

Note to Broadcasters

Updates to the Broadcasting Code – Protecting participants in programming

On 18 December 2020, Ofcom published its Statement: [Protecting participants in TV and radio programmes](#). In that Statement we set out our decision to amend Section Seven of the Code to introduce two new provisions to ensure that broadcasters take due care of people who may be at risk of significant harm due to their participation in television and radio programmes. In brief, we have:

- added a new measure to Practice to be followed 7.3 on informed consent setting out that where a person is invited to make a contribution to a programme (except where the subject matter is trivial, their participation minor, or it is justified in the public interest not to do so) they should normally, along with the other measures as already set out in Practice to be followed 7.3, at the appropriate stage: be informed about potential risks arising from their participation in the programme which may affect their welfare (insofar as these can be reasonably anticipated at the time) and any steps the broadcaster and/or programme maker intends to take to mitigate these; and
- introduced a new Practice to be followed 7.15 setting out that broadcasters should take due care over the welfare of contributors who might be at risk of significant harm as a result of taking part in a programme, except where the subject matter is trivial, their participation minor, or it is justified in the public interest not to do so.

In our Statement we recognised that programme-makers need time to amend their compliance processes in advance of these changes coming into force, which we said would be on **Monday 5 April 2021**. We have amended [the Code](#) on Ofcom's website to reflect this, making clear that the new provisions apply to programmes that begin production on or after Monday 5 April 2021 and going forwards, we will assess complaints on this basis.

We have also amended the [Guidance](#) that accompanies Section Seven of the Code to reflect the new measure in Practice 7.3 and the new Practice 7.15.

In our Statement, we also set out our decision to:

- amend the wording of Rule 2.3 in Section Two (Harm and Offence) of the Code, to add to the non-exhaustive list of examples of material to which the rule applies, to make clear that it also protects audiences from any potential offence arising from viewing the treatment of people who appear to be put at risk of significant harm as a result of their taking part in programmes and where there is insufficient context; and
- make minor amendments to the wording of Rules 1.28 and 1.29, relating to the due care of under-eighteens. Specifically, we have replaced “wellbeing” with “welfare” in Rule 1.28 to

reflect changing attitudes in society about mental health issues; and Rule 1.29 has been amended to clarify that people under eighteen must not be caused **unjustified** distress.

These changes to the wording of Rules 1.28, 1.29 and 2.3 have now been reflected in the Code.