

BBC Editorial Guidelines Consultation – LGBT Foundation

We support the BBC's stance on freedom of expression, allowing for the 'exchange of information and ideas without state interference' and we encourage content which seeks to educate and inform viewers on the experiences of LGBTQ+ people, the challenges our communities face, and how these might differ from those of the audience. Content which portrays LGBTQ+, and particularly trans and non-binary experiences has an important role in shifting social attitudes, reducing discrimination, and representing the most marginalised members of queer communities.

The BBC's value of impartiality is welcome, however where issues of identity are concerned, more guidance on applying accuracy, objectivity and open-mindedness would be beneficial. Accuracy and objectivity as principles may be applied in such a way as to perpetuate falsehoods or structural inequalities, as what is deemed 'accurate' by an individual may change based on their identity. For example, it would be accurate for a trans person to refer to themselves in their affirmed gender identity, however someone with gender critical views may view this as inaccurate, to the offense of trans and non-binary communities. Which of these views of accuracy will be prioritised is left as a matter of editorial discretion, and risks being based on the views and biases (conscious or not) of the senior editor themselves.

This is particularly pertinent, as the guidelines themselves highlight that 'impartiality does not mean detachment from fundamental democratic values, including ... freedom from discrimination'.

Where views or opinions are expressed by contributors that may be offensive, particularly in relation to a person's or group's identity, it would be beneficial to clarify when this approaches a criminal offence under the Equality Act within the guidelines.

It would also be good practice for content warnings to be provided prior to airing, specifying which type of offence may be caused. Generic warnings such as 'contains content that some may be offensive to some' implies the use of swear words, but not offensive views such as homophobia and transphobia. More informative content warnings would allow audiences to appropriately consider whether they wish to engage with a particular piece of media.

Where the guidance addresses 'material (that) may constitute hate speech (where it is) likely to encourage criminal activity or lead to disorder', it is worth considering the impact that homophobic or transphobic cultural commentators can have on

normalising this rhetoric and causing it to be repeated to the detriment of LGBTQ+ people.

If a gender critical cultural commentator were given a platform on a review programme for example, even if the speech itself was protected, could the risk of harm for trans and non-binary people in daily life, through the promotion or incitement of those views, be sufficiently harmful as to prevent the individual from being platformed?

False equivalence is an important factor to consider, particularly regarding social issues such as climate change. However, further thought and clarification may be needed on the point that 'minority views or those less supported by evidence, do not need to be given similar prominence or weight to those with more support'.

Such a clause should be delicately managed, as minoritised identities are more likely to be impacted by this provision than those who would perpetuate exclusionary views. Particularly when sorting opinion from fact, this becomes fraught when discussing identities, structural inequality and topics which lack sufficient data due to deliberate underfunding or suppressed findings.

This becomes problematic when a presenter's own identity is impacted. The BBC risks upholding structural cis heteronormative attitudes by mandating that queer staff and presenters should not have a right to respond to queer phobic attitudes in content, or from contributors. This may also be a barrier to recruitment, as it may be assumed that a person's LGBTQ+ identity makes them inherently biased towards a certain viewpoint, and therefore are inappropriate for broadcast roles.

The acknowledgment of the damage caused by discriminatory slurs, while giving due attention to whether these are appropriate if being used in a context of reclamation is welcome.

The language guidance provided for issues pertaining to suicide is also welcome. It would be good practice to design something similar for use of language relating to LGBTQ+ identity. LGBT Foundation has produced similar guidance for other organisations and would be happy to work with the BBC to produce such a guide.