



S4C Guidelines on Programme Compliance, Conflict of Interest and Political Interests

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1. Introduction

- 1.1 S4C is a public service broadcaster established by statute. S4C's corporate aim is to provide a comprehensive Welsh language television service, of high quality, which reflects and enhances life in Wales.
- 1.2 S4C's programme content is regulated primarily by Ofcom and S4C programmes are required to comply with the requirements of the Ofcom Code.
- 1.3 In addition to the requirements of the Ofcom Code, S4C's ability to ensure due impartiality and fairness in its services is essential in order to retain its credibility as a public service broadcaster. The viewing public must be able to have faith in the integrity and objectivity of S4C's programmes and services at all times. It is vital to S4C's credibility and reputation that its viewers can be sure that any outside activities or interests of Faces and Editorial Persons (as defined in section 3 below) will not in any way undermine S4C's impartiality or integrity and that editorial decisions are not influenced by any conflict of interests. These guidelines aim to ensure that S4C's impartiality and integrity are not compromised or perceived to be compromised. At the same time, S4C wishes to avoid imposing unnecessary or disproportionate restrictions on its Faces or Editorial Persons and will apply these guidelines in a way which ensures this.
- 1.4 These guidelines provide advice and assistance to S4C staff and its producers and/or suppliers and explain S4C's policy on compliance matters for producing programmes. In these guidelines, "programmes" include programmes, and trails to promote programmes, on S4C's services. Failure to comply with these guidelines may cause delay in acceptance of programmes whilst changes are made, or may lead to rejection of the delivering of the programmes in question. As a result, programme producers may face additional costs and expenses.

2. General Guidelines

Ofcom Broadcasting Code

- 2.1 It is necessary and expected that S4C's producers/suppliers comply with the Ofcom Code and Guidelines in their entirety. This is a condition of every agreement between S4C and its producers/programme suppliers. S4C does not intend to repeat the Code in these guidelines but rather to refer you to Ofcom's website <http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/> where the full text of the Code can be found.

The Code contains ten sections:

1. Protecting the Under-Eighteens.
2. Harm and Offence.
3. Crime.
4. Religion.
5. Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions.
6. Elections and Referendums.
7. Fairness.
8. Privacy.
9. Sponsorship.
10. Commercial References and Other Matters.

2.2 The Code does not refer to all situations that may arise but rather sets out principles, rules and definitions and in the case of sections 7 and 8 'practices to be followed'. Ofcom also publishes regular guidance notes on its website <http://stakeholders.ofcom.org.uk/broadcasting/guidance/>.

It is the duty of every producer/supplier to look at the website regularly for instruction and to comply with the guidance which is given.

2.3 *Other legal requirements*

Producers/suppliers are reminded of the need to ensure that programmes do not breach the laws of England and Wales, in particular, but without limitation, those relating to defamation, contempt, copyright, privacy, data protection and permission, as well as each relevant statute e.g. The Rehabilitation of Offenders Act 1974, The Official Secrets Acts 1911 to 1989 and any relevant statute dealing with discrimination or equality matters.

2.4 In addition, S4C will expect all S4C's producers/suppliers to be aware of: --

- a) Communications Act 2003.
- b) Television Without Frontiers Directive (89/552/EEC) as amended by (97/36/EC) and now known as the Audio Visual Media Services Directive.
- c) The Audiovisual Media Services Regulations 2009.
- d) European Convention on Human Rights, specifically articles 8, 9, 10 and 14.

2.5 *Consulting with S4C*

If you wish to have further discussions in relation to implementing the Code or any other legal matter, please contact the content editor within S4C who is responsible for the programme. On some occasions the content editor will have to refer enquiries to S4C's legal unit. Producers/suppliers of programmes are reminded that S4C's legal unit is employed to protect and represent the interests of S4C only. S4C's legal unit cannot advise, represent or act for any producer/supplier in any particular matter. Rather, it can only inform any party of S4C's position or perspective on the relevant matter. S4C's position may change if the context changes or if S4C becomes aware of any further information. Legal advice should be taken separately and independently. Informing any party of S4C's position or situation will not affect S4C's rights or any obligation of the producer/supplier under the contract or licence between S4C and the producer/supplier.

