

RTÉ

Programme-

Makers' Guidelines

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Introduction

RTÉ is the national public service broadcaster of Ireland. What does this mean? It means that RTÉ exists to serve all the public. RTÉ is “owned” by the public in the sense that its only purpose is to make and broadcast programmes which satisfy the audience. In our schedules the audience finds programmes made in Ireland, addressing Irish interests, celebrating Irish cultural pursuits and informing listeners and viewers about what is happening in Ireland and around the world. The public has confidence in what RTÉ broadcasts. RTÉ exists to serve all the people of Ireland and, therefore, its programming must reflect the diversity of the whole island. RTÉ must make programmes for minorities as well as majorities. Its airwaves must be filled with the full spectrum of opinions and values, attitudes and cultures, interests and occupations that go to make up the patchwork of life in Ireland today. RTÉ’s programme-makers have a special responsibility to reflect in a fair and generous manner the interests and values of all of the people in Ireland. We have a broadcasting legacy going back to 1926. Our audiences know us and trust us. We must strive to maintain that trust. A special responsibility rests on the shoulders of all programme-makers. RTÉ will be judged in the years to come by the product of your efforts.

These guidelines are designed to assist producers, directors, assistant producers, journalists, reporters, researchers and others in making programmes. They are also designed for the guidance of independent production companies who are contracted to make programmes for RTÉ. You will find in RTÉ a vast number of people with expertise in broadcasting. Remember help and advice is always at hand.

There is a distinction between rules and guidelines. This is a book of guidelines. So what you will find here is advice and guidance. Where there are rules your attention is drawn to the relevant regulations. **Remember some procedures are mandatory and must be followed.**

All the information and advice contained in this book is available on the RTÉ Intranet site and the RTÉ Website. Members of the public may access these Guidelines and judge for themselves if we are maintaining the standards we aspire to in our programming.

These Guidelines are designed so that they can be updated to take into account changes in legislation, evolution of attitudes and developments in broadcasting technology.

If at times these guidelines seem restrictive it is only because broadcasting carries responsibilities. But it also carries enormous creative possibilities. The combination of creativity and responsibility will produce the next generation of the best of public service broadcasting.

Bob Collins
Director-General

Legal Framework

RTÉ is a statutory corporation that operates under a legislative framework that is found in the various Broadcasting Acts. For programme-makers the most important obligations are found in **Section 18 of the 1960 Broadcasting Authority Act** as amended by **Section 3 of the Broadcasting Authority (Amendment) Act 1976**. This section places a legal obligation on all RTÉ's News broadcasts to be presented in an

objective and impartial manner and without any expression of the Authority's own views.

The latter phrase "*the Authority's own views*" is interpreted to mean that a News report should not contain the opinions or views of the reporter. News reports should be strictly factual. In addition in Current Affairs programmes section 18 places the obligation to *be fair to all interests concerned* as well as being *objective and impartial*. In programming other than news and current affairs objectivity and impartiality must be maintained if the matter under discussion is either the subject of *public controversy or current political debate*. Since the 1976 Act fairness, objectivity and impartiality may be achieved in a series of related broadcasts provided the broadcasts *are transmitted within a reasonable period*.

RTÉ is both a programme-maker and a broadcaster. We are responsible in equal measure for all our output whether we have made the broadcast or purchased it. When RTÉ broadcasts, it acts as a publisher with the legal obligations of a publisher and also with statutory duties and responsibilities that are unique to RTÉ as a radio and television broadcaster. All programme-makers must understand and comply with the legal framework in which RTÉ operates.

There is a philosophical debate about the possibility of objectivity. Some philosophers argue that everything is subjective and that there are no absolute truths. However in the practical world of broadcasting the important consideration must be that programme-makers strive to achieve objectivity. This is found somewhere within the honest endeavour to achieve impartiality, fairness and truthfulness. It is important for programme-makers to recognise that fairness does not mean the same thing as equality. Fairness cannot be measured by the application of a stopwatch. Giving the same amount of time does not guarantee fairness. The manner and ordering of facts and opinions is a subtle exercise that cannot be measured in seconds and minutes.

Outside of News and Current Affairs programme-makers must also place a high priority on impartiality, fairness and objectivity. Obviously in such areas as drama, comedy, entertainment and satire programmes different criteria apply. Overall, programme-makers must strive to maintain RTÉ's reputation for fairness. For example in satire it may be acceptable to mock a public figure's attitudes and demeanour, but in certain circumstances it might be unacceptable to mock their physical appearance. Equally satire based on race, religion or gender is likely to be unacceptable.

From an ethical and moral point of view achieving fairness is an over-riding consideration for public service broadcasters. Public support for RTÉ is dependent on viewers and listeners retaining their confidence in the accuracy and fairness of its programmes and news reports. This is critically important for RTÉ as a public service broadcaster.

The public expects RTÉ to be fair. Obviously definitions of what is fair vary. In the same way it is possible to debate what is an objective fact and what is an opinion. The important thing is to be seen to be striving to be fair. All sides in an argument should be given a fair opportunity to express their points of view. Fairness is often achieved by establishing the context of an issue. There must not appear to be an editorial preference in the order or the manner in which arguments are put. Public Service Broadcasting must be seen to be impartial in debate between conflicting viewpoints, philosophies, ideologies and analyses of events.

The one subject where RTÉ is permitted to express its own viewpoint is in the discussion of any proposal concerning broadcasting policy which is the subject of current debate.

A more detailed document **Broadcasting Authority Acts 1960-1993, Section 18 (1) Guidelines** is available from RTÉ's Department of Legal Affairs.

Public Service Broadcasting

The Broadcasting Act 2001 requires the Authority to maintain public service broadcasting on television and radio. The Act says in Section 28 (2) that RTÉ must

(a) provide a comprehensive range of programmes in the Irish and English languages that reflect the cultural diversity of the whole island of Ireland and include...programmes that entertain, inform and educate, provide coverage of sporting, religious and cultural activities and cater for the expectations of the community generally as well as members of the community with special or minority interests, and which, in every case respect human dignity

(b) provide programmes of news and current affairs in the Irish and English languages, including programmes that provide coverage of proceedings in the Houses of the Oireachtas and the European Parliament

(c) facilitate or assist contemporary cultural expression and encourage or promote innovation and experimentation in broadcasting.

Note that the law does not define some programmes as *public service* and others as non-public service or commercial. Rather it says that the schedules should meet the test of public service by including broad categories of programmes as described above. Among the important characteristics of public service broadcasting are

- ❑ Freedom from political control or influence
- ❑ Fairness
- ❑ Accuracy
- ❑ Impartiality
- ❑ Objectivity
- ❑ Independence from vested interests

In addition to these characteristics RTÉ's output across radio, television and new media should strive to include:

- High quality schedules available to all (i.e. free to air)
- A significant proportion of programming originating in Ireland
- Schedules that include programming for minority groups and interests
- Schedules that respect the views of the audience and enhances their cultural aspirations
- Programming that recognises regional interests and cultural diversity
- Programming that encourages understanding and tolerance
- Programming which is imaginative and original

The RTÉ Authority

Public service broadcasting must not be influenced by vested political and economic interests. Its value to its audience is largely determined by the independence of its programmes and its use of that independence for the public good. The Council of Europe in 1996 published its **Recommendation on the Guarantee of Independence of Public Service Broadcasting**. In this document the Council of Europe clearly recognises that a healthy public service broadcasting service must be protected against interference by political forces or economic interests.

In Ireland, as in many other countries, the Government appoints the members of the public service broadcasting Authority, the RTÉ Authority. In popular understanding they are selected as trustees of the public interest. It is their duty to see that RTÉ fulfils its statutory responsibilities. The Authority was established in the **Broadcasting Authority Act, 1960**. Section 4 of that Act stated that there should be *not less than seven and not more than nine* members of the Authority and that the period of office should *not exceed five years*. **The Broadcasting Authority (Amendment) Act, 1976** in section 2 stated that a member of the Authority may be removed if *resolutions are passed by both Houses of the Oireachtas*. This power of removal only by a vote of the Oireachtas demonstrates how highly the independence of that trusteeship is regarded by the State. **The Broadcasting Authority (Amendment) Act, 1993** in section 7 addressed the issue of gender balance in the membership of the Authority (i.e. in a 7 person Authority there has to be at least three men and three women, in an 8 or 9 person Authority there has to be at least four men and four women). A tradition has emerged of the appointment of one member of the RTÉ staff to the Authority. The last two Authorities saw staff elections taking place to make recommendations to Government as to who should be appointed to the Authority from within the staff. Like all other members of the Authority the staff member is required to have regard for the public interest as their first concern. Members of the Authority are appointed on a voluntary basis. They receive a modest stipend.

The Authority appoints the Director-General as the Chief Executive Officer of the organisation and anyone working with or for RTÉ is ultimately accountable to the Director General in that role.

A more detailed document describing RTÉ's legal framework, **What is RTÉ? A Summary of the Law relating to RTÉ and its Legal Powers and Obligations** is available from the Department of Legal Affairs.

Fairness

The concept of fairness is probably the most important consideration to be applied when assessing public service broadcasting. RTÉ exists to serve all the people of Ireland. The minimum the public can expect is that RTÉ will treat fairly their interests, their views, their beliefs, their heritage and their aspirations. Public service broadcasting must keep fairness at the very centre of all its transmissions. This applies to the viewing and listening public as well as those who are invited to participate in programmes or those who feature in news reports. Amongst other obligations to the public this means that programme-makers must be honest in their invitations to participants in programming, must be honourable in their editing of interviews and must reflect a sustained commitment to fairness in all programming and to its treatment of the audience.

When programme-makers approach members of the public and ask them to participate in programmes, the nature and purpose of the programme should be made clear to them. People should not be deceived about the intent of the production. There may be on occasion an entertainment programme, which builds an element of surprise or deception into its production. In all cases participants must have it made clear to them the true nature of the programme before it is broadcast. If a participant wishes to be excluded from the broadcast, the production team should honour those wishes.

On extremely rare occasions an investigative report may call for a degree of deception to enable an investigation to take place in the public interest. (An example would be where a reporter investigating dishonest practices in the motor industry pretends to be an ordinary consumer and asks a garage to repair a car.) This can only be done with the permission of the appropriate Division Head, which must be obtained, in advance of recording. The Division Head must be satisfied that such deception is in the public interest and that there are no other methods of making the report available. People who have been filmed or recorded in deceptive circumstances must be told in advance of broadcast and offered an opportunity to present their case in the light of the filming or recording.

Programme-makers should take special care when material is being re-used in a different context to the original recording or if it is being re-broadcast some considerable time after the original recording. The subsequent usage may be unfair or unjustifiably distressing to the participants. Before re-broadcasting of material production teams should have regard for any documentation that exists concerning consent forms, contracts, etc. The passage of time, new developments in the subject matter and the juxtaposition of the material in the editing process may all change the nature of the contribution and allow an unfairness to occur.

See the section on **Surreptitious Recording and Use of Hidden Cameras**

Accuracy

Repeated surveys show that the majority of the public looks to RTÉ radio and television to provide them with most of the information they need as citizens of the State to participate in the democratic process. Accuracy in the facts we present is important to maintain this function. Sources must be checked and rechecked. It is not sufficient that information seems to be true or that a source appears to be convincing. Corroborative confirmation should be sought where possible. If reporters find themselves thinking or saying “I presume” or “I assume” a counsel of caution is to check again.

Rumours or speculation must not be broadcast as facts. The natural ambition to broadcast news first cannot come before the obligation to be accurate. Equally programme makers need to avoid using exaggerated language in their reporting. Sometimes value judgements and personal points of view can be seen in what programme-makers consider to be objective narration. These should be avoided at all costs. It is a cliché worth repeating, “let the facts speak for themselves”. Do not underestimate the ability of the audience to understand the facts without embellishment or comment. Critically assess your use of adjectives; a single adjective can render a statement of fact inflammatory or otherwise inappropriate

It cannot be overstressed how important it is for the public to have confidence in RTÉ. At times of crisis or major events it is to RTÉ primarily that the public turn for information and advice. This confidence in our broadcasting has been established over many decades and must be maintained. It is more important than any competitive desire to be first with the news. Accuracy must come first, speed second. With the move towards almost-continuous News services this is a more important consideration than ever. This consideration applies equally to all RTÉ’s media, radio, television, Aertel and On-Line, RTÉ web services.

Presenters in live programmes need to be constantly alert for comments by contributors which may be inaccurate. Presenters may need to challenge statements of fact if they doubt the veracity of what is said. The programme may need to distance itself from what a contributor says. It is necessary for presenters and their producers to keep in mind at all times the possibility of confusion between fact and opinion. If a presenter has a doubt about the accuracy of something said on air by a contributor immediate consideration must be given to challenging the statement, contradicting it or distancing RTÉ from it. This will not avoid liability for RTÉ if such liability arises (i.e. in defamation). However it may ameliorate the consequences of any such liability. If attention is drawn to an inaccurate statement made in a programme it may be necessary to consider broadcasting a correction. In all cases where consideration is being given to broadcasting such a correction the advice of the appropriate editorial supervisor must be sought. Sometimes the inaccuracy may be too insignificant to justify a correction; sometimes there may be alternative means of giving the audience the correct statement of fact (for example in another programme).

See the section on **Defamation**

Impartiality

RTÉ is a major provider of the vehicle for public debate. On our airwaves the listening and viewing public should be able to hear all sides of national debate. They should be able to regard the presenters of programmes as neutral and not coming down on one side of an issue of public controversy. The amount of attention given to any group arguing a particular case ought to be carefully considered, as too much attention to one interest may distort a public debate. In its programming RTÉ ought to reflect the main trends of thought and the major currents of opinions. The audience should be able to regard reporters as impartial, outlining the facts of a case and not favouring one side over another. This concept does not however mean that there cannot be passion and commitment in programming. It means that programme-makers accept an obligation to present fairly the facts as they find them, to allow all sides an opportunity to present their views.

There is a particular onus on programme presenters to be impartial. Presenters should be seen as referees between competing viewpoints, encouraging debate. When an interview is taking place with only one side in a debate represented the presenter may put competing viewpoints to the interviewee. The *devil's advocate* role is clearly recognised as a legitimate and, at times, necessary role for presenters. This role can be adopted without loss of impartiality. For most of the audience RTÉ is personified by its presenters. They are in a very real sense the voice and face of RTÉ. The audience need to be able to regard them as impartial, just as much as they must regard them as fair and accurate. Presenters and reporters in news and current affairs need to be especially vigilant in this regard. The obligation to impartiality does not mean that interviewers cannot express critical and provocative points of view as long as the interviewee is given the opportunity and the time to respond to the questions asked.

