attitudinal Survey indicates that for the Irish adult population, portrayals of explicit portrayals of sex are less acceptable than implied portrayals. In terms of portrayals of sexual conduct during specific programmes and channels, the survey indicates that depictions of sex during ‘soaps’ is the least acceptable, followed by depictions of sexual conduct as part of a documentary programme. Portrayals of sexual conduct on pay-per-view channels are more acceptable.

3.2.2 The inclusion of programme material which features detailed scenes of a sexual nature must have strong editorial justification in a factual context or be justified in the context of the development of the story and/or characters.

3.2.3 Programme material featuring sexual relationships between under-aged young people or between an adult and a child shall not encourage such activities or present them as being legal.

3.2.4 Nudity in programme material shall only be broadcast when justified by context.

Rules 3.2.2, 3.2.3 and 3.2.4 require broadcasters to take additional care when including programme material containing nudity, portrayals of detailed sexual conduct, portrayals of relationships between under-aged couples and relationships between an adult and a child. These additional protections reflect particular concerns expressed in the National Attitudinal Survey and by respondents to the consultation process.

3.3 Coarse and Offensive Language

3.3.1 As a general rule, broadcasters shall have due regard to the appropriateness of, and/or justification for, the inclusion of coarse and/or offensive language in programming.

This rule requires broadcasters to be mindful of the offence that can be caused by the inclusion in programme material of language which viewers and listeners may find coarse and/or offensive. Where necessary, broadcasters should be cognisant of the contextual factors listed under the principle of Assessment and any other relevant sections of the Code when including language which may offend. The provision of audience information and guidance may be necessary.

The National Attitudinal Survey indicates that the type of programming can impact on the acceptability of coarse and offensive language by the audience. Contrary to the situation with violence and sex, sensitivity to coarse and offensive language during programmes is stronger with regard to news programming than dramas or soaps. Least acceptable on television is someone swearing during a live programming, in particular during news or sports programmes. Furthermore, the type of coarse and offensive language used will also impact on the level of offence. Examples of coarse and offensive language which can cause particular offence may be found in the attitudinal survey.

3.3.2 Broadcasters shall be alert to, and guard against, the use of coarse and/or offensive language in live programmes.

Rule 3.3.2 demands extra caution on the part of broadcasters so as to avoid, in so far as is possible, coarse and offensive language during live programming. The BCI recognises that broadcasters cannot always know in advance what a guest may say during a live programme. However, they are responsible for the conduct of presenters and the manner in which coarse and offensive language is handled once it is aired. Therefore, broadcasters are advised to put in place appropriate measures to ensure that inappropriate language does not appear during live programming without editorial justification. These measures may include delay switches where there is a greater likelihood of such language airing and/or introducing presenter/contributor protocols for preventing and dealing with live instances of coarse and offensive language.

3.3.3 Recognising that the inappropriate use of names considered sacred or holy by believers may cause serious offence, broadcasters shall take a responsible approach to their inclusion during programming and their inclusion must be justified.

3.4 Persons and Groups in Society

3.4.1 The manner in which persons and groups in society are represented shall be appropriate and justifiable.

The rules under this section of the Code outline the standards required of broadcasters when it comes to the manner in which persons and groups in society are featured during programme material. Broadcasters should be mindful of the diverse and changing nature of their viewing and listening audiences and the range of social, political and religious cultures which exist in contemporary Irish society.

Rule 3.4.1 is a general rule requiring broadcasters to ensure that the manner in which persons and groups in society, in particular, minorities, are treated in programme material is appropriate and justified. Mild comments or humour about characteristics of persons and groups in society may in certain circumstances be acceptable. However, this will depend on whether the characteristic is superficial or whether the comments touch on the essential characteristic of a person or group or society such as their colour, ethnicity, culture, disability, etc.

3.4.2 Programme material shall not support or condone discrimination against any person or section of the community, in particular on the basis of age, gender, marital status, membership of the Traveller community, family status, sexual orientation, disability, race or religion.

3.4.3 Broadcasters shall take measures to ensure that programme material does not stereotype or stigmatise those people with a disability. Broadcasters shall have particular regard to the treatment of people with a disability in programmes, including the language used during programming. The use of colloquial terms of abuse during programme material shall require strong editorial justification.

3.4.4 Broadcasters shall not make an unwarranted correlation between a criminal act and the mental health of a perpetrator during programme material featuring criminal activities.

Rule 3.4.2 requires broadcasters to avoid discriminatory programme material in all instances. This second rule recognises the protection afforded under the relevant equality legislation and prohibits, in particular, programme material which supports or condones discrimination against persons and groups in society.

Rules 3.4.3 and 3.4.4 in this section of the Code also establish a requirement to avoid material that could promote or endorse inaccurate, demeaning or discriminatory stereotypes of people with a disability. While Rule 3.4.3 acknowledges that the use of colloquial terms of abuse may on occasion be appropriate in the context of a particular programme, for example, during a programme discussing the impact and use of such language, broadcasters should be mindful of the serious and widespread offence that can be caused by the casual or gratuitous use of such language in programme material.

3.4.5 Broadcasters shall take measures to prevent undue offence in the treatment of religious views, beliefs or images during programme material. This is not intended to prevent the critical scrutiny of religion.

Rule 3.4.5 under this heading requires broadcasters to avoid causing undue offence in the treatment of religious beliefs, images or views. Inappropriate treatment of such issues of this nature can cause particular offence and such material should be handled responsibly. However, this rule should not be seen as preventing the legitimate critical scrutiny of religion in drama, factual programming, comedy or other types of programming. When handled appropriately, the critical scrutiny of social, civic and religious organisations in Irish society is an important part of the role of both radio and television.