3. Further specific guidelines

3.1 In addition to the general requirements in Section 1, there is additional guidance in Sections 3 to 10 which deal specifically with conflicts of interests, specific additional standards for our Main Faces and criminal and political matters.

3.2 In Sections 3 to 10 of these guidelines, the following definitions are used:

- "Close Family" parents, children, spouse, partner, co-habitee and their children, and brothers and sisters;
- "Editorial Person" a producer, editor or other senior person with influence over the content of a programme on S4C;

“Face”	a presenter, reporter or interviewer on S4C or a regular commentator on S4C (including a Main Face);
“Main Face”	a person who appears regularly on S4C, or over one or more of S4C’s series, in a prominent role;
“Permitted Participant”	a permitted participant who is designated as such by the Electoral Commission for the purpose of a referendum or the representative of any such permitted participant;
“Political Candidate”	a candidate for the National Assembly for Wales, the UK Parliament, the European Parliament or a local authority.
“Politician”	a member of the National Assembly for Wales, the UK Parliament, the European Parliament or a local authority; an electoral agent or a paid officer of a political party.

Terms defined in Ofcom's Broadcasting Code, but not defined in these guidelines, have the same meaning as given to them in the Broadcasting Code.

4. Conflicts of Interests

4.1 As is apparent from section 1.5 above, S4C must seek to maintain its impartiality and integrity. It is essential, in order to do so, to avoid conflicts of interests – or anything that would reasonably give rise to the perception of a conflict of interests - in relation to S4C’s programmes and services. Any Face or Editorial Person must seek to ensure that they do not have any interest or carry out any activity outside their programme-related activities for S4C which would affect - or which would give rise to a reasonable perception that it would affect:

- their work for S4C; or
- any editorial decision in relation to any programme on S4C.

There may be circumstances in which the interests or activity of a member of the Close Family of a Face or Editorial Person may give rise to a conflict of interest, or perception of conflict of interests, on the part of the Face or Editorial Person. The higher someone's profile or level of editorial responsibility, the greater the need to seek to avoid any such conflict of interests (or reasonable perception of conflict of interests) arising.

4.2 A conflict of interests – or a perception of a conflict of interests – may arise from a wide range of interests or activities. The nature of the role of the Face or Editorial Person in relation to S4C will, of course, be a relevant factor.

While it is not possible to set out a definitive list that covers all situations, relevant interests or activities may include:

- Undertaking or promoting political activities. (Being a member of a political party or party-political organisation will not of itself be considered to be a political activity.)
- Prominent or significant associations with charities.
- Prominent or significant associations with or roles in campaigns or campaigning organisations.
- Financial and business interests.

- Speaking or writing publicly (including on the web).
- Undertaking commercial advertising or endorsement activities.

- 4.3 If any Face or Editorial Person has any interest or carries out any activity which may create or reasonably be perceived to create a conflict of interests with their role for S4C, they should disclose this to S4C immediately. If a Face or Editorial Person is in any doubt as to whether their interest or activity will create (or be perceived as creating) a conflict, he/she should contact S4C's Commissioning Director, or in her absence the Chief Executive or any deputy(ies) nominated for this purpose, to seek clarification. Alternatively, this may be done by sending an e-mail to the following address: guidelines@s4c.co.uk
- 4.4 If there is a conflict (or reasonable perception of conflict) of interests, S4C will need to consider whether the interest or the activity is compatible with the role of the Face or Editorial Person and, if it is not, what steps it is necessary and proportionate in the circumstances to take in order to protect S4C's impartiality and integrity. S4C will consider each case on its own merits and will take into consideration:
- the nature and extent of the interest or activity;
 - the role and influence of the person in connection with the programme(s);
 - the nature of the programme(s) with which the Face or Editorial Person is involved;
 - the reasonable perception of viewers of programmes on S4C.
- 4.5 Companies producing programmes for S4C are expected to have appropriate procedures in place to ensure that they are aware, or are notified immediately, of any interest or activity by Faces or Editorial Persons which should be disclosed to S4C under these guidelines. The production company will need to provide the relevant information to S4C at once.
- 4.6 In addition to the above general guidelines on conflicts of interests, there are further guidelines below to deal with some specific types of conflicts.