Freedom of political debate is at the very core of a democratic society. The limits of acceptable criticism are accordingly wider with regard to politicians than to private citizens. Accordingly politicians and other people involved in public life must accept that they lay themselves open to close scrutiny and criticism of their policies and their actions. This scrutiny extends to people active in commercial life as well. In a case taken by the Fayed brothers to the European Court of Human Rights in Strasbourg the judges in their ruling declared that *the limits of acceptable criticism are wider with regard to businessmen actively involved in the affairs of large public companies than with regard to private individuals*. This calling to account can come from either other interviewees, including members of the public, or from presenters and reporters.

See the sections on **Authored Programming, RTÉ and Political Activity** and **Elections and Referenda Campaigns**

Editorial Independence

RTÉ is editorially independent of government, business interests, political parties, trade unions, and pressure groups. RTÉ is there to serve the public. The importance of perception as well as reality needs to be stressed. The broadcasting media are in an important position of influence, as access to broadcasting can confer status, influence, prestige and occasionally economic advantage. It is absolutely vital that the viewing and listening public have confidence in the motives of the producers and presenters who determine the contents of programmes. There must not be any perception that presenters and reporters personally benefit from their decisions as to who participates in programmes, what products are featured and what issues are discussed. Equally important there must be no grounds for the perception that editorial decisions in some way reflect the personal views of production teams. As citizens all programme-makers have rights to their own private views about topics of current debate - but these views must not be seen to determine agendas, lines of questioning, editorial decisions and the like in programming.

Product placement (the placing of branded products in programmes in return for payment) is not permitted under any circumstances. Production teams must also be sensitive to the apparent endorsement of products which may result when prizes are given in programmes.

See the section on **Sponsorship and Commercial Considerations**

Privacy

Case law has recognised an implied constitutional right to privacy. Broadcasting legislation applicable to RTÉ and commercial stations requires broadcasters not to unreasonably encroach on the privacy of an individual. People are entitled to their privacy. Intrusion by radio and television into people's private lives can be hurtful. Programme-makers must be aware that privacy is an important issue and that when a programme intrudes on someone's private life there must be very good reasons for the intrusion. A distinction may be drawn between public figures and private figures, though public figures in this jurisdiction still have a legal entitlement to respect for their privacy. Great sensitivity must be shown at times of grief, such as funerals, accidents, etc. Section 18 of the Broadcasting Act (as amended by Section 3 (1B) of the 1976 Act) obliges RTÉ not to make or broadcast programmes that *unreasonably encroach on the privacy* of an individual. A public interest consideration must over-ride an individual's right to privacy. If there are strong public interest reasons why privacy should be broken then a report or programme can proceed. **When this consideration is being examined programme-makers must seek the advice and prior approval of their editorial supervisors and, if in doubt, seek legal advice.** Special consideration has to be given to interviewing children. In almost all cases the consent of parents or guardians has to be obtained. Legally speaking a child is under the care and control of its parents or guardians up to the age of 18. There is a rule of thumb that where the context of a programme is uncontroversial personal consent can be obtained from a child over the age of 16. This rule of thumb has no legal basis. Caution is therefore required when interviewing young people under the age of 18. Similar caution needs to be applied when recording in a school or classroom. Teacher's or principal's consent may be sufficient in a non-controversial context.

Programme-makers should note that the public interest is not the same thing as interesting to the public. If strong public interest reasons are identified why a person's privacy should be encroached upon it may be justifiable to proceed with a report or programme. The Broadcasting Complaints Commission will consider complaints from members of the public who feel that their privacy has been unfairly encroached upon by programme-makers.

The following guidelines apply:

1. An individual may still have a right to privacy even if he or she is in a public place.
2. Programme-makers are required to respect the individual's right to lead his or her life protected against improper interference or unfair pressures, threats or inducements and to respect the individual's right to refuse to take part in programming.
3. RTÉ accepts that any organisation or any person, whether in private or in public life, has the right to decline an invitation to participate in a programme. Programme-makers should not encourage listeners and viewers to draw any conclusions from such a refusal. Only where it is necessary to establish the intent of a programme to be comprehensive,

impartial and fair to all significant interests involved, should the programme make reference to an invitation to participate having been declined. The *Empty Chair* inference should be applied only on very limited occasions. Reasonable notice where possible must be given when asking people to participate in an interview. If for reasons of deadline proper notice cannot be given, it may be important to refer to the short notice when the non-participation of an individual or an organisation is raised.

Programme-makers do not need the permission of individuals if they are filmed going about their everyday business in a public place. However concern about the context of the usage of the film must be taken into consideration. For example if the voiceover is dealing with the subject of child abuse it would be wrong to use images of identifiable people. There could easily be an unintended inference of wrongdoing or illegality associated with the individuals filmed which could lead to litigation against RTÉ. But this consideration is not just based on legal issues. There are other considerations that also must be taken into account. Is it fair for a broadcaster to insist on his or her right to use film when attention is drawn to the unconnected personal embarrassment of an individual who is “caught” on camera when he or she should be elsewhere or is with someone they would prefer their families or employers did not know about? The programme-maker must take into account the impact on an individual’s private life which may result from the broadcast. An individual’s personal embarrassment may be sufficient reason to avoid broadcasting material. Programme-makers are entitled to film or record in public places, though they should be aware that the Gardaí or other members of the Defence Forces may request that filming should not take place for security or safety reasons. It is a matter for the production team to consider very carefully before refusing to accede to such a request. Filming from a public place of a private place (such as people in their homes) raises additional considerations. Permission is required to film in a private location. Reasonable steps must be taken to inform members of the public present that filming is taking place. It is a matter for the professional judgment of a production team to consider a request not to use film which depicts an individual who does not wish to be identified.

Programme-makers need to exercise particular care in the usage of recordings of situations which cause distress (such as accidents, disasters, crime scenes, etc.). News values may allow such material to be broadcast at the time of the event. However subsequent broadcasts may cause unnecessary suffering to victims and their families and friends. At funerals if film crews are asked not to film they should normally avoid doing so. If permission is given every effort should be made not to be obtrusive. On the very rare occasion where having taken the public interest into account it is decided to go ahead with filming against the wishes of the bereaved family close ups should be avoided and the camera kept as distant as possible from those in attendance. Where practical the advice of the appropriate editorial manager should be sought before over-riding the wishes of the family. Production teams must also take into account their own safety in such circumstances.

An additional consideration, which must be taken into account, relates to filming in or near Garda stations, prisons, etc.. Prisoners have the same entitlement to their privacy as

anyone else. If a programme-maker is filming in a location where prisoners are likely to be recognised permission must be obtained from each individual prisoner. In addition this permission must be renewed if a programme-maker wishes to use archive material in a later programme. For example film from a jail recorded three years earlier could include shots of prisoners who gave their permission at the time. Three years later these same individuals may be out of prison having served their sentences and may be rehabilitated into everyday life. Images of them as prisoners from three years earlier may be detrimental to their rehabilitation. Either their identities have to be disguised or their permission renewed.

In all circumstances where the issue of privacy for prisoners arises reporters and producers should inform their editorial supervisors in advance of recording.

Use of CCTV footage

With the increased usage of Close Circuit Television in public places television producers and reporters may consider the inclusion of some CCTV footage in their programmes and reports. Before doing so some important issues need to be addressed. Are they certain of the authenticity of the material? Are there issues of privacy? Could the material be used in evidence in court procedures and if so would its broadcast lead to a possible mistrial or contempt of court? Is there a possibility of mistaken identity that could lead to defamation claims against RTÉ?

Surreptitious Recording and Use of Hidden Cameras

The use of surreptitious recording and filming devices can frequently involve breaches of an individual's right to privacy. When programme-makers wish to use these devices they must seek through their Divisional Heads the permission of the Director General in advance of recording. **It is mandatory to obtain the permission of the Director General before commencing recording or filming.**

The criteria to be used in determining such cases include:

- The activity to be recorded must be regarded as anti-social.
- The broadcast of the programme or report that includes the surreptitious recording must be in the public interest.
- Programme-makers must demonstrate that they have explored other means of reportage and that these do not have the editorial impact of the surreptitious recordings.

These regulations apply to the recording of telephone conversations where members of the public are unaware of the recording taking place.

(These concerns do not apply when filming is taking place for a *Candid Camera* type programme. However the programme must be cleared with the Director-General and at all times the permission of "victims" caught performing on camera must be obtained before transmission.) The law must not be contravened in the process of surreptitious recording. The use of *door-stepping* techniques in interviewing people is a legitimate form of broadcast journalism. However issues of privacy and fairness still apply. Such interviews should take place in public places. They should only happen when a request for a regular interview has been refused or it is likely that the person will take measures to avoid being interviewed. There must not be an assumption of any wrong-doing associated with the intended interviewee simply on the basis that the reporter decides that such an interview should take place. The interview should be demonstrably in the public interest.

Irish Language

RTÉ recognises the right of all citizens to conduct their business through Irish. When communications are received in Irish every effort should be made to enable the response also to be in Irish. The schedules of RnaG and TG4 bear witness to RTÉ's continuing commitment to the Irish language. In addition the Irish language will continue to play an important part in the schedules of Radio 1 as well as RTE1 television. On ceremonial occasions the use of Irish is encouraged. Both radio and television continuity staff should have reasonable fluency in Irish and should be encouraged to use some Irish in an informal and comfortable way as part of their every-day broadcasting duties.

RTÉ has a statutory duty to promote the Irish language. Section 17 of the 1960 Broadcasting Act states:

(RTÉ)...shall bear constantly in mind the national aims of restoring the Irish language and preserving and developing the national culture and shall endeavour to promote the attainment of those aims.

Health and Safety Issues

General Duties

Everyone working in RTÉ has a statutory duty to take care of their own and others' safety while at work. An employer has a duty to identify hazards, to minimise risks and to ensure that the working environment is a safe place. (A hazard is anything that can cause harm; risk is the probability of that harm occurring). RTÉ's **Safety Statement** describes the main hazards associated with broadcasting and the control measures that must be put in place.

Production teams will on occasion find themselves working in circumstances or locations where an element of risk is involved, (for example, reporting on a riot). The duties of the employer then devolve on the producer or person in charge, who is responsible for the overall safety of the entire production team. S/he must weigh up the hazards and risks, judge the competence and training of every member of the production team, assess the importance of the particular piece of recording and make a decision whether to proceed or not with the recording. If feasible a written safety plan should be drawn up in consultation with the other members of the crew, describing the hazards and risks, and how the safety of the crew is to be protected.

Any action which could reduce the level of risk should be taken, (for example it may be safer to record from a greater distance than would normally be the case). If it is judged that the risk is significant, any member of a production team is entitled to withdraw from that situation.

Although every employee has a duty of care towards his/her fellow-workers, both RTÉ employees and freelance contractors, and also to members of the public, it is the producer (or person in charge) on whom the principal legal duties devolve.

Vulnerable groups

Particular attention must be paid to any situation where vulnerable groups such as children or elderly people are involved.

Crowds

Another area of concern is where they may be crowds present, (for example at a football match production teams must be mindful of any dangers to or from the spectators).

Heights

Extra care must be exercised when height is required for filming. Only competent scaffolders must be employed. Great care should be taken in contracting only competent hydraulic hoist (cherry-picker) operators. The presence of electricity lines, the direction of the wind, safety zones, stewarding, are all important considerations.

Other hazards

When hazardous substances or fire is involved in a production, special attention must be given to controlling the hazard. This will usually involve designating special responsibility to an individual. Stunts of any sort should never be attempted without a qualified co-ordinator present. The presence of qualified para-medical assistance may be required. Animals may need special handlers. There are numerous other hazards (physical, chemical, biological, and psychological). If in doubt, seek advice.

Note: Taking out extra insurance cover does not absolve the producer from either civil or criminal liability.

Useful information can be found at:

Health & Safety Authority <http://www.hsa.ie/>

BBC Safety Net <http://www.bbc-safety.co.uk/default.htm>

http://www.bbc-safety.co.uk/guidance/chsc_gp_105.html

Advice on Health and Safety is available from RTÉ's **Safety Officer**.
Training Courses in Health and Safety are available through RTÉ's **Training Department**.

See the section on **Security at RTÉ**

Broadcasting and Violence

Violence is regrettably a frequent occurrence in everyday life and therefore the portrayal of violence on radio and television is bound to occur. Programme-makers must exercise their judgement on the impact the portrayal of violence may have on the audience. This is an important issue both for factual programming and fictional programming. The manner in which violence occurs on both radio and television may upset the audience and lead to the belief that it encourages violent behaviour. Programme-makers must walk a fine line between accurately representing reality and not contributing to anything that encourages violence.

In news reportage violent events are frequently portrayed. Reporters and editors need to take into account the transmission time of the news broadcast and the genre of programmes which are scheduled around the news. It may be necessary to have a more restrictive broadcast if the news is scheduled earlier in the day or if there are children's programmes scheduled around the news. Editors need to look carefully at footage of violent events and use their judgement about the suitability of the images. Violence is always serious and frequently tragic. Often it includes the injury or death of individuals. Families of victims of violence have to have their personal responses to the violence portrayed and their rights to privacy taken into account. Violence should never be gratuitously shown or for "entertainment" purposes. It should be shown to illustrate a newsworthy event, but always with the awareness that it has the potential to upset the audience. Even in a war situation there must be sensitivity to an individual's grief and suffering. Zooming in on injuries, lingering on blood, etc. should be avoided. The viewer (and the listener when actuality sound is being used on radio) should be made aware of the consequences of the event being shown without any excessive lingering on the violent event. There is a tradition in news reporting that the moment of death of an individual should where possible not be shown.

It has been repeatedly argued that exposure to violent images desensitises people. There is growing concern particularly in the case of younger people that they are exposed to too many images of violence and that the impact on behaviour is detrimental. News must report accurately newsworthy events. Where these involve violence great care must be exercised as to the effects the portrayal may have. If a reporter or editor finds himself or herself with very violent images they should seek the guidance of their editorial managers.

In current affairs and documentaries where violent behaviour is part of the subject matter under observation, the same considerations apply as in news.

