

Ofcom Broadcast and On Demand Bulletin

Note to broadcasters

Updating Ofcom's Broadcasting Code Guidance

We previously announced our intention to update our [Guidance](#) to [Ofcom's Broadcasting Code](#) ("the Code") to ensure that it remains relevant and helpful to broadcasters¹. We are now seeking views from broadcasters to inform our work on the Guidance.

Background

The Code contains the rules which broadcast television and radio licensees must follow when complying content on their services. The Code covers standards in programming including: harm; offence; the protection of children; due impartiality; sponsorship and product placement. The Code also covers practices to be followed by broadcasters to ensure that they avoid unjust or unfair treatment of individuals or organisations in programmes and any unwarranted infringement of privacy in programmes and in connection with obtaining material included in programmes. While it is the responsibility of the broadcaster to comply with the Code, Ofcom provides Guidance to each section to help broadcasters to interpret and apply the rules and the practices to be followed under sections seven and eight (fairness and privacy) when making editorial decisions about their programmes.

Areas we are seeking broadcasters' input

This work focuses on updating the structure of our Guidance - for example its presentation, usability and how it is formatted. We aim to improve the experience broadcasters have from using our Guidance. It is important to note that we are not proposing changes to any of the rules or the practices to be followed in the Code itself.

We are seeking views from broadcasters on:

- the format, usability and presentation of the Guidance;
- how broadcasters currently use our Guidance;
- feedback on what broadcasters find helpful; and
- how the supporting materials and information Ofcom provides along with the Guidance could be improved.

¹ See [Note to broadcasters](#).

Related Ofcom work

We plan to update the Guidance to all sections of the Code including our bespoke guidance on [Protecting the Under-Eighteens: Observing the watershed on television and music videos](#) and guidance on [Offensive language on radio](#).²

Work is already underway to update our Guidance to Section Nine, Commercial references on TV. Ofcom has recently published [qualitative research concerning audience attitudes to commercial references](#)³ in television programmes and in light of these findings, we are now considering the scope for us to amend and clarify our guidance on rules about the promotion and undue prominence of products, services and trademarks in programmes. We intend to continue engaging directly with relevant broadcasters as part of this work. Our approach to drafting, structuring and formatting any amended Guidance to Section Nine will take account of any feedback from broadcasters we receive on Section Nine as part of this exercise.

Next steps

We're interested to hear the views of our Licensees about their experience of using the Guidance and will be emailing a questionnaire shortly, which we'd be grateful if Licensees could complete. **We would like responses from broadcasters by 1 May 2023.** We expect to publish some of our updated guidance later in 2023 .

If you have any initial thoughts at this stage or any queries, please contact us via codeguidance@ofcom.org.uk

² We will not be updating the Guidance on the [advertising of telecommunications-based sexual entertainment services and PRS daytime chat services](#), or the guidance associated with other codes such as the Code on the Scheduling of Television Advertising (COSTA) at this time.

³ See Ofcom's TV broadcasting: data and research pages on its website: https://www.ofcom.org.uk/_data/assets/pdf_file/0028/248590/commercial-references-report.pdf