

Statement of Outcomes

Phase 1 Code of Programme Standards

Introduction

This document details the decisions taken by the Broadcasting Commission of Ireland (BCI) following the first phase of consultation on the BCI Code of Programme Standards. In addition to providing information on the decisions taken and the rationale for these decisions, the document also provides some background information on the code and the Commission's approach to its development.

The first phase of the development of the Code of Programme Standards was carried out from August to October, 2005. Phase 1 comprised of three activities, namely; a public consultation, a workshop with broadcasters and the conducting of a nationwide attitudinal survey.

1. **Background**

Section 19(1)(a) of the Broadcasting Act 2001 requires the BCI to prepare 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, and, in particular, in respect of the portrayal of violence and sexual conduct in such material.

The Commission considered its approach to the development of the code within the context of its regulatory principles and research conducted into similar codes in other jurisdictions worldwide. On foot of this, the Commission decided to develop the Code of Programme Standards over three phases, to be informed by the following principles;

- The development of the code will not be limited to issues of violence or sexual conduct
- The development of the code will acknowledge that there are influencing factors that determine how material is received by the viewer or listener.
- The development of the code will acknowledge the importance of context in assessing programme material
- The development of the code will focus on determining the principles and framework against which programming material can be assessed rather than attempting to prescribe precise rules.

The first phase of consultation was framed in the context of this approach.

2. **Brief summary of Phase One activities**

Three activities were undertaken in Phase 1 and are briefly described here.

2.1 *Public Consultation*

A Phase 1 Consultation Document was produced and disseminated. It sought views on three key areas, namely;

- Objectives of the code – what should be the code’s objectives?
- Scope of the code – what issues should be addressed by the code?
- Context – what factors should be considered when assessing programme material?

There were 71 submissions received in response to the consultation and these have been summarised in the report entitled *‘Review of Submissions Received, Consultation BCI Code of Programme Standards: Phase 1’*. This report is available at www.bci.ie. In general, there was broad support for the issues put forward for consideration and the majority of respondents endorsed the proposed objectives, scope and contextual factors.

2.2 *Nationwide Attitudinal Survey*

The nationwide attitudinal survey into what offends people on radio and television was undertaken by Lansdowne Market Research, with a representative sample of 1000 respondents aged 15+, at 63 locations throughout the country. The survey was completed using face to face interviews in respondents’ homes, with the most sensitive issues (e.g. swear words and derogatory terms) administered as a self completion questionnaire.

The research report is divided into sections that outline results for what offends generally, before dealing specifically with the issues of violence, sexual content, coarse language and the portrayal of minorities in society. The report provides key demographic information relating to the findings under each of these topics. The results of the survey were made public on November 1st 2005.

2.3 *Workshop with Broadcasters*

A consultation workshop with broadcasters was held on October 27th, with over 50 broadcasters in attendance. The purpose of the day was to capture the experience of broadcasters in relation to regulating these issues within their station/service.

The three activities undertaken in Phase 1 were used to inform the Commission’s decision making with regard to the issues raised within the consultation document.

3. Consultation Outcomes

The purpose of the first phase of consultation was to seek views on three key areas, namely:

- The objectives of the code
- The scope of the code
- Context - The factors that should be considered when assessing programme material.

Within the responses received there was broad agreement with the proposals put forward by the Commission in the consultation document. Many respondents in addition to giving views on the three key areas went further and discussed the actual rules that should be contained in the code. This material is for consideration within Phase 2 of the development of the code.

3.1 Objectives of the Code

The consultation document proposed five objectives, namely:

- a. To promote responsible broadcasting where entertainment, education and access to information and a range of views is enhanced and offence and harm is reduced;
- b. To acknowledge the diversity of tastes and interests which exist within viewing and listening audiences and to facilitate broadcasting that caters for this diversity;
- c. To inform viewer and listener choice;
- d. To provide guidelines to broadcasters;
- e. To inform viewers and listeners on the standards they can expect from broadcasting services.

Views were sought as to the appropriateness of these objectives and also if there were additional objectives that should be taken into account.

Response

There was overwhelming endorsement of the objectives. A small number of respondents believed that the first and second objectives, by referencing 'diversity of tastes and interests', gave the impression that offensive material will be 'tolerated' by the code rather than eliminated. Those respondents who held strong views as to the need to eliminate programme material that is, in their view, in bad taste or offensive did not believe that 'choice' should be allowed or that taste is subjective. Rather they believed that such programming should not be broadcast. This view was echoed by a minority of respondents in the attitudinal survey who believed that objective standards of what is in bad taste or harmful are possible. Those who disagreed with the objectives believed that they were not prescriptive enough to prevent 'offensive' material from being broadcast.