Violence is also a concern for programme-makers working on fictional programmes. Violence is an aspect of life and can be legitimately the subject matter of dramas. But producers need to appreciate that their audience may include vulnerable people and people upset by violent behaviour. This is particularly the case when children are involved in scenes of violence. For some of the audience the same additional concern relates to violence towards animals. Some violence in fiction is quite stylised and is less

likely to cause distress. The genre of the action thriller is a well-established form of entertainment. Violence in these thrillers is often highly unrealistic and less threatening. However there are dramatic reasons for the realistic portrayal of violence and sometimes that violence may be extensive and painful to view or to listen to. Particular care must be taken when the violence shown relates to domestic life, obviously violence towards women and children, anything to do with rape or sexual violence, or if the violence is sustained or if there is suicide or attempted suicide involved. When “realistic” violence is involved in dramas it is important that it is not included to “entertain”, but that its sole purpose is ultimately the dramatic desire to deal with real issues in an effective way. The consequences of violence must not be glossed over. There are always victims and they should not be ignored. Those victims may not themselves be directly involved in the violence, but nonetheless may have their lives blighted as a result of violent acts.

The watershed for the broadcast of programmes not suitable for children is important as it allows material to be broadcast which might otherwise not be transmitted. But the watershed on its own is not sufficient safeguard. Vulnerable people may be watching after 2100 - sometimes on their own, or in the case of children without adults being present. It is very important that accurate and tonally suitable warnings are given by Presentation before a broadcast. Consideration has to be given to broadcasting in later slots when the likelihood of children watching is diminished. But with the widespread availability of recording devices the transmission time alone is not a sufficient safeguard. In cases of extreme depiction of violence clear and precise warnings may need to be repeated at advertising breaks during a programme.

In all cases where realistic violence is planned in programmes, producers must consult their Department Heads at the scripting stage. It is far easier to address some of the issues raised in this section at the scripting stage than it is later on in the production process. In the case of television, programme acceptance viewers should be alert to problematic content in acquired programmes. Particular attention should be paid to the viewing of running series which are normally scheduled before the watershed. It may be necessary to reschedule or drop a particular episode.

Great care must be exercised in both the production and scheduling of trailers for programmes that contain violence. Even when the trailers themselves do not contain scenes of violence but promote programming that does, they may be unsuitable for transmission when large numbers of children may be viewing.

All programme-makers and acceptance viewers, as well as all presentation staff, should be alert to the possibility of an event occurring which may make a transmission of a particular program appear insensitive. For example a train crash in the news may make the transmission of a movie that features a train accident inadvisable.

Standards of Taste and Decency

The public trusts RTÉ. We must maintain this trust by not offending unnecessarily listeners and viewers. The watershed of 2100 is important in maintaining this trust. Standards of taste and decency are not immutable. Broadcasters need to be sensitive to changes in public acceptance, but should be mindful of not using unacceptable language merely to enhance audience figures. In addition to the issue of language there are a great number of subjects which need to be handled with discretion. There are some topics that are always going to offend sections of the audience. But the gratuitous giving of offence should always be avoided. Often it is the manner and tone rather than the content that give offence. There may be few immutable rules in regard to taste and decency, but there can be a desire to maintain standards and to retain public confidence in RTÉ's broadcasts.

The Broadcasting Act 2001, Section 10, established the Broadcasting Commission of Ireland. The Act states, in Section 19, that one of the functions of the Commission is to prepare:

(a) a code specifying standards to be compiled with, and rules and practices to be observed, in respect of the taste and decency of programme material... in particular, in respect of the portrayal of violence and sexual conduct in such material...

Obscenity

Obscenity is something that goes beyond the boundaries of what is acceptable. There can be no place for it in public service broadcasting. Obscenity is defined as *matter that depraves or corrupts*. If programme-makers bear in mind that the programmes they make can be heard in every home in the country, that they cannot know who is listening or watching, that they cannot know if there are children in their audience, then it is clear that obscenity in any form is unacceptable. The watershed (the gradual introduction of more adult material from 2100 onwards) allows some limited comfort for material which may be at the acceptable edge of taste and decency, but it provides no comfort for obscenity.

The watershed does not apply to radio. Programme-makers must be conscious of when children are available to listen and should ensure that programming during school holidays is suitable to the concept of family listening. When issues of sensitive debate, such as pornography and child sexual abuse, are raised in daytime radio production teams need to be conscious of the impact on young listeners.

Programme-makers need to take into consideration that all RTÉ's output across radio, television and the Internet is free to air. None of RTÉ's services are encrypted or accessed by payment. This means in theory everyone is capable of receiving RTÉ's programmes. Responsibility in avoiding any broadcast that might be deemed obscene is therefore all the greater. The determination of obscenity is not a matter for the individual programme-maker. Ultimately the determination of what is obscene may be made by either the Broadcasting Complaints Commission or by a Court of law.

Issues of Sexuality and Broadcasting

Public attitudes to issues of sexuality in Ireland have changed considerably in recent decades. Subject matter which was once never discussed in public is now frequently regarded as acceptable. This change in attitude can be seen in radio phone-in programmes where there is widespread discussion of a whole range of sexual issues. However production staff must remain sensitive to the possibility that a proportion of the audience feels uncomfortable about any issue relating to sexuality being discussed openly. The timing of the broadcast, the possibility of children in the audience, the tone in which the discussion takes place, the language used in the discussion all need to be carefully considered. It has to be remembered by broadcasters that for most of the audience there is a moral choice involved in sexual activity and that broadcasters should not appear to be promoting any particular behaviour. The key consideration as always has to be respect for the audience. This respect involves recognising the diversity of attitudes that exist in matters of sexuality.

When sexual activity is being portrayed, both on radio and television, programme-makers must take into consideration the likely response of the audience. In many instances the narrative can be progressed by an indication of sexual behaviour rather than by illustrating the activity. If there is need to show sexual activity for dramatic reasons programmes should attempt to be as discrete as possible. Many adults may accept explicit sexual activity on television when their children have gone to bed, but find it embarrassing if the children are still watching. Clearly consideration of the watershed must be taken into account. The Presentation Department in their announcements before programming should warn the audience of the sexual content upcoming.

In news and current affairs or documentaries where sexual activity is the subject matter of a report it should be presented in a non-sensationalist manner. This is particularly the case where deviant activity is the subject of the report. Sexual activity between adults and children should not be broadcast. Editors must also take into account the transmission time of the report. Clearly some reports may not be suitable for an 18.00 transmission, but could be shown at 23.00.

The same concerns about promotional material involving sexual activity apply as for the depiction of violence.

Care must also be exercised in programmes that involve nudity. Some of the audience find nudity on television as offensive as sexual activity.

Swearing and Offensive Language in Programmes

The use of strong language is a subject of deep concern to many people and is one of the most frequent causes of complaint from viewers and listeners. Distress is most likely to be caused when strong language takes the audience by surprise or is contrary to the expectations of the audience or is felt to be gratuitous. The distress is greatest when such language is used at a time when children are likely to be viewing and listening unsupervised.

A cornerstone of our contract with television viewers is the watershed and the understanding that prior to 21.00 material broadcast should be suitable for a family audience. Common sense should enable programme-makers to discern what constitutes offensive language. Where there is any doubt programme-makers should consult their appropriate editorial supervisors at the earliest stage possible in the production process. Those involved in the production process should be aware that the Film Censor's Office has determined that offensive language alone may be sufficient reason to give an "Over 15s" certificate to a film which would otherwise be categorised as suitable for younger children.

On radio, where the watershed does not apply, there is a need to reflect the authenticity of how people speak in public discourse and drama. However, in general offensive language should be avoided.

Programme-makers should be aware those terms of racial abuse and abusive names relating to disabilities cause great offence, as do sexual swear words. In addition offence is often caused by the casual use of names held holy by believers. For example, the use of "Jesus Christ", or of other names held holy, as expletives in drama or entertainment shows causes considerable distress amongst some sections of the audience.

If offensive language or swearing is to be used in programmes scheduled for broadcast after the watershed careful consideration needs to be given to the appropriateness of this decision. The inclusion of such language is a matter of editorial judgement by individual producers in consultation with their editorial managers. Vernacular speech may be desirable in story telling and drama. Consultation should take place at the earliest possible time in the production process. The consultation should take into account the severity of the language being proposed and the dramatic imperatives for the use of such language. It is extremely important that proximity to the watershed is also given full consideration. A later broadcast slot may be necessary. The immediately post 21.00 broadcast period should be regarded as a graduation period towards more adult material and due allowance must be made for the potential presence of children in the audience when arriving at decisions about the inclusion of swearing and offensive language.

RTÉ's Acquired Programmes: Guidelines for Programme Acceptance are attached in the appendices. The principles that apply to Programme Acceptance apply equally to programme-makers.

Care in the Use of Language

Insensitive use of language can some times gives unintentional offence. Colloquial terms such as *spastic, invalid, retarded, dumb, defective, tinkers, coloured people* will give offence and should be avoided.

In the Irish context the term *non-Catholic* should be avoided. Members of the Church of Ireland regard themselves as Catholic and are offended when the term *non-Catholic* is used to describe them. Equally relevant are the many people in Ireland today who do not identify themselves with any Christian religion. The term *non-Catholic* is meaningless in this context.

There are other terms such as *fireman, postman, chairman, and spokesman* that emerged at a time when only men carried out these functions. However today women as well as men carry out all these functions. Where possible gender inclusive terms, such as *firefighter, postal worker, chairperson and spokesperson* should be used. An alternative, which can be considered, is the use of terms which apply when women are being referred to. In some contexts it may be appropriate to use terms such as *chairwoman* and *spokeswoman*. There can be no absolute rules in this area as the use and acceptance of language is fluid. The intention should be not to give offence and to take account of what is current practice. Women over the age of eighteen should not be referred to as *girls*, unless in the context of usage it is equally applicable to refer to men over the age of eighteen as *boys*. Careful consideration also has to be given to the use of the term *ladies*. In general the term *ladies* should only be used when the term *gentlemen* is used for men. However some older people prefer the term *ladies* to *women*. As with all language usage and acceptance is fluid. In sport some of the language used has evolved more slowly than in popular usage and may create particular problems.

Programme-makers must be sensitive to homophobic language. *Homosexuals, gays and lesbians* are the terms which the homosexual community use when describing themselves and are the terms programme makers should use.

Authored Programming

The Broadcasting Authority Acts do not allow RTÉ's programming to editorialise (except when the subject matter relates to broadcasting). In effect this means that programming should not have a "point of view". However in the 1976 Broadcasting Act balance can be presented over a number of related programmes. This allows the possibility of authored programming where, for example, a guest presenter may give his or her opinion on an issue of current debate. If a balancing programme is required the planning and scheduling of the latter programme needs to be planned and agreed to by the relevant Divisional Head before the transmission of the first programme. This provision in the 1976 Act should not be used after a broadcast has been found to be unbalanced. In the limited number of cases where an "unbalanced" broadcast is planned, the "balancing" programme must already be intended before the first broadcast.

In determining whether a programme is balanced or not editorial judgment must be applied. There is no obligation on RTÉ to be "neutral" in all its reporting. For example in dealing with apartheid in South Africa it was not necessary for all RTÉ reports to balance pro and anti-apartheid views. Where there is a consensus on certain issues programmes should reflect that consensus in their reporting. Obviously such issues as racism, intolerance, etc. do not need to "balance" views on a 50:50 basis.

Authored programmes may present insurmountable difficulties in the run up to elections and referenda and should be avoided. A later "balancing" programme may have undue impact because of its closeness to a referendum. If a candidate in an election was given the opportunity to participate in an authored programme all other candidates could argue that they were entitled to the same broadcasting treatment.

See the section on **Elections and Referenda**

Religious Beliefs

As religious beliefs are so central in Irish society, RTÉ news and programmes will deal with religious topics on a regular basis. RTÉ in all its broadcasting that relates to religious issues should respect the values and loyalties of citizens and promote tolerance. As religious beliefs are so strongly held by many people it is easy to give unintentional offence in this area. Programmes should reflect in a non-judgmental sense the diversity of beliefs that exist in Ireland (including non-belief). Particular sensitivity needs to be given to the fair representation of those who do not wish to argue their beliefs in public. For many people religion is a private matter. This can sometimes lead to an imbalance in public debate as often strongly held views are not articulated. Programme-makers must be aware of their responsibility to be balanced and ensure that religious beliefs are respected.

Respect for Diversity

RTÉ must reflect in its programming the diversity of culture, religion, political views, physical ability and disability, age, class, race and ethnicity, sexual orientation that exists in Ireland today. RTÉ must present an inclusive image of Ireland and not exclude marginalised groups. As Ireland evolves into a more multicultural and ethnically diverse nation it is important that RTÉ reflects these changes. But equally programme-makers must be sensitive to areas of public opinion that are absent from public discourse because of the reticence of some people to express their views. RTÉ has a Diversity Policy document which refers to both programming and working in RTÉ. It states

The aim of the diversity policy is to create a work environment free of discrimination, particularly on grounds of gender, marital status, family status, sexual orientation, religious belief, age, disability, race, class or membership of the traveller community.

As a public service broadcaster RTÉ is committed to serve all sections of society and will reflect the diversity of society in our programming and related activities, in attitudes portrayed on air and in our publications.

Comedy programmes on both radio and television frequently make use of stereotypes (the character of the Spanish waiter in *Fawlty Towers* is an example). Programme-makers need to exercise their judgement in this matter. Many stereotypes are not funny for the stereotyped. (Think of the reaction in Ireland to the stereotyping evident in *Irish* jokes in the United Kingdom.) Stereotyping based on sexuality, ethnicity, religion, etc. can easily cause offence and can sometimes contribute to the perception of a minority group in the wider community.

RTÉ's Diversity Policy and Positive Action Programme is available from the office of the Equality Adviser.

Recognising Marginalised Groups

Public Service broadcasting has to serve all the community. This includes marginalised groups such as travellers, refugees, people with disabilities, etc.. These groups should be given a voice on RTE. Programme-makers should include in their programmes members of marginalised groups rather than outsiders or experts who may act as spokespeople for these groups.

Production teams should assist RTÉ's subtitling services to enable as many programmes as possible to be subtitled. Section 19 (11) of the Broadcasting Act 2001 requires:

each broadcaster to take specific steps to promote the understanding and enjoyment by -

(a) persons who are deaf or hard of hearing, and

(b) persons who are blind or partially sighted.

The Act says that a broadcaster may be required *to ensure that a specific percentage of programmes* be suitable for the above groups. A valuable piece of research carried out by Olivia Rogers for the Department of Psychology in UCD in 1999 concluded:

...there are very low rates of appearance by disabled characters on evening time television in Ireland. When one considers that the estimated prevalence of disability in the population is 10%, there appears to be a vast disparity in disability representation.

Programme-makers have a responsibility to portray accurately society. This responsibility extends to an inclusive view which includes people with disabilities. In addition care must be exercised to ensure that marginalised groups are not always presented in negative circumstances.

Virtually all of RTÉ's recording facilities in the Radio Centre and the Television Studios are accessible for wheel-chair users. Programme-makers should encourage the participation of people with disabilities in programming.

