

Some basic pointers on Broadcast Compliance

If you run a licensed television channel or radio station your content of your service must comply with standards codes of the communications regulator, Office of Communications, Ofcom.

The Ofcom Broadcasting Code contains the rules on editorial standards in programmes, promotions, sponsorship and branded content. The full Code is available on the Ofcom website www.ofcom.org.uk. For advertising, broadcasters must ensure the placement of advertising complies with the Ofcom COSTA Code on the amount and scheduling of advertising as well as the BCAP Television Advertising Standards Code. The BCAP Code is enforced by the Advertising Standards Authority (ASA), in a co-regulatory arrangement with Ofcom.

One of the key principles of both the above codes is consumer protection, specifically the protection of children in terms of the material to which they are exposed by television and radio services and that advertising remains "honest, decent and truthful" and does not materially mislead consumers.

The Ofcom Broadcasting Code contains a series of principles and rules which set out minimum editorial standards. The rules are binding and broadcasters are required to comply with the rules as a condition of their Ofcom licence. Failure to do so can lead to financial penalties. Ofcom publishes guidance notes to its Broadcasting Code to help practitioners interpret the rules and how to apply them. This guidance is advisory and not binding.

A key tenet of content regulation is the "Watershed". It is intended to allow parents to manage their children's viewing and to allow more challenging material, in terms of violent or sexual content, to be made available to a grown-up audience later in the evening. In terms of scheduling, if material is likely to be unsuitable for children i.e. it might be harmful to them mentally or, it would normally be restricted to a post-watershed slot in the schedule.

The watershed starts at 21.00hrs and finishes at 05.30hrs. Pre-programme warnings can make sure viewers know what to expect in terms of strong content which will avoid distress and complaints.

The Ofcom Broadcasting Code acknowledges that material affects audiences differently depending on the context in which it is shown. Both programme and channel context, along with the size and make up of a channel's audience and the time of broadcast will be taken into account when complaints are considered by Ofcom. Programme information, such as continuity announcements, will also be considered in these investigations.

If you need any help understanding and interpreting the full Ofcom Codes, please email info@louisemcmurchie.com.