5. Political Interests

- 5.1 This section deals with the following:
- Faces and Editorial Persons who carry out political activities.
 - Other appearances by persons who carry out political activities.

This section is in addition to the following sections in the Ofcom Broadcasting Code:

5 Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions.

6 Elections and Referendums.

The reason for the inclusion of this section is to seek to maintain the highest standards of impartiality and integrity in relation to political matters.

- 5.2 *Faces and Editorial Persons*
The limitations set out in Sections 5.3 to 5.6 on the activities of Faces and Editorial Persons for S4C are relevant if they carry out political activities.
- 5.3 *Politicians in programmes*

No Politician may act as a Face or Editorial Person in respect of any programme unless S4C so permits. In accordance with rule 5.3 of the Code, in the case of news programmes, no permission will be given for a Politician to appear as a Face except in exceptional cases when there is editorial justification for this. In all cases where such a Face appears in a news programme, the political allegiance of that person must be made clear to the audience.

5.4 *Election candidates and representatives in a referendum*

Any Face or Editorial Person who intends to:

- i) seek nomination as a Political Candidate;
- ii) be included in a list of Political Candidates; or
- iii) become a Permitted Participant

should notify S4C immediately to discuss the implications. That person should again notify S4C immediately after receiving the result of their application to become a Political Candidate or a Permitted Participant.

If a Political Candidate who is a Face or Editorial Person is not successful in the election, or if they withdraw their application, they should notify S4C immediately.

At each stage of notification (or event requiring notification), if S4C is of the view that the activity would affect due impartiality or give rise to a conflict (or reasonable perception of conflict) of interests, S4C will need to consider whether that activity is compatible with the role of the Face or Editorial Person and, if it is not, what steps it is necessary and proportionate in the circumstances to take in order to protect S4C's impartiality and integrity. S4C will consider each case on its own merits and will take into consideration:

- the nature and extent of the interest or activity;
- the role and influence of the person in connection with the programme(s);
- the nature of the programme(s) with which the Face or Editorial Person is involved;
- the reasonable perception of viewers of programmes on S4C.

Generally, S4C will seek to avoid a situation where a Political Candidate or a Permitted Participant acts as a Face in any type of programme on S4C during an election or referendum period.

Permitted Participants do not need to consult with S4C following publication of the final result of a referendum, but they should continue to be mindful of section 5.5 below.

5.5 *Other political activities*

Any Face or Editorial Person who carries out political activities which give rise or may reasonably be perceived as giving rise to a conflict of interests (other than those activities mentioned in 5.4 above) is expected to inform S4C promptly in order to assess whether those activities are consistent with the role of the individual. Any Main Face or senior Editorial Person who carries out any type of political activity should inform S4C immediately due to the importance of maintaining S4C's impartiality and integrity. For the purposes of this Section 5.5, political activities may include the following:

- holding a position (including an unpaid position) in a party political organisation;
- speaking publicly about issues of a political nature or matters relating to political organisations or matters of political or industrial controversy;

- expressing views on such matters through any public medium, including through the press or on the web;
- campaigning on behalf of a political party or Political Candidate;
- promoting a partisan view on a question which is the subject of a referendum;
- making a donation or loan to a political party which is required to be disclosed to the Electoral Commission.