Complaints about Programming

Members of the public who watch and listen to RTÉ are entitled to express their views and complain about what is broadcast. RTÉ must respond to all reasonable communications concerning programme content from the public. The public has the right to take complaints about programming to the Broadcasting Complaints Commission. This is less likely to happen if complaints are properly dealt with within RTÉ. In order to minimise the number of formal complaints to the BCC it is important that programme-makers take seriously all complaints they receive. It is RTÉ's policy that all complaints should receive meaningful replies which attempt to address the issues raised in the complaint. The person making the complaint should not be encouraged to take his or her complaint to the Broadcasting Complaints Commission unless the complainant is not satisfied with the attempt to address the complaint. This may on occasion involve accepting that there were shortcomings in a broadcast. If this is the view of the programme-makers the advice and guidance of editorial supervisors should always be obtained before replying. There may also be legal implications that need to be considered before a reply is issued.

The following procedure should be followed when a complaint is received:

- ❑ Editorial managers must be informed of all complaints.
- ❑ All complaints received in writing or by-email should be replied to by the appropriate member of the production team within 20 working days.
- ❑ Replies must address complaints in a thorough manner. It is not sufficient to “note the complaint” or to “pass on your views to the presenter”.
- ❑ Complainants should be told that, if they are not satisfied with the reply they receive, there is a review process available to them within RTÉ. The review will always be carried out by an Editorial Manager senior to the member of staff who replied to the complaint in the first instance.
- ❑ Members of the public who are not satisfied with the reply they receive should write to Complaints' Review, RTÉ, Donnybrook, Dublin, 4. Correspondence from Complaints' Review will include information about the public's right of complaint to the Broadcasting Complaints Commission. Correspondence may be by e-mail, the e-mail address is complaints.review@rte.ie
- ❑ Copies of all complaints and their replies should be kept on file for two years after the broadcast of the programme which led to the complaint.

Broadcasting Complaints Commission

The Broadcasting Complaints Commission (BCC) was established by the Minister for Posts and Telegraphs on 31 March 1977 under the provisions of Section 4 of the Broadcasting Authority Amendment Act, 1976. The BCC can only adjudicate on complaints relating to a limited area of RTÉ's activities. Amongst the grounds for complaint are that in:

News Broadcasts:

- News items have failed to be objective and impartial, or if they
- incite crime or undermine the authority of the state, or if they
- have included an expression of the Authority's own views. (This latter consideration is interpreted to mean that the reports should not carry or promote the opinions of the programme makers).

Current Affairs:

- Where the broadcast refers to matters of current debate programmes must be fair to all interests and must present subjects in an impartial and objective manner. The same incitement to crime prohibition applies as in news.

Programming in General

- Complaints may also be made if members of the public feel their privacy has been unreasonably encroached upon.
- Complaints may be made if a viewer or listener believes that guidelines on taste and decency have been broken. Section 19 of the Broadcasting Act 2001 requires the Broadcasting Commission of Ireland to prepare *a code specifying standards to be complied with, and rules and practices to be observed, in respect of the taste and decency of programme material...and in particular, in respect of the portrayal of violence and sexual conduct.*
- an assertion was made of inaccurate facts or information concerning the complainant which constituted an attack on that person's honour or reputation.

Advertising

- A complaint may be made if a member of the public feels an advertisement broadcast on radio or television contravenes the code of *Standards, Practice and Prohibitions in Advertising, Sponsorship and other forms of Commercial Promotion in Broadcasting Services*

Programme makers must assist RTÉ in drawing up a defence of its programming if a complaint has been made to the BCC. The BCC may order RTÉ to broadcast a résumé of its findings around the transmission time of the programme complained of. Obviously the broadcasting of findings which uphold complaints may damage RTÉ's credibility. Therefore it is in RTÉ's interest to prepare the best possible defence of its broadcasts. Résumés of the BCC's decisions are also published in the RTÉ Guide. It is not RTÉ's policy to defend the indefensible. So programme-makers cannot automatically expect the protection of RTÉ in responding to a complaint before the Commission. If RTÉ believes a programme failed to measure up to its statutory obligations, RTÉ will say so.

The Broadcasting Complaints Commission's address is 2-5 Warrington Place, Dublin 2. Their telephone number is 01 676 1097. Their website is www.bcc.ie

Children and Broadcasting

The best service RTÉ can provide for children and young people is to make and broadcast programming that reflects their lives, concerns and interests. It follows, therefore, that children will frequently be involved in programmes in a number of ways. They are viewers of programmes, they participate in programmes (mostly in programmes made for children, but also in factual and news programmes), they are portrayed in programmes, and they are sometimes employed to work on programmes.

The involvement of children with RTÉ television and radio requires special attention so as to provide for their protection and safety. When we engage with children, we must, as broadcasters, treat their physical, mental and emotional health as being of paramount importance.

These guidelines are not a complete guide to good practice in every situation, nor necessarily the last word on the matters to which they refer. Context, personalities, attitudes will all change in different circumstances. What has meaning in a particular situation is the common sense interpretation of a well-informed programme-maker who has the child's best interests at heart.

For the purpose of these guidelines, unless where otherwise stated, a 'child' should be regarded as a person aged 15 years or under. A 'young person' is someone who is aged 16 or 17 years.

Children as Viewers and Listeners

Material unsuitable for children must not be broadcast at times when large numbers of children may be expected to be watching. However, RTÉ accepts that even though some children are always likely to be in the audience, there should be a wide range of programmes appropriate for adults and including serious subject matter. The necessary compromise is a 'family viewing' policy which assumes a progressive decline throughout the evening in the proportion of children present in the audience. It requires a similar progression in the successive programmes scheduled from early evening onwards; the earlier in the evening the more suitable, the later in the evening, the less suitable. **Within the progression 21.00 is fixed as the time up to which nothing is shown that is unsuitable for children.**

We should be particularly sensitive to the likelihood that programmes which start before 21.00, but which run beyond that time, will continue to be viewed by a family audience.

The portrayal of any dangerous behaviour easily imitated by children should be avoided, and must be excluded entirely at times when large numbers of children may be expected to be watching. This applies especially to the use, in a manner likely to cause serious injury, of knives and other offensive weapons, articles or substances which are readily accessible to children.

The portrayal in children's programmes of anti-social behaviour by children, e.g. malicious or bullying behaviour towards other children or serious disregard for parental authority, is to be treated with great care and sensitivity.

No film or programme which include scenes of hanging, or preparations for hanging capable of easy imitation, should be scheduled to start during family viewing time.

Programme trailers and programme promotional clips must themselves comply with Family Viewing Policy. If it is decided to promote an 'adult' programme before 21.00, the trailer must be suitable for family viewing.

A warning or appropriate information should precede any programme/news report that contains material likely to be viewed by children and which some younger viewers might find disturbing. This does not diminish the responsibility for sensitive scheduling of programmes to reduce a risk of offence to a minimum.

Children as Participants in Programmes

Programme-makers have a duty of care towards children involved in productions, whether as performers or audience members. The health, safety and welfare of the child must be the most important consideration when a child is in RTÉ's care. The child must not be asked to participate in any item that could in *any way* potentially damage the child physically or mentally. The participation of the child can only proceed with the prior written consent of a parent or guardian. If participation conflicts with the child's school attendance, then the prior consent of the child's teacher or the school principal must be obtained in writing.

Where it is not possible for a child's parent or guardian to accompany the child, RTÉ will appoint a chaperone who will be a suitable and competent person by virtue of their experience of such work, and RTÉ's knowledge of their abilities and character. The chaperone will supervise the welfare and discipline of the child either on the RTÉ complex or on location. The chaperone will be an additional member of the normal production team. Directors, presenters, researchers, etc. cannot do this work in addition to their own work. The chaperone will provide the child with food and drink. Children should be fed nutritious and balanced meals and not a diet of crisps and fizzy drinks.

The chaperone must ensure that safe travel arrangements are in place for the child. The child must always be accompanied from home to RTÉ (or the location) and back home, either by a parent/guardian or by the chaperone. At no time should a child be left waiting or unattended. This procedure must be observed at all times. **Sending one or a number of children by taxi, unaccompanied, is forbidden.**

The offering of a financial inducement to participate in a programme is forbidden. A child's contribution should be recognised by way of some suitable gift or gifts. If a producer feels, in exceptional circumstances, that a fee is warranted, they should seek clearance from the appropriate Commissioning Editor. The fee should be paid to the

parents or guardian of the child or to the establishment which coaches and provides the services of the child for the programme.

In the event of an accident or injury to a child contributing to a programme or attending a recording, RTÉ policies and procedures for dealing with and reporting accidents should be followed. All accidents or injuries to children should be reported in writing to the appropriate Commissioning Editor, setting out clearly the facts with particular reference to the supervision being exercised at the relevant time.

Children, parents and guardians are entitled to expect that children will be at all times treated with care and respect while involved in RTÉ productions. RTÉ's behaviour towards children must measure up to the standards of childcare professionals. Staff must at all times be sensitive to a child's sensibilities. A child's privacy must be respected at all times in dressing rooms, bathrooms, etc.. Staff must avoid crude language or the making of suggestive comments (even in fun) that could embarrass or be misinterpreted by a child. As far as is practical any staff member should try and avoid being alone with a child. Looking after children in groups is the preferred option.

Children and Young Persons in Factual Programmes, Current Affairs Programmes and News

Producers and journalists should consider carefully the impact of the programme/news item on the child involved in it – both in the way it is made and any possible impact it may have when broadcast. This applies whether or not they have secured parental consent and/or the child's consent. Children are often eager to help programme-makers, but may lack judgement about their own immediate or long-term interests.

Programme-makers are advised to consult professionals and experts when dealing with children and sensitive subjects, and to put in place support systems to protect children before, during and after the programme process.

When dealing with dangerous or illegal activity among children such as drug-taking or prostitution, it is often advisable for programme teams to be accompanied by an independent agency throughout their contact with the children.

In the course of research, programme-makers may come across situations where they believe the welfare of a child is being endangered by others. In such cases, the child's interests and safety must take priority and programme-makers should, in consultation with the Director of News, Director of Television or Director of Radio, consider reporting what they have found to the relevant authority.

Children and the Issue of Consent

The consent of parents or legal guardians should be sought before interviewing children or otherwise involving them in programmes. It is only in exceptional circumstances that interviewing can take place without this consent. The younger, or more vulnerable the child, and the more sensitive the subject matter, the more likely it is that consent will be essential. No financial inducements should be offered to parents or guardians to induce them to give consent, although, the legitimate payment of expenses is acceptable.

A child's own consent should always be sought about being interviewed. The content of the interview and the context should be explained clearly to the child in a language and terms they can understand. A child's refusal to take part should not be overridden.

A child's ability to give consent depends on the stage of development and degree of understanding the child displays, as well as the child's age.

Programme-makers may wish to consult an appropriate professional or an adult who knows the child, to help them make such judgements.

Where parental consent has been refused, or cannot be obtained, the advice of the Director of News, Director of Television or Director of Radio must be sought before taking any decision to go ahead. This can normally be justified only if the item is of sufficient public importance and the child's appearance is absolutely necessary.

The Portrayal and Interviewing of Children

Interviews with children need particular care. Children can be easily led in questioning and are often open to suggestion. Interviewers should be careful about prompting children and should allow them to speak for themselves. Where young people have been involved in criminal or anti-social behaviour, programme-makers should be aware they sometimes exaggerate for affect. Criminal or anti-social behaviour should not go unchallenged. On extremely sensitive subjects, such as abuse or family breakdown, programme-makers should consider consulting a professional with experience of interviewing and counselling children about the best way of approaching interviews and minimising distress.

When factual programmes or news reports feature children involved in illegal or anti-social activity, identification may raise difficult ethical issues. There may be a public interest in identifying the children, but the longer-term interests of the child may argue for anonymity. Parental consent may not be a sufficient reason to identify a child, if the child's long-term future would be better served by anonymity. Programme-makers should refer such matters up the editorial line.

When recording anti-social or criminal practices carried out by children with the intention of highlighting the *practice* rather than *individuals*, the general rule is that individual children will not be identified.

Interviewing children requires care. Children should not be questioned to elicit views of private family matters, or matters likely to be beyond their judgement, or matters more appropriate to adult discussion. Great care should be exercised in interviewing a child in reference to any tragic or harrowing experience, such as a bomb explosion, a tragedy at sea, a car crash, a fire, a domestic tragedy and the like.

Special care should be exercised in the case of programmes likely to attract a young audience in regard to smoking, the taking of alcohol and the use of drugs, so as not to glamorise or promote the acceptability of these habits.

As a firm rule, RTE should not publish in any programme or news bulletin, the name, address, school attended, picture, or other close identification of any child or young person (under 17 years) appearing in court in criminal cases or family law related cases, including an appearance as a witness, except where any judge may have requested the media to do so. In relation to non-family law civil cases such as personal injury claims, the programme-maker should exercise his or her careful discretion bearing in mind the public interest elements in covering the court case in question. (A good example of this is where the nature of the injury described in court is personally sensitive, such as impotency.) Reporters should ask themselves what public interest would be served by identifying the child.

In dealing with sexual offences concerning children, news reports or other programmes should be particularly careful not to identify living children who are involved in Garda inquiries or court proceedings, whether as victims, witnesses or defendants. Care must also be taken in identifying deceased children mentioned in court cases as their identity may lead to other people being identified against the wishes of the court. In any report of a case involving a sexual offence against a child, care must be taken to avoid anything that might contribute directly or indirectly to the identification of the child, including naming the accused or indeed, on occasion, the person convicted. In particular, where an accused adult has been identified, the word 'incest' must not be used, as this would risk identifying the child.

Children in Studio Audiences

Children should normally only be part of a studio audience for a children's programme and the recording of such programmes should be completed no later than 21.00. Children attending as part of such an audience should be accompanied to the studio by a parent, guardian, teacher or other responsible adult. Tickets for audiences attending such shows should preferably be distributed through schools, youth clubs and the like, or at the request of parents or guardians. Tickets should not normally be issued on a casual basis to children.

No fee should be paid to children for attending as members of a studio audience. Small tokens such as programme merchandise (t-shirts, mugs, pens, etc.) may be given to audience members. In the case of children from a school or youth club or the like, being invited as a studio audience or to participate in the programme, the producer may make reasonable transport arrangements for such participants.

Children should not normally be admitted into the audience for programmes that are not wholly made for children e.g. entertainment shows, talk shows, or other shows being recorded or being broadcast post 21.00. Tickets for such audiences should clearly indicate that children would not be admitted. Exceptions to these rules need the approval of the Director of Television. No child in arms or very young children should be admitted into a studio audience unless for some particular purpose approved of by the Director of Television or the Director of Radio.