- 16 -3.5 Factual Programming – News, Current Affairs and Documentaries

3.5.1 Factual programming shall not contain material that could reasonably be expected to prejudice respect for human dignity.

The rules in this section acknowledge the fact that programming of this nature reflects real events and may impact on people in a unique manner as a result. The rules aim to balance the need for legitimate comment in a factual programme against the right to human dignity which individuals and groups, who may be the subject of such comment, can reasonably expect. Broadcasters are reminded that these rules do not apply to matters of fairness and balance in news and current affairs coverage neither do they apply to matters pertaining to privacy.

3.5.2 Factual programming shall not contain material that could reasonably be expected to cause undue distress or offence unless it is editorially justified and in the public interest.

Broadcasters should, in instances where it is necessary to show potentially distressing scenes during, for example, a news programme, provide audience information and guidance as appropriate. This is particularly important if the material is shown during a period of the day when children are likely to be watching. When deciding content of this nature, broadcasters should take a proportionate approach, balancing the public interest served by the inclusion of this programme material against the requirement to minimise offence and harm to viewers and listeners. In reaching decisions in such instances, broadcasters are advised to refer to the contextual factors contained under the principle of assessment and any other relevant rules in this Code.

3.5.3 Factual programming shall only emphasise age, colour, gender, national or ethnic origin, disability, race, religion or sexual orientation when such references are justified in the context of the programme or in the public interest.

This rule requires broadcasters to avoid the inclusion in factual programming of references to age, colour, gender, national or ethnic origin, disability, race, religion or sexual orientation where such references are inappropriate and/or serve no editorial purpose.

3.5.4 Factual programming shall ensure that the dead are treated with respect. The moment of death shall not be shown nor shall the dead be shown in close-up, unless, in exceptional circumstances, it may be justified in the public interest.

Broadcasters should be mindful of the impact such coverage may have on the families and friends of the deceased. Close television shots of the dead where the death has been violent are likely to cause distress and offence.

A recent example of the inclusion of appropriate coverage of the dead shown in close-up was the funeral coverage of the deaths of John Paul II and Charles Haughey.

3.6 Children's Programming

*While the **BCI Code of Programme Standards** is concerned with all programming material, the consultation process and the research commissioned by the BCI emphasised the desire for the Code to provide additional protection for children. The principle of **Protection for Children** (as outlined above) and the rules in this section of the Code recognise this desire. In addition, broadcasters must also be mindful of the principles of **Audience Information and Guidance** and **Due Care** when broadcasting programme material which falls under this section of the Code. In addition, the rules under the other seven headings of the Code will also apply, where relevant, to children's programmes.*

3.6.1 For the purpose of this Code, the term 'Child' refers to any person under 18 years of age.

For the purpose of this Code, the term 'Children's Programmes' refers to programmes that are commonly referred to as such and/or have an audience profile of which over 50% are under 18 years of age.

3.6.2 Graphic violence, strong sexual content and strong or offensive coarse language shall not feature during children's programming.

The rules in this Code in relation to violence, sexual content and coarse and offensive language recognise the role of context in terms of the level of offence that may be caused by inappropriate material of this nature. However, in terms of children's programming, the requirement to prevent harm is paramount. For this reason, strong content of this nature is prohibited during children's programming.

3.6.3 The use of illegal drugs, the abuse of drugs and/or solvents and the misuse of alcohol or tobacco shall not feature in children's programming, unless there is strong editorial justification for the inclusion of such material.

This rule places an obligation on broadcasters to handle responsibly the inclusion of the use of illegal drugs, the abuse of drugs and/or solvents and the misuse of alcohol or tobacco during children's programming. The rule recognises the role that television and radio can have on the use and consumption of drugs, alcohol and tobacco. In terms of alcohol, the rule complements existing voluntary practice in respect of this issue including the Code of Conduct for Presenters drawn up by broadcasters and approved by the Department of Health and Children. This Code of Conduct prohibits speech content which glamorises or encourages over-consumption of alcohol.

3.6.4 Trailers for adult programming containing material not reasonably regarded as suitable for children shall not be shown immediately before, during or immediately after children's programming.

- 3.6.5 Children's programming shall not condone anti-social behaviour or encourage others to imitate such behaviour.

This rule complements Rule 3.8 which pertains to imitative behaviour and recognises that some children are more likely to imitate behaviour seen or heard on television or radio because of their relative lack of maturity linked to their stage of development.

3.7 Drugs, Alcohol and Solvent Abuse

- 3.7.1 Programme material shall not encourage the abuse of drugs and/or solvents or the use of illegal drugs.
- 3.7.2 Programme material shall not encourage the over-consumption or abuse of alcohol.
- 3.7.3 Programme material shall not present depictions, either fictional or factual, which detail techniques for the administration of illegal drugs unless there is strong editorial justification for its inclusion.
- 3.7.4 The use of illegal drugs, the abuse of drugs and/or solvents, smoking or the consumption of alcohol by children shall not be presented in a favourable light.

The rule places an obligation on broadcasters to ensure that programme material of this nature is handled responsibly. The abuse of drugs, alcohol and solvents is a key concern of society in light of the real effect such abuse can have on individuals and society as a whole. The rules under this heading are intended to reflect these concerns.

3.8 Imitative Behaviour

Broadcasters shall avoid the inclusion of programme content which could encourage people to imitate acts which are dangerous or prejudicial to the environment and/or the health and safety of themselves or others.

This final rule has been included on the basis that television and radio can play a part in influencing behaviour. While recognising the complexity of the relationship between exposure to radio and television and the behaviour of an individual, the aim of this rule is to establish a basic standard in this area. In practice, where a broadcaster believes there is the potential for imitative behaviour to arise from the content of a programme, audience information and guidance will be desirable.

10th April 2007