



**BBC response to Ofcom's consultation on
guidance for ODPS providers on measures to
protect users from harmful material**

September 2021

Executive Summary

1. The BBC supports the aim of protecting audiences from harmful material including that covered by this consultation on guidance for ODPS providers. Although most video on demand services are not regulated by the Ofcom Broadcasting Code, under the BBC's Charter and Agreement the Ofcom Broadcasting Code applies to BBC iPlayer.¹ All the content on BBC iPlayer also complies with BBC Editorial Guidelines.²
2. On linear television, the 9pm watershed is a well understood boundary after which stronger content can be scheduled. However, the delivery of content via on demand raises the potential for audiences to watch 'post watershed' programmes and more challenging content at any time. To enable audiences to make informed decisions about what content is appropriate for themselves and for their children, the BBC offers a series of robust protections including the "G for Guidance" labelling system and a parental lock facility on the iPlayer. The BBC also provides under 13's Accounts and Profiles which display BBC iPlayer content suitable for under-13s and 13-15yr Accounts, with a specially curated homepage.³
3. Audiences recognise and understand the standards that PSBs in general and the BBC in particular adhere to and the role they play.⁴ The BBC has well-established and tested processes for making decisions about the appropriateness of content, with defined roles and responsibilities. Judgements about content take into account factors including BBC's Editorial Guidelines (especially the Harm and Offence section)⁵ and the relevant accompanying Guidance notes (for example: Language, Violence).⁶
4. Protections such as parental control functions should be carefully constructed and measures such as age verification should be used judiciously, when proportionate to the risk of harm. A regime which layers double regulation on the BBC would not be proportionate and targeted.

¹ Schedule 3, para 3, Framework Agreement

² Schedule 3, para 2, Framework Agreement

³ BBC Editorial Guidelines, Section 5: Harm and Offence

<https://www.bbc.com/editorialguidelines/guidelines/harm-and-offence/guidelines>

⁴ As Ofcom found in their News Consumption Survey, seven in ten regular viewers of BBC TV news agreed it was accurate and trustworthy

⁵ <https://www.bbc.com/editorialguidelines/guidelines/harm-and-offence/guidelines>

⁶ www.bbc.co.uk/editorialguidelines

Introduction

5. The BBC supports the aim of protecting audiences from harmful material including that covered by this consultation on guidance for ODPS providers. As technology allows media to be distributed in a growing number of ways, it is right that safeguards should ensure the wellbeing of audiences – and in particular young audiences.
6. In the UK, the content that is commissioned and distributed by PSBs accords to very high standards. In the case of the BBC, this includes adherence to the BBC Editorial Guidelines that are based on – and which in some instances go beyond – the Ofcom Broadcasting Code.
7. Audiences recognise and understand the standards that PSBs adhere to and the role they play in connecting communities, providing trusted, independent news, and entertainment. As research by Jigsaw for Ofcom showed, the BBC is known by audiences to be trusted and authoritative, and safe.⁷ As Ofcom have also reflected, seven in ten regular viewers of BBC TV news agreed it was accurate and trustworthy.⁸ Moreover, the BBC is the most trusted news provider.⁹

Controls, guidance and other protections on BBC iPlayer

8. In addition to the requirements of the BBC Editorial Code, we have extensive existing safeguards on BBC iPlayer that protect audiences, which include the following:

'G' for Guidance

9. The BBC led the development of standards with G for Guidance in 2006. It is a well-established system that the other UK PSBs adopted with Ofcom's support, and that audiences understand and value.¹⁰ Long form text labels alert users to the appropriateness of content when deemed appropriate by the channel Compliance Managers. They take into account factors including BBC's Editorial Guidelines (especially the Harm and Offence section)¹¹ and the relevant accompanying Guidance notes (for example: Language, Violence).¹² Audiences are used to these as part of the pre-schedule announcement for broadcasting – like pre-schedule announcements, they will show a specific warning (e.g. violence,

⁷ Jigsaw, 2020, An exploration of people's relationship with PSB, with a particular focus on the views of young people

⁸ Ofcom News Consumption Survey

⁹ Ipsos MORI, 1,013 UK adults 18+ who follow the news, Mar 2020

¹⁰ <https://www.bbc.co.uk/iplayer/help/questions/parental-controls/parental-guidance>

¹¹ <https://www.bbc.com/editorialguidelines/guidelines/harm-and-offence/guidelines>

¹² www.bbc.co.uk/editorialguidelines

sex, drug use or strong language) along with additional context such as its genre (e.g. a current affairs documentary). Content descriptors are supplemented by a prominent 'G' for Guidance symbol indicating when a programme contains content which might not be suitable for children.

10. The BBC carried out extensive audience research before establishing the 'G' for Guidance system. Parents and carers overwhelmingly requested content information to enable them to make informed choices for their children.

Parental Guidance Lock

11. The Parental Guidance Lock provides a way of helping responsible adults to control what children watch on their devices by restricting access to content which they feel is not appropriate for or suited to their children. On first use across all platforms (and playing a programme with guidance for the first time), users are presented with the option to set up the PG lock by entering a four-digit PIN. It can also be activated via the settings menu on TV and mobile. Once set, anyone who tries to watch or download a programme with a BBC Guidance label on it will not be able to access the content without the correct pin. The PIN is required on the first episode with guidance that is played and not on any subsequent episodes within the same brand, or in the same session. The lock is activated at a browser/device level rather than on the user's account and has to be activated accordingly.

Under 13's Accounts and Profiles

12. Children can sign in to BBC iPlayer with their own BBC account, or parents and guardians can add child profiles to their accounts. When signing up for their own account, those under 13 are instructed to ask a parent or guardian to help them register, and to provide a parent or guardian's email address. Child accounts and profiles display BBC iPlayer content suitable for under-13s. The search functionality and personalised recommendations on these accounts and profiles are also tailored to only display under-13s content, enabling children to browse safely.

13-15yr Accounts

13. Viewers aged 13-15 with a BBC account are presented with their own homepage which includes a range of curated material relevant to this age group. Any content with a 'G' for Guidance is always carefully reviewed before being made

available on this homepage. When attempting to view anything with a guidance label, and if the parental lock is not switched on, guidance dialog appears and the user is asked to confirm that they have permission from a parent or guardian to play the content. The dialog also displays for any subsequent episodes played in the same session.

Consultation questions

Question 3: Do you have any comments on proposed guidance around subsections 4 - 7 of section 368E of the Act – protection of under-18s (specially restricted material)?

14. Protections such as parental control functions should be carefully constructed and measures such as age verification should be used judiciously, when proportionate and necessary to mitigate the risk of harm that could be caused by the content.
15. A regime which layers more onerous double regulation on the BBC in respect of protecting under-18s would not be proportionate and targeted. This is because there are extensive protections already in place that work in the interests of audiences, including younger audiences, and BBC content is already high regulated. We note that para 5.2 of Ofcom's framework states that measures need to be proportionate.
16. In addition, we note considerable technical complexity to a significant revision of our already extensive protective measures. New systems in areas such as age assurance would mean building a new tool, integrating new metadata into all content, and require changes in the data and behaviour of the VOD product in search and playback. That would be costly and resource-intensive, and would not represent good value for money for the licence fee payers who would ultimately fund revisions.