Children Employed as Actors/Performers

The following conditions must be observed when a child is engaged as an actor/performer in RTE: -

1. Children Under 7 Years of Age

A child under 7 years of age may not be present at the place of employment –

- For more than 5 hours a day.
- Before 09.30 or after 16.30 except in special circumstances.
- May not take part in a performance or rehearsal on any day for a continuous period of more than 30 minutes without an interval for rest, for a total period of more than 2 hours.

2. Children between the Ages of 7 & 13

A child between 7 and 13 years may not be present at the place of employment –

- For more than 7 ½ hours a day.
- Before 09.30 or after 16.30 except in special circumstances.
- May not take part in a performance or rehearsal on any day for a continuous period of more than 45 minutes without an interval for a rest, for a total period of more than 3 hours.

3. Children Over 13 Years of Age

A child over 13 years shall not be present at the place of employment –

- For more than 8 hours a day, or
- Before 0900 or after 1900 except in special circumstances.
- May not take part in a performance or rehearsal on any day for a continuous period of more than 1 hour without an interval for rest, for a total period of more than 4 hours.

Night Work

A child may take part in a performance, after the latest relevant hour permitted, only if it is essential for such a performance to take place after that hour.

The UNESCO International Clearing House on Children and Violence has a website at www.nordicom.gu.se, which provides useful guidance to programme-makers and references to reputable research.

Licensing Requirements for Children employed in Broadcasting Activities

1. The Protection of Young Persons (Employment) Act 1996 brought in additional requirements with regard to children in broadcasting, Under section 3(2), of the Act, Broadcasters must apply to the Department of Enterprise, Trade and Employment for a licence to employ a child in cultural, artistic, sports or advertising activities. Such employment should not interfere with the child's attendance at school.
2. Application for the licence should be made at least 21 days before the employment commences.
3. Each child must have his/her own individual licence.
4. The application for each licence must contain the following:
 - 4.1 Name, address and date of birth of a child;
 - 4.2 Name, address and contact telephone number of the child's parent or guardian;
 - 4.3 Nature of employment, e.g., television broadcast;
 - 4.4 Details of project (script, if available) on which the child is to be employed;
 - 4.5 Reasons which justify the employment of a child of the age concerned;
 - 4.6 Duration of employment;
 - 4.7 Amount of Night Work if any;
 - 4.8 Address of principal work location (if different from employer's address);

- 4.9 The amount to be earned by the child.
- 4.10 Alternative teaching arrangements (where necessary);
- 4.11 Copy of any contract or draft contract relating to the child's employment.
- 5. On receipt of the application, the Department decides whether or not to grant the licence, in order to assist in determining whether to grant the licence or not the Department doing may make such enquiries as are considered necessary to enable such a decision to be reached.
- 6. After the employment is completed the number of hours the child was present at the place of performance and rehearsal must be forwarded to the Department of Enterprise, Trade and Employment. Young persons (over 16 and under 18) may not work after 22.00 and before 06.00 without authorisation by licence, under S.7(1) of the Act.

Conditions which may apply to such a licence; Under Section 3(2);

1. Children under 7 years of age

A child under 7 years of age may not be present at the place of employment;

- for more than 5 hours a day,
- before 09.30 or after 16.30 except in special circumstances,
- may not be present at a place of employment over a total period 250 hours in a 12 month period
- may not rehearse or perform for longer than 2 hours in any one day and must be given an interval for rest after each 30 minutes of rehearsal or performance.

2. Children over and under 13 years of age

A child between 7 and 13 years may not be present at a place of employment for more than 7½ hours a day, or

- before 09.00 or after 17.00 except in special circumstances.
- May not be present at the place of employment for more than 700 hours in any 12 month period.
- May not rehearse or perform for longer than 3 hours in any one day and must be given an interval for rest after each 45 minutes of rehearsal or performance.

3. Children over 13 years of age

A child over 13 years shall not be present at the place of employment

- for more than 8 hours a day, or
- before 09.00 or after 19.00 except in special circumstances
- may not be present at the place of employment for more than 900 hours in any 12 month period.
- May not rehearse or perform for longer than 4 hours in any one day and must be given an interval for rest after each hour of rehearsal or performance.

4. Night Work

A child may take part in a performance after the latest relevant hour permitted only if it is essential for such a performance to take place after that hour.

5. Meal and Rest Breaks

1. A child must have a break for a meal of at least 1 hour and a separate 15 minute rest break for each period of 3 ½ hours at the place of employment.
2. A child may not take place in performance or rehearsals on more than 5 days in any 7 day period (or 6 days in any 7 day period provided such performances or rehearsals do not take place on more than 20 days in any 28 day period)

6. Chaperons

A suitably qualified chaperon must be in charge of the child at all times while the child is present at the place of employment except while the child is in the charge of a parent or guardian.

7. Education

Where the hours of work of the child involves an absence from school of more than one week, appropriate alternative teaching arrangements must be made.

Conditions which may apply to a licence under Section 7(1)

A licence under Section 7(1) allows a young person of 16 or 17 years of age to take part in a performance after 22.00 and before 06.00 only if it is essential for the performance to take place within those hours and on the following conditions;

- The young person must not take part in any other performance or rehearsal until 12 hours have elapsed from the end of his/her part in the performance.
- The young person must be allowed compensatory rest time within the following 7 days.

Anonymity

There may be perfectly acceptable reasons why people may only take part in a programme if their identity is hidden from listeners and viewers. Programme-makers must take great care that any distortion or obscuring of participants is sufficient to hide the identities. Post transmission electronic readjustments may make participants identifiable. If programme-makers give participants guarantees that they will not be identifiable in a programme great precautions have to be taken to make sure that the commitment is honoured. The use of an actor's voice may be necessary. If an actor is used this fact must be acknowledged either in voiceover or in caption.

Considerations need also be given to the diminished impact on both radio and television of distorted voices and, on television, participants filmed in shadow or over the shoulder. In most circumstances these distorted or masked interviews do not sustain interest to the same extent as ordinary interviews.

See the section on **Privacy**

Use of Reconstruction in News and Documentaries

The public tends to believe what they see on their screens and hear on their radios. To maintain this trust it is important not to deceive viewers and listeners. When reconstructions are necessary as part of the narrative they must always be identified as such. This can either be achieved by the narrator or, in the case of television, by a caption. If several reconstructions are used in a report it may be necessary to repeat the narrative warning or the caption each time as it cannot be presumed that listeners and viewers are attentive or have not joined a programme in the middle.

There is also an important consideration in fly-on-the-wall documentaries where sometimes it may be necessary to re-enact some action to allow for different camera angles or activities not captured by the camera. In these cases the use of the term "Reconstruction" may mislead. Viewers have some expectations that there is a degree of reconstruction in fly-on-the-wall documentaries. It is important however that programme-makers exercise their judgement in these situations.

Suicide, Drug-taking, Excessive Consumption of Alcohol, etc.

The act of suicide is a legitimate subject for factual reporting and drama. However programme-makers need to be sensitive to the possibility of any “copy-cat” response to items on suicide. Sensitivity needs to be shown to families of those who have committed suicide. Programme-makers cannot know for certain what goes on in the mind of suicide victims and should avoid generalising about the causes of their actions. The same considerations apply to the issues of drug taking and consumption of alcohol as apply to suicide.

Descriptions and demonstrations of the exact method of suicide should be avoided. consideration must be given to the likely broadcast time of programmes that contain suicide as a topic or theme. These programmes may need to be scheduled after the watershed. Consideration must also be given to the possible impact on vulnerable adults of programmes with suicide as themes. Adults with suicidal tendencies may be more vulnerable during the late hours of the night or at festival times, such as Christmas or New Year.

Issues relating to alcohol and drug consumption may be quite legitimately the concern of news and programme-makers. However care must be exercised to avoid any suggestion of glamorisation of alcohol or drug abuse in either factual or fictional programming.

See the section on **Children and Broadcasting**

Helplines

Programmes dealing with certain sensitive subjects such as suicide, sexual violence, disability, etc. may benefit from the provision of helplines at the end of the programme. In some cases it will be necessary to give contact details for a number of organisations which quite legitimately offer different approaches to or advice about a problem. Producers and reporters should find out what organisations are the most appropriate to help viewers and listeners and consult these organisations before the programme is transmitted. In particular, where a producer proposes providing a helpline number on air they should ensure that the organisation which operates the helpline is aware of this intention and is in a position to operate the helpline for a period after the transmission of the programme. Where producers anticipate that viewers and listeners may telephone RTÉ after a broadcast seeking advice the Switch Supervisor and the Press and Information office should be informed in advance of broadcast to enable the gathering of the appropriate information and the additional deployment of staff if necessary.

Sponsorship and Commercial Considerations

RTE currently derives a large proportion of its income from commercial sources. However the ethos of RTE must always be public service broadcasting which is independent of commercial influences. There are guidelines on advertising, children and broadcasting, product placement and sponsorship which must be observed. The viewer and listener must not feel that a programme has had its content determined by a sponsor. All sponsorship arrangements have to be co-ordinated by the Sponsorship Executive in the Sales and Marketing Division. Producers, both in-house and independent, must not enter contractual arrangements with potential sponsors without the involvement of the Sponsorship Executive. Section 20 (8) of the Broadcasting Authority Act 1960 provides the statutory basis for sponsorship in programming.

Sponsorship can take several forms. An organisation or a commercial firm can enter a contractual relationship to sponsor a programme or a series. The money which RTÉ derives from this contract goes to the Sales and Marketing Division and becomes part of RTÉ's overall income. In a limited number of cases a specific contract can be negotiated whereby some or all of the sponsorship funding can go directly to the programme budget to enhance the programme. In exceptional circumstances sponsorship income can be used to directly fund the production. This applies to a situation where without sponsorship funding the programme could not be made. This arrangement can only be entered into with the approval of the Director of Television or the Director of Radio and the Sponsorship Executive. The same guidelines apply to independent producers as in-house producers. There can be no sponsorship in Children's, News or Current Affairs programmes.

In addition to payment to RTÉ in return for sponsorship recognition, commercial firms can offer sponsorship in kind by providing services or goods to a programme. The same guidelines apply in these instances as when the sponsorship involves cash payments.

The supply of prizes to radio and television programmes is a form of sponsorship. It has the potential to damage public service broadcasting. Care must be exercised in the language and tone associated with prizes. The provision of prizes which are supplied *gratis* to RTÉ must not be accompanied by advertising copy read by the presenter of the programme. Exaggerated claims about the product must be avoided. The tone of the presenter must be neutral (i.e. he or she must not appear to be promoting the product.) Producers must ensure that companies supplying prizes are not using the supply of prizes as a way of avoiding advertising on radio and television.

Product placement (i.e. the inclusion of a product or service in a programme for a payment) is not allowed under any circumstances. Producers of sponsored events should endeavour to avoid excessive signage related to the sponsor.

RTÉ's Sponsorship Guidelines are attached in the appendices.

Defamation

Every citizen has the right to free speech. But every citizen also has the right to preserve his or her reputation. There is a balance of interests. Broadcasting is essentially about the dissemination of information. Therefore the right to free speech is an essential part of any broadcaster's armoury. But programme-makers also need to be very conscious of the possibility of defamatory content in their programmes and the consequences stemming from that.

A defamatory statement is commonly defined as *a false statement about a person which tends to lower that person in the eyes of right-thinking members of society or tends to hold that person up to hatred, ridicule or contempt or causes that person to be shunned or avoided by right-thinking members of society*. Where such a statement is wrongfully broadcast or otherwise published then that person will have an action in law under the civil wrong called defamation. It should be noted that not every publication of a defamatory statement or matter will attract liability as otherwise communication in society would be an impossibility.

Care must always be exercised when statements are made about individuals which may damage their reputation in the eyes of the public. Where possible check thoroughly all facts and verify all statements. Programme-makers may need a level of proof beyond that which normally applies in journalism. The level of proof required may be that of the courts. In a libel trial (the legal action dealing with defamatory statements in permanent form, including broadcasts) the onus of proof is on the person who made the statement, not the person about whom the statement was made. Deliberate ambiguity or innuendo is no defence. If a programme or a report ends up in a court the jury decide what meaning they take from a report. The intention and motive of the programme-maker are irrelevant. All that counts is what the jury thinks the programme means.

Particular care needs to be taken when "innocent" visual material is included in a report. For example if a report is dealing with illegal drugs, taking shots of young people at a disco "suggests" that those particular young people are engaged in illegal activity. If they are recognisable they may have a case to claim defamation against the broadcaster.

There are three main defences against a defamation claim under the longstanding rules of the law of defamation.

- Firstly that the statement published is true. The level of proof will be the same as in other court cases. Witnesses have to be summoned and face cross-examination. Juries have to decide if they believe witnesses.
- The second defence is honest comment on a matter of public interest (in legal terms known as fair comment, although strictly speaking the comment or opinion need not be fair). This defence is particularly important in public debate where often

exaggerated claims are made and rhetoric can get out of hand. If there is any suggestion of actual malice or an improper purpose by the programme-maker in relation to the making of the comment or its broadcast this defence falls.

- The third defence is privilege. In certain circumstances the law in striking a balance between the right of expression and the right to protect reputation deems certain publications containing defamatory matter worthy of protection in precedence to claims of rights asserted by the person or persons about whom the statements are made. Reports of proceedings in the Oireachtas are privileged. There is also privilege attached to reports of court proceedings. This privilege only applies to fair and accurate contemporaneous reportage. The second schedule to the Defamation Act, 1961 contains a non-exhaustive list of incidences where privilege arises (an example of this would be reports of local council meetings). The general law also confers protection on a broadcaster or publisher in certain circumstances

In live programming something unanticipated may be said by a studio guest which may appear to be libellous. It is very important that the studio presenter be aware of potential libel. A quick intervention by the presenter can either see off the potential libel or diminish its impact. Certainly if a libel action goes to court it is in RTÉ's interest that it can be shown that the libel could not have been reasonably anticipated and that the presenter attempted to stop the potential libel taking place.

When something is broadcast which is inaccurate or false there may be a request to publish a correction. Sometimes an issue can be resolved by quickly correcting an inaccuracy. But to broadcast a correction or an apology does not defeat a subsequent legal case. It may reduce damages. Advice must always be sought if an apology or a correction is being planned. A correction in favour of one party may simply libel someone else.

Whenever there is a possibility of broadcasting a statement which might conceivably lead to defamation claims, programme-makers must inform their line management in time to allow a considered decision about the broadcast. Time must also be allowed to seek legal advice.

RTÉ's Department of Legal Affairs has a training manual dealing with **Defamation**.

