

BBC Draft Editorial Guidelines WGGB Response

The Writers' Guild of Great Britain (WGGB) is a trade union representing professional writers in TV, film, theatre, radio, books, comedy, poetry, animation, and videogames. We negotiate national, collective agreements on pay and conditions with key industry bodies, including BBC. Our members have a particular interest in the Editorial Guidelines and their application as they will have a direct impact on their working lives.

We recognise that updated guidance was required in some areas as a result of legislative change, and we welcome the guideline's increased focus on safeguarding children and protecting them from harm. We also acknowledge developments in the media landscape since the last guidelines and welcome the guideline's clear statements about the use of technology including AI, and its attempts to provide more detailed guidance on streamed/online content.

However, we have a number of concerns about the new draft guidelines, specifically in relation to clarity of application, and their impact on freedom of expression and other rights.

The changed lay-out, structure and language applied throughout the guidelines has made it much more difficult to identify where and when certain restrictions and/or processes apply. This is particularly the case when considering drama and other scripted content in part because of the inconsistent and interchangeable use of terms such as "output", "programmes", "drama" and an over-reliance of terms such as "broadcasting" and "depiction", which don't specify whether they relate only to journalistic depictions in news or documentary programming or to all "output" including drama.

An example of this can be found in the section Harm and Offence – Violence. The initial text discusses both fictional and non-fictional depictions of violence and their impact before stating:

There are very few circumstances which justify broadcasting the actual moment of death. Any proposal to do so must be referred to Director Editorial Policy and Standards.

While this is certainly true (and undisputed) when considering the death of *an actual person* in news, documentary and non-fiction content, it is not necessarily the case for the death of a fictional character in a drama, where death is routinely depicted in a range of genres from medical to crime drama, and it seems unlikely that the BBC wants every example referred to the Director Editorial Policy and Standards.

This is an extreme example for illustrative purposes as readers might assume that the point applied only to the death of a "real person" but other examples throughout are less clear-cut and the purpose of the guidelines should be to reduce ambiguity rather than introduce it.

We recognise that there are areas where guidance overlaps and separates and so would propose that some sort of numeric or visual key is used to highlight which sections/restrictions are applicable only to news and current affairs, which extend to factual and un-scripted, and which apply to all content.

Similarly, terms like "contributors", "talent", "content makers" etc are applied inconsistently and sometimes interchangeably, making it difficult to establish who exactly is being included or excluded from some of the guidelines.

This is particularly important in assessing how the guidelines will apply to freelance screen and audio writers – especially in relation to the sections on impartiality, conflicts of interest, social media use and any political and campaign activity they may be involved in. Previously, actors, dramatists, comedians and pundits were not subject to the requirements of the editorial guidelines in relation to many of these areas and this was made explicit, however the new guidelines appear to be all encompassing.

A clear example of the issue can be seen in section 4.4.14

4.4.14 Where individuals identify themselves as being linked with the BBC, and are content makers in on-air or off-air roles or are presenters primarily associated with the BBC, their public expressions of opinion on controversial issues or matters of current public policy have the potential to compromise their own and the BBC's impartiality or cause other reputational damage. This includes displaying emblems, joining protests or marches, supporting campaigns or signing petitions, writing open letters to the press, to politicians, or to any external organisation. Any such view placed in the public domain, may present an actual or perceived conflict of interest.

And again

4.4.25 Many organisations, including campaigning and lobby groups, charities, newspapers and specialist websites, maintain a public position on matters of public policy, political or industrial controversy, or any other 'controversial subject'. Before becoming actively involved with, or offering public support to, an organisation with a partial or campaigning stance on such matters, *individuals engaged by the BBC* should give the same consideration to the impartiality risks as is required for party political activity.

In this context, what precisely does 'identify themselves as being linked with the BBC' or 'engaged by the BBC' mean? At its broadest it could be taken to mean that anyone who references anywhere the fact that they have worked on a programme broadcast on a BBC platform or who is working on a brief story-lining conference or development scheme.

In a real-world context where the majority of programmes are made by independent production companies and the writers of that work are freelance – this appears to be either an enormous over-reach by the BBC or an issue of use of language that requires greater finesse. The Hardie report highlighted the fact that definitions like 'identified with the BBC' were too general and subjective and recommended that the BBC should 'define those in scope for guidance according to the BBC programmes and roles being performed'(p7).

As they are currently written, we are concerned that it appears that the BBC is attempting to improperly restrict the freedom of expression and legitimate political and charitable activity (including religious practice and trade union activism) of large sections of its workforce (both employees and freelance). Most people are able to understand that there is a difference between the views of a company and the individuals that work for it and the BBC is no different. Writers, actors and other creatives should not and must not be forced to restrict their political and charitable activities in order to work on projects for the BBC.

We are also concerned that the guidelines in their current form are likely to render almost all forms and every episode of drama as 'controversial' in one way or another and as a result require additional layers of bureaucratic scrutiny that will simply pull resources away from production budgets, hamper creativity and slow down production decisions even more.

The guidance is, somewhat inevitably, contradictory and/or unclear about when, whether and how the views of different groups (be they political, religious or other minority) should be taken into account when assessing the suitability of content and/or representations of those groups. Likewise, its description of areas where there appear to be a "consensus" remains too vague and subject to huge variation of interpretation.

There is a risk in the way the guidelines are currently presented that a relatively small number of individuals will be asked to make decisions about the acceptability of work, but with insufficient information being provided to the public or the production community about how these people will be selected, how representative they are of the UK population, and on what basis (ethical, commercial, political) these assessments will be made and by what criteria.

John Hardie cautioned the BBC against using a 'hammer to crack a nut', highlighting that there have been 'a relatively small number of politically 'problematic' posts among the cohort of high-profile presenters in the last two years.' However, the guidelines in their current form appear to do just that, extending its scope beyond that of 'on-air talent' to the entire creative workforce.

We suggest that the BBC look again at these guidelines and re-draft to provide greater clarity of application by genre, greater clarity of application by role, and reassurance that there will be no interference in or prohibition of legitimate charitable, religious and political activities, including trade union organising, of dramatists and the wider writing community.