Outcome

The Commission has agreed, with reference to its regulatory principles, that broadcasting should cater for a diversity of tastes and interests and that issues of taste and decency are influenced by a range of factors and determined by context. Therefore, the Commission is satisfied that the above objectives are appropriate as those that should guide the Code of Programme Standards.

3.2 Scope of the Code

The Broadcasting Act 2001 specifies that the code should address the issues of violence and sexual conduct in programme material. The consultation document presented a range of issues that could come within the scope of the code and asked for views as to whether these issues should be addressed in the code. It also asked whether there were any additional issues that should be included. The proposed headings were identified with reference to the research conducted into equivalent codes in other jurisdictions. The list of issues identified and proposed were as follows;

- Violence
- Sexual conduct
- Coarse language
- Children's programming
- Portrayal of persons and groups in society
- Portrayal of drugs, alcohol and solvent abuse
- News and current affairs
- Imitative behaviour

Response

The majority of respondents to the consultation endorsed the use of these headings in the code, as those that captured the key issues arising for viewers and listeners. The findings of the attitudinal survey also support their inclusion, as each of these issues arose in the research as areas which viewers and listeners find offensive. During the workshop with broadcasters, there was also support for the use of the above headings as the framework for the code. A small number of respondents referenced additional headings to be included. However the Commission is satisfied that the above headings address these issues.

Outcome

The Commission will use the above headings as the framework for the Code of Programme Standards. Phase 2 of the development of the code will develop the rules and principles to be contained under each heading.

3.3 Context

The consultation document identified and proposed a range of factors that have the potential to influence how a viewer or listener perceives programme material. These factors were proposed as those that will constitute the 'context' in which programme material is broadcast. These factors were identified following research into national and international practice. The factors are as follows:

- Time of broadcast;
- Type of programme;
- Channel type/service type;
- Prior information/warning;
- Editorial justification;
- Likely size and composition of the audience.

The document asked for views as to whether these are factors that should be considered when assessing whether programme material is in breach of the code. These issues were also addressed in the attitudinal survey, for example, by asking respondents to consider their reaction to the use of coarse language or violence on different channel types or programme genres broadcast at different times in the schedule. The broadcasters' workshop also addressed this issue.

General response

Overwhelmingly the response from all three activities was that context is vital in considering issues of taste and decency or harm and offence. There was support for the use of the above headings, with many respondents going into the detail of how these headings might be used.

There were some differences with regard to the degree of support shown for the inclusion of the various factors. While type of programme, time of broadcast and the availability of prior information received overwhelming support, support for the use of the other headings – editorial justification and channel type – were contingent on their not being used in isolation of the other factors. Many respondents, while supportive of the factors, cited the importance of assessing programme material with reference to a range of factors and not one in isolation. This reiterates the consultation document, which stated that the Commission's intention is that factors will be used in tandem rather than in isolation from each other.

Likely size and composition of the audience

The one heading that received little support in the consultation related to the likely size and composition of the audience. This factor is linked to channel/service type and programme type. It was included with regard to the expectations of the audience, that is, that while the usual audience for a programme may find that programme content acceptable, a viewer or listener

who happens upon the programme unintentionally may find it offensive. The attitudinal research reveals that there are differences across various demographic groups with regard to the level of offence they experience in response to particular programme content. The inclusion of this factor was to allow consideration to be given, in the event of a complaint from such a viewer/listener, as to whether the programme material was in keeping with the expectations of its more usual audience, who chose to watch or listen to such material.

The factor was also included to permit consideration to be given in the event of a complaint, as to whether the broadcaster had had regard to the likely composition of the audience for that programme. For example, a programme that usually attracts an older audience, may in certain circumstances attract a younger audience, by virtue of the appearance of a particular pop or sports icon. Those who supported the inclusion of this factor again requested that it be used in tandem with other factors.

Consultation with broadcasters at the workshop revealed the likely or usual composition of the audience is a factor that they already take into consideration and find useful in scheduling programme content. Indeed it is a principle within the Children's Advertising Code that programmers are required to take the likely composition of the audience into consideration when scheduling children's advertising.

There was no substantial support, however, for the inclusion of *size* of audience and it could be argued that the above considerations can be adequately addressed under the heading 'likely composition of the audience'.

Outcome

The Commission will use the following factors as those that will be considered as the 'context' in which programme material will be assessed.

- Time of broadcast;
- Type of programme;
- Channel type/service type;
- Prior information/warning;
- Editorial justification;
- Likely composition of the audience.

The heading likely size and composition of the audience has been modified to read 'likely composition of the audience.'

4. Next phase of development

Phase 2 of the development of the code will run from February to May 2006 and will involve a public consultation on the actual principles and rules to be contained in the code under each of the headings.

A public notice on television, radio and in print will be used to highlight the consultation and encourage participation.