Contempt of Court

Contempt of Court is another important legal consideration. There are specific conditions that apply to the reporting of court procedures which must be observed. Sensitivity needs to be exercised in regard to filming of people going in and out of court. It is a cliché that everyone is innocent until proven guilty. But it is worth remembering this when filming people accused of crime. The image of a person being led into court may outlive, in the public's mind, the decision not to convict.

There are two specific conditions under which people charged with crimes cannot be identified. The first of these is when someone's identity is an issue in a case. To give a concrete example, if someone is charged with an assault where a witness to the assault has to identify the person he or she saw carrying out the assault, television images of the person charged could prejudice the possibility of a fair trial. The second condition comes into effect when the identification of the person charged could lead to the identification of victims whose identities the law has determined should not be revealed. An obvious example is where a close relative is charged with sexual assault. The victim could be easily identified if the person charged is named or filmed in a report. Reporters need to remember that a term such as "incest" can identify a victim if the accused is identified. In some cases where a person is charged with rape, or certain other serious sexual offences, that person may not be identified prior to or during a trial and may, in certain circumstances, never be identified even if convicted.

In circumstances where there is no legal barrier to identification of an accused person it is up to the judgement of the reporters and editors as to whether a person arrested and charged with a crime should be identified in News reports. The maxim that someone is innocent until proven guilty should be foremost in the minds of reporters. This does not mean however that people charged cannot be identified. The audience must be made clearly aware that the case needs to be proven and that there cannot be an assumption of a verdict. Journalists must keep the public interest in the forefront of their considerations. If the crime is sufficiently serious it may be in the public interest to know the identity of the person charged. The public interest is not the same thing as the public being interested in something. Public interest equates with the public good, which may involve identifying people charged with crimes.

Where a person charged with a serious crime is identified in a broadcast there is a responsibility on RTÉ to report on the outcome of the case. There may be a considerable delay before the verdict is reached. People who are found innocent are entitled to have this fact reported as prominently as the broadcast that related to them being charged.

In addition journalists reporting from the courts need to be sensitive to the misunderstanding which may arise as a result of the point in time in a trial when a report takes place. Viewers and listeners may not see or hear a later and more comprehensive report and may take their understanding of the case from an earlier account in the procedures. Reporters should avoid commenting on the evidence of witnesses or

assessing the performance of witnesses. This is particularly important where juries are involved. Journalists must avoid reporting legal arguments which take place in the absence of the jury. If a juror says that he or she learnt from a broadcast about an issue heard in his or her absence a case might have to be aborted. In these circumstances RTÉ could be held liable for the cost of a retrial. Remember if a mistake is made in this area, the judge may end up calling a representative of RTÉ into the court to defend its actions.

Of course a programme-maker should never include in a report an accused's past criminal record or information about such a person's bad character. This type of information interferes with the impartiality of a trial judge, the operation of the jury and the giving of evidence by witnesses. It is worth noting that contempt issues can arise even when material being considered for publication is in an accused's favour.

While the rules on contempt have particular resonance for programme-makers in the context of court reporting, it should be borne in mind that they apply equally to programmes touching on legal proceedings or people or issues the subject matter of those proceedings. In short the courts protect their operation by prohibiting publications which will prejudice the conduct of criminal or civil proceedings. Consideration of contempt issues will most obviously be relevant in a criminal trial, particularly one before a judge and jury and a programme-maker will need to be conscious of relevant facts such as the fact that a person has been charged or is about to be charged. Even where a person is being tried in a court with no jury, such as the Special Criminal Court, contempt must still be a significant consideration in the mind of the reporter or programme-maker as the administration of justice by the courts and the vindication of an accused's rights are of high priority. Even after conviction it must be remembered that restrictions on commenting on a person found guilty are justified on the basis that sentencing should take place in an atmosphere where the public has not been encouraged to expect maximum retribution for a crime committed and where the judge is not seen to be put under unfair pressure to impose a particular sentence.

In the context of civil proceedings such as personal injury cases or public law cases (Judicial Reviews), the dangers of breaching any strictures imposed by the courts are obviously less but clearly dangers still exist. However programme-makers are not prohibited from dealing with a case where the legal proceedings have begun (or if it is about to go to hearing) in circumstances where one party refuses to give a comment when asked on the basis that the matter is *sub judice*. Journalists and programme-makers are not bound by the wishes of one party to a legal dispute and must judge for themselves the type of coverage to be afforded to a dispute to be resolved in the public domain of the law courts, bearing in mind the issues of contempt of court, fairness and impartiality.

A more detailed document **Court Reporting and Contempt of Court** is available from RTÉ's Department of Legal Affairs.

Protection of Journalists' Sources

While it is accepted that there is no absolute legal basis to protect journalists' sources the Courts have proven to be most reluctant to get involved in this issue. Public service broadcasting must uphold the principle of freedom of information. The protection of journalists' sources may be necessary to uphold that principle. It may be in the public interest for information to be made available. Sometimes that is only possible through confidential sources. Journalists have to guarantee the anonymity of their sources on occasions. As the broadcast can only contain the assertion of the journalist that he or she has been told something, it is of importance that the credibility of the information is checked. In so far as it is possible corroborative evidence should be sought, the reliability of the source should be checked. Journalists should seek the advice of their editorial supervisors before using unattributable sources.

The law and practice in Ireland relating to the circumstances in which the courts will permit a journalist not to disclose sources of information is at an embryonic stage. The practice to date has been to treat each instance where disclosure is requested very much on the facts of the case in question, whether the case is civil or criminal. Unlike the United Kingdom there is no statute specifically dealing with the issue in Ireland. In the U.K. a court may not require a journalist to disclose the source of information contained in a publication or broadcast for which he or she is responsible nor will that journalist be guilty of contempt of court for refusing to disclose the source of information, unless disclosure is necessary in the interests of justice or national security or for the prevention of crime or disorder.

The European Court of Human Rights has confirmed the importance of preserving the anonymity of journalists' sources in its judgment in the case of *Goodwin v U.K.* (1996). The Court said:

Protection of journalistic sources is one of the basic conditions for press freedom, as is reflected in the laws and the professional codes of conduct in a number of Contracting States and is affirmed in several international instruments on journalistic freedoms. Without such protection, sources may be deterred from assisting the press in informing the public on matters of public interest. As a result the vital public watchdog role of the press may be undermined and the ability of the press to provide accurate and reliable information may be adversely affected. Having regard to the importance of the protection of journalistic sources for press freedom in a democratic society and the potentially chilling effect an order of source disclosure has on the exercise of that freedom, such a measure cannot be compatible with Article 10 of the Convention unless it is justified by an overriding requirement of public interest.

The circumstances in which an order for disclosure might be justifiable could include instances concerning the protection of human life, the prevention of major crime and the defence of a person accused or convicted of having committed a major crime.

Editing of Interviews

The process of editing interviews for both radio and television must not distort the sense of the original interview. Broadcasting needs programme contributors to be concise and clear. This means that frequently interviews have to be edited. It is important that this exercise in compression does not misrepresent the interview. In editing, for example, the original question posed by the reporter may be edited out and replaced by an introduction. This introduction must be faithful to the sense of the question. Equally the editing process should not involve unfair juxtapositions of answers taken out of context. When cutaway questions are recorded after the interview to enable clean editing, the re-recorded question must respect the original question. A certain “tidying up” may be possible, but the original meaning and direction of the question should be maintained.

Programmes on Northern Ireland

RTÉ in the past had to work under the restrictions imposed by section 31 of the 1960 Broadcasting Act. This is no longer the case. However programme makers should be aware of the heightened political atmosphere that exists in relation to Northern Irish politics and the potential impact of programmes on people who live in a society where political and sectarian tensions run high. The same high standards that apply to fulfilling RTÉ’s obligations to impartiality and fairness in all programmes must be observed in programmes on Northern Irish topics. This means that all viewpoints and historical perspectives are treated with respect. **There should be no suggestion that RTÉ represents any one community in Ireland.** RTÉ’s reporting and programming should reflect accurately and without any expression of editorial opinion the reality of public and private life in Northern Ireland.

Journalists should take particular care in their choice of language in reporting on Northern Irish politics. Labels identifying people with certain sections of the community may be at a minimum over-simplistic and at a maximum a threat to people’s lives. Reporters, producers and researchers with little experience of Northern Irish politics should seek the advice and guidance of RTÉ’s Belfast staff.

Freedom of Information Act

RTÉ is subject to the Freedom of Information Act 1997 in respect of certain of its activities. This means that material in relevant categories, stored in any form, may be requested as a right by any member of the public. As a public body in receipt of public funding through the licence fee, RTÉ accepts and welcomes the Freedom of Information Act. Indeed RTÉ programme-makers are free to use the Freedom of Information Act to access records in other public bodies. All printed material, hand-written notes, electronic correspondence, audio and videotapes are defined as records under the Freedom of Information Act.

The Act lists a whole series of exemptions which allow in specific circumstances for records to be withheld. For example, records containing personal information or records which are commercially sensitive may be withheld. In addition the Regulations extending the FOI Act to RTÉ provide RTÉ with considerable extra grounds for refusing to release records. These include such areas as journalistic research, off-cuts of programmes, schedule-planning, reviewing of output, etc..

The regulations exclude records relating to the following activities carried out by RTÉ and its subsidiaries:

1. The gathering and recording in any form of news, information, data, opinions, on or off the record quotes or views from any person or body or source, for journalistic or programme content purposes, whether or not a programme is
(a) produced on the basis of such information or (b) is broadcast.

(This paragraph refers to programme research)

2. The identification of any potential or actual source of information or material for the purpose of programme origination, whether or not such a programme is produced or broadcast and without prejudice to the generality of the foregoing shall include the consideration of programme proposal submissions from internal and external sources.

(This paragraph refers to journalists' sources)

3. The editing and storing of any material recorded by any means, whether written, aural, visual or otherwise, for the purpose of programme origination, whether or not such a programme is produced or broadcast.

(This paragraph refers to off-cuts)

4. The process of making editorial decisions concerning programme or programme schedule content which, without prejudice to the generality of the foregoing, shall include

preliminary programme proposal reviews, programme planning and final pre-transmission editorial decisions.

(This paragraph refers to the editorial decision making process)

5. The process of post-transmission internal review and analysis of any programme or schedule of programmes broadcast.

(This paragraph refers to editorial review)

The full regulations extending the Freedom of Information Act to RTÉ may be obtained from RTÉ's Freedom of Information Office or from the Information Commissioner's website, www.irlgov.ie/oic

RTÉ's **Freedom of Information Reference Book** is available from RTÉ's FOI Office.

Data Protection Act

RTÉ is a registered user under the Data Protection Act 1988. This Act places a responsibility on RTÉ in regard to the collection and usage of **personal** data stored electronically. **Personal data means data, in a form in which it can be processed automatically, relating to a living individual who can be identified either from the data, or from the data in conjunction with other information in the possession of the data controller).** For programme-makers this means material gathered for the purposes of making programmes may be accessed under the Act if it is stored electronically as individuals are entitled, on request, to be informed as to whether a data controller holds personal data on them and if so, to be provided with a copy of the data kept about them by a data controller. The Act obliges, amongst other things, that personal data should only be kept for specific purposes, that the data must not be used or disclosed in any manner incompatible with the specified purposes and that personal data must not be kept for longer than necessary. The data controller has an obligation to keep the data accurate and up-to-date and to keep it safe and secure. While it is clear that the Data Protection Act is not likely to impinge on programme making to any great extent, production staff should be aware of its existence, the possibility that the Act may be invoked and the responsibilities under the Act for people who store data electronically.

The European Union Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data is also relevant. The Directive extends data protection obligations to data which is held on manual filing systems and introduces more detailed conditions for the processing of sensitive personal data and introduces new requirements specifying the information that must be given to data subjects. Individuals must have access to the personal information about them held by an organisation and be able to correct, amend or delete that information where it is inaccurate. If requested RTÉ must provide the following information:

- The identity of RTÉ's Data Controller
- The purpose of the processing for which the data is intended
- Any further information that is necessary to guarantee fair processing such as the recipients or categories of recipients of the data and the existence of the right to access to and the right to rectify the data concerning him or her.

Special attention should be given to personal data that deals with racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership and health. Consent of the subject to the processing of this data should be sought.

Guidelines on the Data Protection Act and **Guidelines on Email Usage** are available on RTÉ's Intranet. Also available on the Intranet and from the Technology Division is **RTÉ's Computer Usage Policies**, where issues such as security, copyright, Internet usage and Webmail are addressed

RTÉ and Political Activities

Certain categories of RTÉ staff cannot participate in political activities. This may seem to run counter to an individual's constitutional rights. However if an individual wishes to assert his or her rights to membership of a political party RTÉ reserves the right to change that individual's category of employment to one that allows political activity. This constraint is not imposed to limit individual's freedom, but rather to guarantee to the listening and viewing public that RTÉ is impartial and objective. There is clearly a balance to be maintained between individual rights and collective responsibility. The restricted category who may not participate in political activity include:

- The Director-General, the Managing Director (Organisation and Development), the Managing Director (Commercial), Divisional Heads, Assistant Divisional Heads, Departmental Heads, Public Affairs staff.
- In the Television and Radio Programmes Divisions all presenters, reporters, producers, researchers, directors, assistant producers, broadcasting co-ordinators and broadcasting assistants.
- In the News Division all journalistic staff, both those who appear before the public and those involved in the production of news. In New Media all journalistic staff.

The definition of political activity includes activity which does not involve a public dimension (for example, working as a backroom person in a political party). Minor non-party political activity such as participation in residents' groups, environment lobby groups, etc. is permissible. But caution should be exercised not to compromise RTÉ in any way.

People who work in restricted categories must notify the Director-General through their Divisional Heads if they have any intention of standing as candidates in European Parliament, Dáil Éireann, Seanad Éireann or local elections. It is incompatible with RTÉ's statutory obligations of impartiality to allow people standing as candidates to work for RTÉ in a position of editorial responsibility. Those wishing to stand as candidates have to seek leave of absence from their positions. If they wish to return to work after the elections RTÉ cannot guarantee that they will be able to return to their previous positions. This can only be decided in the light of employment and broadcasting legislation and the individual's own constitutional rights having due regard to the Authority's statutory obligations, especially in the areas of objectivity, impartiality and fairness. People who work in restricted categories who wish to return to RTÉ after unsuccessfully contesting elections can expect a moratorium before they can return to their previous activities. Restricted categories apply to all irrespective of contractual status.

Staff who work in non-restricted categories must exercise their discretion in their political activity in order to avoid any conflicts with RTÉ's statutory obligations.

Election and Referenda Campaigns

RTÉ plays a central role in the democratic processes of elections and referenda. Recurring research has shown that the public relies on radio and television to provide them with many of the facts informed citizens need to decide on their preferences at elections and referenda. Fairness and impartiality, as well as providing opportunities for political debate, are essential parts of RTÉ's role at election time. The performance of presenters and reporters comes under intense scrutiny. RTÉ must be, and be seen to be, completely impartial in its handling of political debate. The monitoring of output across radio and television is an important part of RTÉ's procedures at election and referenda times. RTÉ puts in place for all General Elections and Referenda a Steering Group which represents all output areas. This group co-ordinates RTÉ's coverage of the campaign and its decisions should be heeded; otherwise imbalances in RTÉ's overall output could arise and require redress. Balance and fairness have to be maintained both within individual programme strands and across all output.

Staff must pay particular heed to the SIBs which are issued at election time. See section on **RTÉ and Political Activity**.

Opinion Polls

The commissioning of Opinion Polls has become common in public life. Programme-makers may feel that the inclusion of an opinion poll may enhance their programme. Editorial care must be taken in the framing and the presentation of opinion polls and their data to avoid the misapprehension that somehow either the questions or the findings of an opinion poll commissioned by RTÉ imply that the programme or indeed RTÉ has a position or view on the topic under examination. When an opinion poll is being contemplated programme-makers must inform their Divisional Heads. In addition the advice of RTÉ's Audience Research Department should be sought in the choice of the Opinion Polling Company, in the framing of the questions and the interpretation of the findings. Particular care must be taken when joint polls with other organisations are planned. If for example the costs of a poll are shared with a newspaper, programme-makers must be aware that the same constraints of impartiality do not apply to newspapers as apply to RTÉ and that the high-lighting of particular data in the newspapers may reflect on the impartiality of RTÉ.

When reporting on the findings of opinion polls in news and programmes viewers and listeners should be provided with information about who commissioned the poll, the organisation that carried out the polling, the sample size and when the field work was carried out. This provides the listener and viewer with a context and background to interpret the results of the polls. Programme-makers must be wary of the possibility of data from polling and its interpretation being used in a partisan or propagandist way.

Data from opinion polls should not be interpreted as “proving” something, rather as “suggesting” something. Remember despite the accuracy of the science of opinion polling in Ireland the results must always be interpreted with caution. Critically the funder of the polling or the date on which the field work takes place may place a major question mark over the relevance or the reliability of the findings.

The World Association of Opinion and Market Research Professionals has a guide to opinion polls usage which can be accessed at:

<http://www.esomar.nl/guidelines/opolls.html>

Information about Irish market research organisations can be accessed at:

http://www.esomar.nl/countries/directory_ire.html

The use of telephone or e-mail polls in programmes must not be presented as having the same value or accuracy as professional opinion polling. The results are likely to be misleading as these kinds of polls are open to manipulation by pressure groups and because the “sample” of those voting is unrepresentative of the general population. The presentation of the results should always be qualified. Their value should be regarded as somewhat similar to vox pops.

See the section on **Vox pops**.

Copyright, Rights and Royalties

The law relating to Intellectual Property Rights has developed in recent years. Rights are becoming an important consideration in broadcasting practice. Programme-makers must familiarise themselves with some of the more important considerations. Works of intellect are just as capable of being “owned” as works of hand. Authors, composers, designers can all own “intellectual property” and if broadcasters wish to use these properties a licence must be obtained and the owners are entitled to payment. Great care must be exercised to avoid claims of plagiarism. Producers may discuss formats or ideas with creative people and then later on produce programmes which may contain some of the elements discussed in earlier conversations or meetings. This can lead to claims that ideas have been “stolen”, that copyright has been infringed or that a confidence has been breached.

Programme-makers must remember that there may be copyright fees and or royalties due to third parties as a result of programmes being broadcast. It is the responsibility of programme-makers to ensure that music returns are complete, contractual arrangements are clear-cut and that clearances have been obtained for material not owned by RTÉ, etc..

Programme-makers must also be aware that they are responsible for ensuring contributors sign contracts giving the rights of the contribution to RTÉ. In programmes this may mean that OTS (On the Spot) contracts should be signed by contributors or performers when recording takes place. Where contributors’ involvement is greater than a simple interview more detailed contracts will normally be required. It is important that these contracts deal comprehensively with all rights issues and that RTÉ’s interests are protected. In News where transmission follows almost immediately on recording OTS contracts are not required. The agreement to participate in an interview is regarded as *permission* to broadcast the interview.

RTÉ’s Department of Legal Affairs has a training manual **Rights’ Management and the Business of Rights clearance: Guidelines for Programme Makers**

RTÉ, through the IPU, and Film Makers Ireland have a Code of Practice for the handling of programme proposals from independent producers. This Code of Practice specifically addresses the issue of ownership and protection of ideas, formats, etc. which are submitted to RTÉ or are the subject of discussions between RTÉ and independent producers. People working in RTÉ in receipt of programme proposals or scripts from outside of RTÉ should inform themselves of RTÉ’s approach to these matters as indicated in the **RTÉ/FMI Code of Practice** which can be obtained from the IPU.

Independent Productions

In addition to the normal contractual obligations as detailed in the programme contract between RTÉ and the independent production companies all programmes commissioned by RTÉ from the independent sector must adhere to the same guidelines as in house productions. RTÉ carries legal responsibility for all programmes it broadcasts. Notwithstanding this independent producers are obliged to deliver to RTÉ programmes which do not infringe any third party's copyright and comply with the law on defamation and, where relevant, contempt of court. Communication between independent production companies and RTÉ's Commissioning Editors is just as important as in house communication. Access to legal advice from RTÉ solicitors may be available to independent companies where programme content is problematic. Independent producers who wish to seek legal advice must do so through the appropriate Commissioning Editor in radio or television.

Archives

RTÉ holds enormously valuable sound and visual archives built up since 1926. As well as having huge national cultural significance these archives are there to serve programming needs. Programme-makers need to be conscious of the value of the archives and to do nothing that can diminish that value. Equally programme-makers need to remember that the programmes and reports they are making today will themselves become part of the RTÉ archive in the future. Care of material after transmission to ensure tapes are properly archived and indexed is an important part of programme-makers' jobs. It is the responsibility of programme-makers to ensure that all information on rights restrictions as well as copyright ownership of footage and stills used in their programmes, are supplied to the archives in whatever form the Library requires. If any of these details are not supplied the archives staff cannot complete the records. Incomplete records will result in research difficulties for future programme-makers and can lead to breaches of copyright in some instances. Equally RTÉ will have difficulties in exploiting the commercial potential of its archives. The value of the archive is greatly enhanced if all contractual arrangements are clear and if proper records are kept. If copyright details are missing RTÉ may not be able to exploit the commercial potential in our archives.

The staff of the libraries is there to protect and enhance RTÉ's holdings. The regulations they have introduced relating to research, duplication and loans must be adhered to. If regulations are broken or ignored the Library can revoke a programme-maker's rights to access to the library. Programme-makers do not have the authority to enter any contractual arrangements with other production companies where RTÉ's archives are offered in kind as part of RTÉ's commitment to the production. In house productions, co-productions and independent productions must budget for archives' costs when planning programming that involves the use of RTÉ's archives. Where programmes are planned that are likely to involve considerable usage of archive material the Head of Library should be informed at as early a stage as possible in the production process. The regulations apply across all media including web based services that provide access to archives as well as radio and television production.

Prevention of Harassment, Sexual Harassment and Bullying

Programme-makers' attention is drawn to the RTÉ Policy on the above. There are often tensions and stresses involved in broadcasting. These can be caused by the proximity of deadlines, disagreements about editorial matters, working in hostile environments, etc. Part of the excitement of working in broadcasting can be quite stressful. However all programme-makers should be conscious that they work in teams and that their behaviour towards their colleagues should be at all times considerate and understanding. There can be no place in RTÉ for unacceptable behaviour.

Use of Vox Pops

On occasion vox pops (what does the person on the street think?) may be used in reports. This is perfectly legitimate. But it is important that programme-makers are aware of the possibilities of manipulating responses in vox pops. With editing it is perfectly possible to distort the response of public opinion in vox pops. There must never be a claim of empirical accuracy in relation to vox pops. They must be presented for what they are, an unscientific random "slice of life" response to questions from ordinary people in the street. Programme-makers must ensure that vox pops are not used to carry one side of an argument only, when it is obvious that there are differing opinions.

Studio Audiences

Live audiences are an important part of some studio and outside broadcast programmes. Members of the public who attend should be treated with courtesy and consideration. In so far as it is practical the public should not have to spend excessive time waiting for transmission or recording to take place.

As with vox pops there should not be the assumption in programmes that studio audiences are representative samples of the public at large. Their opinion reflects the views of the audience in the studio, not the wider public at large. Particular care must be exercised to avoid generalising from a studio audience to the public at large. Calling for a show of hands from a studio audience and then implying that the view of the audience is representative of wider public opinion is misleading and potentially distorting.

All studio audiences must have fire and safety regulations made clear to them. Except in programmes specifically made for children there is a requirement that all members of the studio audience should be over 16. When children under the age of 16 are required there must be adequate chaperoning arrangements put in place.

See the section **Children and Broadcasting**

Publicity

RTÉ competes with other broadcasters in a very crowded marketplace. Every viewer and listener has a wide range of channels and programmes to choose from. Pre-transmission publicity can considerably enhance the audience size. All production staff should be committed to assisting RTÉ's publicists and press office in the task of drawing attention to up-coming programmes. Equally important is the on-air promotion of programming. Programme-makers must assist those working in Promotions in providing material for trailers and promos. Developing and encouraging the public's appreciation of RTÉ is important. All programme-makers have a role to play in this vital task.

Politeness to the General Public

Members of staff at all times should be polite when dealing with the public. The confidence and support of the public is vital for the future of public service broadcasting. A lasting impression can be formed on initial contact which may colour a perception of the organisation for years to come. Programme-makers must always be conscious that they serve the public and that they should always try to respond positively to any contact they have with the public. All reasonable letters, phone calls, emails, etc. should be responded to within two weeks. If letters contain complaints about programming copies of the letter and the reply should be kept in case the complaint is taken further. It is understandable that with broadcast deadlines looming letters, phone calls and e-mails of complaint can get pushed aside and forgotten. However it is important that all complaints are dealt with within a reasonable period.

See the section on **Complaints about Programming**

RTÉ's *Serving our Audiences: A Guideline for RTÉ Staff in the provision of Quality Customer Care* is available from the Public Affairs Department and on the RTÉ website.

Smoking

RTÉ has had a voluntary ban on cigarette advertising for three decades. This was introduced in recognition of the damage smoking can do to health and the desire that RTÉ should not be seen to encourage smoking. There is a regulation in place that smoking is not permitted in studios. This regulation is enforced both for safety and health considerations. Programme-makers should not allow anyone to smoke on programmes. The only exception to this is in drama where smoking is permitted if reasons relating to dramatic considerations apply. Programme-makers need to be particularly sensitive in programmes aimed at young audiences not to allow cigarette smoking.

Broadcasting to all the Nation

As befits a national public service broadcaster RTÉ's remit is to serve all the people of Ireland (and increasingly those abroad who wish to keep in touch). Presenters and reporters must always be conscious of the fact that RTÉ's programmes are received in every corner of the country. Therefore there should not be an assumption that if the weather is bad in the nation's capital it is also bad everywhere else. Equally presenters need to bear in mind that there is more than one Blackrock in Ireland, more than one O'Connell Street. Another assumption to be avoided is that all the audience is familiar with districts of Dublin, or indeed that the audience's knowledge of geography is sufficient to know where to find Ballyhaunis or Emo. Care must be taken in the accurate pronunciation of place names. Another easy assumption to make is that the audience is homogeneous. This was never the case and is even less so now. Editorial content in programming should reflect the broad range of topics that concerns the whole island.

It is very important for the future well-being of RTÉ that the public feels a sense of *ownership* of the national public service broadcaster. Programming should encourage a sense of inclusion. This means that the viewing and listening audiences find on RTÉ issues and values which reflect everyday life on the whole island. It also means that the range of voices heard on the airwaves reflects that diversity to the full extent.

This responsibility extends beyond the shores of Ireland. RTÉ's programming must also inform the audience about the values and concerns of the wider world. Understanding and appreciating the cultures and values of other countries and societies is part of RTÉ's public service brief. Obviously this task starts with our nearest neighbours, the United Kingdom, but it must extend to the rest of Europe and the world beyond Europe. The interests and needs of the under-developed world must not be forgotten. RTÉ's programming must provide space for the local, the national and the international.

Bomb Warnings and Similar Threats

Bomb warnings and similar threats must always be taken seriously however unlikely the warning. Remember that RTÉ may be used to pass on a warning. The quicker that warning is passed on to the emergency services the better. The first concern has to always be the safety of people.

Great care must be exercised in giving unwarranted publicity to warnings as a hoaxer may be encouraged to issue further warnings.

The Chief Security Officer has issued the following guidelines

1. Note the exact time of the call
2. Note the exact words of the threat - particularly the location of the bomb or other threat and the time the caller says it is likely to explode or happen.
3. Ask:

Where is the bomb or other threat now?
What does it look like?
When is it going to explode?
Who planted it?
Why was it planted?
4. Note whether the voice is male or female
5. Note the accent of the caller
6. Note whether the caller sounds intoxicated
7. Note any background noises - traffic, music, voices, etc..
8. Note if the voice is familiar -who?
9. Note the time the caller hung up.

If the threat relates to RTÉ personnel or property notify Security immediately. If RTÉ is being used to pass on a wider threat notify the Gardaí and your Manager immediately on receipt of the call. Note that 999 (or 112) is the best way to reach the Gardaí.

Security at RTÉ

It is important that production staff are aware of the access control and security policies at RTÉ. If there is any possibility that any production process may impact on security issues the Chief Security Officer should be consulted. Fire, safety and security regulations must be a major consideration in programme-making. It is important that all production staff familiarize themselves with all current fire, evacuation and safety regulations.

Programme-makers must not engage in, or encourage any one else to engage in, any activity that would compromise security at RTÉ, or in any way put in danger members of staff or members of the public.

People who are involved in programme-making, but who are not employed by RTÉ cannot be allowed open access to all areas of RTÉ. For example audiences should be contained within limited and agreed areas. Great care must be taken that the property of RTÉ and its staff is protected from theft and damage. No one should be invited onto RTÉ premises who is a risk to property or staff because of their nature or condition. It may be necessary on occasion to escort members of the public during their visit to RTÉ.

No activity in programme making should be undertaken that might activate the fire alarm system. The activation of the alarm system is a signal to evacuate buildings. Unnecessary evacuation as a result of false alarms may put staff at undue risk to their safety. The evacuation may also interrupt broadcasting.

Any aspect of programme making which conflicts with this section should be brought to the attention of the Chief Security Officer. Remember safety and security is everyone's concern.

Similar considerations and caution need to apply when working on location.

Documents referred to in the Guidelines

**Broadcasting Authority Acts 1960-1993, Section 18 (1) Guidelines,
RTÉ Legal Affairs Department**

RTÉ's Diversity Policy and Positive Action Programme

Defamation Training Manual, RTÉ's Legal Affairs Department

Court Reporting and Contempt of Court, RTÉ's Legal Affairs Department

RTÉ's Freedom of Information Reference Book

**Rights' Management and the Business of Rights Clearance: Guidelines for
Programme Makers, RTÉ's Legal Affairs Department**

RTÉ/FMI Code of Practice

**RTÉ's Serving our Audiences: A Guideline for RTÉ Staff in the Provision of
Quality Customer Care**

RTÉ's Sponsorship Guidelines (see Appendices)

**RTÉ's Acquired Programmes: Guidelines for Programme Acceptance (see
appendices)**

Appendices

Sponsorship Guidelines

Introduction

RTÉ is pleased to offer existing and new customers the opportunity to closely associate with our programme output by way of sponsorship on both Radio & Television services.

This code is designed to simply lay down the opportunities, regulations and restrictions governing sponsorship and to deal with related issues. It covers all programming made by RTÉ, commissioned by RTE from the independent sector, and acquired from other sources.

Definition of Sponsorship

Sponsorship is a relationship entered into with a broadcaster and any organisation with the objective of promoting products, goods, interests or services for a consideration.

Distinction is needed between what sponsorship is and what advertising is. Advertising is a message from a commercial or other body contained in a recognisable and separate entity, a commercial break. Sponsorship credits stand apart from commercial breaks and the minutage allowed for them.

Editorial Integrity

The presence of sponsorship must be clearly indicated to the programme audience. Furthermore a sponsor should have no editorial input or involvement in programming or scheduling, nor should they appear to have any. This is the core principle of this Code. With this overriding principle in place both sponsor and broadcaster can exploit the full opportunities of a worthwhile relationship. The general improvement in quality and diversity made available by sponsorship adds strength to the overall schedule. Organisations can take full advantage of attractive commercial propositions by being associated with programmes of value and interest.

Sponsor Credits

- ❑ As well as being of great benefit to the sponsor it is also essential that any association be clearly indicated at both the beginning and end of a programme.
- ❑ No sponsor's message can appear within a TV programme.
- ❑ Where commercial breaks appear within the programme the sponsor may be credited both going into and coming out of the break.
- ❑ Credits at the beginning and end of a programme may be both visual and verbal but must not exceed 10 seconds in length. Where two or more sponsors are involved this may be extended to 15 seconds.
- ❑ In and out of commercial breaks on television, credits may also be visual and verbal but must not exceed 7 seconds in length. On radio a verbal credit of similar duration can be given.
- ❑ Sponsored programmes (as opposed to coverage of sponsored events) cannot include the name of the sponsor in the title of the programme.
- ❑ The nature of the sponsorship must be made clear in the credits, thus;
 - a) A sponsor funding part of whole of a programme should say one of the following two lines, 'Sponsored by.....' or ' In association with.....'.
 - b) If a sponsor provides / makes the programme this too must be made clear, e.g. 'Produced by.....'
 - c) No credit can in anyway allow the broadcaster to abdicate its full responsibilities, e.g. 'Brought to you by
- ❑ Current advertising straplines or those used in the past three years may not be used in sponsorship credits. Nor can credits be subsequently used for advertising material while the sponsorship relationship is still in place.
Credits may however be programme related and may also include product use.
- ❑ While credits and advertising messages must be different, credits must still comply with all relevant Advertising Codes of Practice in force at the time.
- ❑ Credits must not be confused with station announcements or news items thus the use of Continuity Presenters or Newsreaders is not acceptable either for visual purposes or as voiceovers.
- ❑ In all cases RTÉ remains the final arbitrator on the suitability of credits.

Suitability

General headings fall into three categories:-

1. Programmes not Suitable for Sponsorship
2. Programmes which may be Suitable
3. Unsuitable Sponsors

Programmes not Suitable for Sponsorship

- ❑ News Programmes. News programmes including newsflashes, national, regional, local or international, cannot be sponsored.
- ❑ Current Affairs. Programmes dealing by way of explanation or analysis with current events of public interest may not be sponsored. Any programme dealing with issues of referenda, elections, religious issues, political, economic or industrial controversies are included in this definition.
- ❑ Religious Programmes. No specific interest can use commercial opportunities to influence personal beliefs.
- ❑ Station Identity. With the objective of avoiding confusion among audiences, station announcement and station continuity should remain free from sponsorship.
- ❑ Children's Programmes. RTÉ does not allow any sponsorship of children's daytime programmes.
- ❑ The broadcaster reserves the right to include other programmes as it sees fit within the 'Unsuitable for Sponsorship' Category.

Programmes which may be Suitable

While it may be clear as to why the above programme strands must be seen to be independent of any association, there exists a range of programmes, which must be examined on a case by case basis.

With the overriding principle that editorial independence must apply in all cases and be clearly seen to apply, the selection of sponsors for informational type programmes needs special attention.

Among a list of Programmes under the following headings; Magazine, Consumer, Lifestyle/ DIY, Business or Health Issues, there may be specific programmes which are deemed unsponsorable but many programmes under these headings may be potentially suitable. In general, programmes which offer advice on the comparability, use, purchase or rental of products or services, including where to go and what to see, may not be

sponsored by those whose business involve the marketing or sale of the products or services featured.

This type/genre of programmes require special attention but are not per se excluded from a suitable sponsorship relationship.

Unsuitable Sponsors

- A product or service not acceptable under prevailing advertising codes may not be a sponsor.
- A product or service not acceptable for advertising in specific time bands or programme type cannot sponsor programmes in those time bands or of that type.
- Products or services, which may have a merchandising link with a programme, cannot be a sponsor of that programme.
- Any body whose intents are wholly or mainly political in nature may not be a sponsor.
- Persons or companies generally known for their manufacture or supply of tobacco products cannot be sponsors.
- While pharmaceutical companies may be sponsors, no mention or association with any of their products, only available on prescription, is acceptable.

Product Placement

Product Placement is the inclusion of, or reference to a product or service within a programme for which consideration is received by the broadcaster. This is not allowed as it implies editorial involvement.

Programme Prizes

Sponsors may provide prizes to programmes and broadcasters may mention the prize together with a brief factual statement. No prizes should be offered which appear in an editorial context anywhere else in the programme. Prizes offered by way of audience competitions must not include questions relating to the product. Questions connected to sports and music events, music, film, video, theatre and book reviews are exempt from this provision. In general, prizes should be seen as adding value to the programme content.

Sponsored Events

Coverage of events which may have a sponsor involvement are common place. It is acceptable to have a sponsor of the coverage separate to the event sponsor, but the event sponsor may also be the broadcast sponsor.

Undue coverage of a visual or verbal nature should not be given to advertising signage or branding messages at such events. No coverage should be provided at events, which does not have a bona fide 'non-broadcast' status. The following can be used as guidelines.

- a) The event must be recognised as official by a sporting or cultural body.
- b) Broadcast coverage of the sponsorship must not be the principle purpose of the event.
- c) The event must be open to the public, whether it is broadcast or not.
- d) The broadcaster must decide in the interest of audiences, and not purely commercial gain.

In general visual and aural references to the event sponsor should be sufficient to fulfil any contractual obligations, or required by good broadcast coverage.

Advertising Related to Sponsorship

Advertising aimed at increasing the awareness of the sponsorship relationship can only use phrases, which would be acceptable as straplines. Advertising promoting the sponsorship association will not be aired in or around the sponsored programme.

Promotions / Trailers

The objective of station promotion or trailers for upcoming programmes is to alert audiences and provide general information about the broadcasters' programme. The sponsor's presence should therefore be secondary. Only one display of the sponsor's logo may appear during the programme promotion.

Acquired Programmes Guidelines for Programme Acceptance

Introduction

RTÉ's Programme Acquisitions Department acquires and classifies feature films and made-for-television programmes for broadcast on RTÉ. Prior to transmission each programme is watched from beginning to end by a Programme Acceptance Viewer.

Principles

The principles which RTÉ follows with regard to programme acceptance are reasonable and in line with

- the Constitution,
- the Broadcasting Acts
- the Freedom of Expression provisions of the European Convention on Human Rights and
- the European Community Broadcasting Without Frontiers Directive

The basic principles are as follows:

- ❑ A programme should be allowed to reach the widest appropriate audience
- ❑ Young people should be protected from material likely to harm them.
- ❑ Adults should be free to decide what programmes they want to see, as long as the programmes remain within the law and do not incite harm.
- ❑ Decisions should take account of current public attitudes and relevant research.
- ❑ A balance must be maintained between freedom and responsibility.

RTÉ's policy is in the form of guidelines rather than rules. This is inevitable, since not only do programmes change, but the way we view them changes. Policy goes on developing in response to changes in public taste, attitudes and concerns, and in response to the latest academic and audience research.

Through precedents, our audiences get to know the kind of programmes they are likely to find on a particular channel at a particular time, and they expect similar standards in future. Context is of particular importance, e.g. sex or violence may be more acceptable in one programme or in one timeslot than in another. No two works are identical - even in the same genre - and classification must be based on principles and be guided by precedent, but must be applied afresh according to the context of the particular programme. Offence is avoided by scheduling, grading and labelling programmes in a way that indicates the behaviour and

language likely to be encountered.

Cutting a programme is a last resort. RTÉ simply does not deal in pornographic or other extreme programmes, so finding a suitable slot in the schedule, together perhaps with an announcement, is normally an appropriate response.

RTÉ takes the view that visual enactment of a controversial topic is quite different to the same topic being covered as dialogue. That is to say for example, that a discussion concerning a sexual matter does not receive the same consideration as depiction of the same matter.

Parents are ultimately responsible not only for their children's viewing but also for how their children interpret their chosen programmes. RTÉ accepts responsibility for providing support to parents in this regard both in terms of sensitive scheduling and the supply of programme information. The most tangible aspect of this support is that RTÉ still holds to the 21.00 "watershed" in that programmes more suited to a mature audience is confined to late evening.

Areas for concern

Many combinations of the elements below are possible and seldom can they be considered in isolation. However, all are treated with the utmost seriousness and care.

Criminal Behaviour

RTÉ tries to ensure that no programme encourages anti-social behaviour amongst those likely to watch it; storylines where crime is seen not to pay are preferred. Moreover, particular care is taken to avoid showing imitable criminal techniques

Use of Illegal Drugs

RTÉ is vigilant about depictions of illegal drug use. We are especially cautious about scenes in which a character recommends illegal drug-taking, unless that recommendation is contradicted by the programme as a whole.

Violence

'Violence' is an imprecise term which covers a wide range of behaviour. It includes material as varied as 'Tom and Jerry' cartoons, wartime documentaries, and vividly simulated mutilations in horror films. Public concern about television violence tends to focus on the possibility that violence may promote violent behaviour in real life. Despite the absence of compelling data, RTÉ considers it better to err

on the side of caution. Explicit and realistic violence is reserved for post 21.00 transmission and is usually accompanied by an announcement.

The following receive particular consideration: making violence seem a normal or legitimate way of solving problems; celebrating heroes who inflict pain and injury; showing callousness towards the victims of violence; demonstrating violent techniques; encouraging aggressive attitudes; promoting sadism as a source of pleasure.

Programmes which tell the truth about violence and the price of violence are given a clearer run than those which glorify it.

Horror

Horror films are mainly concerned with fear and terror. It is recognised that many people find this entertaining and that horror films can provide the same sort of thrill as a roller-coaster ride. However, not only is it cruel to frighten children but adults must not be exposed to such material without their being aware that it is coming.

Sex

In recent decades, the Irish public has come to accept sexual images (both heterosexual and homosexual) on television. Most people object to the combination of sex and violence. Sex on the screen is expected to take place between consenting adults. RTÉ confines explicit sexual activity to post 21.00 transmission and accepts that in late night feature films simulated sex is now widely acceptable.

Suicide

The portrayal of suicide is a highly sensitive and contentious matter. RTÉ tries not to dwell on the subject or to draw too much attention to it. In particular RTÉ avoids showing detailed techniques.

Mental illness

RTÉ tries to avoid inaccurate and disturbing treatment of mental illness. However, programmes made in previous decades are far less enlightened than now and in extreme cases RTÉ may decline to show them or may choose to make an announcement beforehand.

Dangerous intolerance

RTÉ may decline to show any programme which promotes racist sentiment or religious or political bigotry.

Blasphemy

In order to be relevant to modern concerns RTÉ declines, where possible,

to show programmes which offend religious sentiment.

H.I.V. prevention

RTÉ will show informative programmes concerning HIV/AIDS and will promote safe sex in a manner appropriate to the time of the day and the expected audience. Moreover, where possible, RTÉ will try to avoid glamorising casual sex and other unsafe practices.

Rape

Programmes containing explicit rape scenes are confined to post 21.00 transmission. However, the portrayal of rape as an erotic experience is not tolerated at any time.

Offensive language

It is necessary to distinguish between a programme containing an occasional swear word or rude word and a programme containing profane dialogue. The former will be avoided where possible but there will be no officious striving to delete an occasional word. The latter will be confined to post 21.00 transmission and may be accompanied by an announcement.

Current controversy

During election and referendum campaigns RTÉ usually declines to show Acquired programmes which imply support for one side or the other.

Libel

Great care must be taken not to "import" a libel. A programme made in another country may contain libellous reference to someone resident in this country or region.

Distressing storylines in the wake of news events

Ireland is a small country. In the event of news of a shocking incident especially one which involves a number of casualties, RTÉ in deference to the feelings of the audience generally and relatives and friends in particular will, where possible, remove from the schedule a programme which might add to the distress.

Summary

RTÉ's guidelines are intended to be objective, fair, and flexible enough to cover all the factors previously mentioned. They must balance the rights of the programme-maker and of the audience, and must acknowledge the unique character of each programme.

In the end, transmission and scheduling are matters of judgement, of balancing one factor against another. Sometimes, the various elements in

a programme may be pulling in different directions. Here professional experience is important, together with an awareness of public taste and tolerance. However, context may justify exceptions; programmes of merit can create their own standards.

Each generation contributes to the evolution of taste, and tension and discussion are part of that process.

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