Being a member of a political party or party-political organisation will not of itself be considered to be a political activity.

S4C will need to consider whether such activities are compatible with the role of the Face or Editorial Person and, if it is not, what steps it is necessary and proportionate in the circumstances to take in order to protect S4C's impartiality and integrity. S4C will consider each case on its own merits and will take into consideration:

- the nature and extent of the interest or activity;
- the role and influence of the person in connection with the programme(s);
- the nature of the programme(s) with which the Face or Editorial Person is involved;
- the reasonable perception of viewers of programmes on S4C.

5.6 *Close Family*

Care and caution will be required if a Face or Editorial Person is a member of the Close Family of a Politician, Political Candidate or Permitted Participant or a person who is seeking to become one of these. They should notify S4C immediately if such situation arises. Faces may not show any on-screen support to such a person who is a member of their Close Family. S4C will need to consider whether the political activity of a member of the Close Family of a Face or Editorial Person is compatible with the role of the Face or Editorial Person and, if it is not, what steps it is necessary and proportionate in the circumstances to take in order to protect S4C's impartiality and integrity. S4C will consider each case on its own merits and will take into consideration:

- the nature and extent of the interest or activity;
- the role and influence of the person in connection with the programme(s);
- the nature of the programme(s) with which the Face or Editorial Person is involved;
- the reasonable perception of viewers of programmes on S4C.

5.7 *Other appearances by persons who carry out political activities*

Sections 5.8 to 5.9 apply to the following (unless they are Faces or Editorial Persons):

- Politicians;
- Political Candidates and individuals who have declared their intention to apply for nomination or inclusion on a list to be a Political Candidate;
- Permitted Participants and individuals who have declared their intention to seek to become Permitted Participants;
- Those who carry out other political activities, including the activities listed in Section 5.5.

5.8 The producer will need to draw S4C's attention in advance when arranging guests or casting for programmes (excluding news and current affairs) if it is considering using someone described in Section 5.7 in a programme e.g. as a guest in a light entertainment programme or as an actor in a fiction programme, but not as a Face or Editorial Person. S4C will be entitled to comment on the choice of persons to appear and producers are expected to take account of these comments.

- 5.9 When proposing its comments, S4C will take into consideration, amongst other factors:
- Whether it is an election or referendum period or whether an election or referendum is pending;
 - The need for appropriate political balance across S4C's schedule and services;
 - The need for due impartiality;
 - Relevant requirements of the Ofcom Broadcasting Code, in particular rules 6.6 and 6.7 during an election period.

6. Conduct guidelines for our Main Faces

Our Main Faces are the face of S4C to the viewers. As a result, it is possible that views expressed by a Main Face may be considered as S4C's opinion and the conduct of a Main Face may reflect on S4C. The further guidance in this Section applies to our Main Faces in addition to the rest of these Programme Guidelines.

Main Faces are expected to behave in a manner that will not affect S4C's impartiality and credibility or be harmful to S4C or its reputation in any other way. Without limiting the previous sentence, the Main Faces are expected to behave in accordance with the following guidelines during any period while they are, or have agreed to be, a Main Face.

- They may not communicate publicly (e.g. through public speaking, blogging, corresponding publicly or writing any column, article or book) about any of the following without S4C's prior permission:
 - broadcasting issues or matters relating to S4C;
 - any matter which may undermine S4C's position or credibility.
- They may not express publicly an opinion on any matter (whether or not listed above) which could be seen as S4C's opinion, or as one approved by S4C, without prior written consent from S4C.
- They may not appear in any other programme on S4C dealing with a matter of political or industrial controversy, without prior written consent from S4C.
- They may not be involved in any commercial advertising or endorsement activity without prior written consent from S4C.
- They should inform S4C promptly if they carry out any political activity (as defined in Section 5.5) or if they intend to do so.

It is intended that the guidelines in this Section will be reflected in the relevant editorial brief.

7. Charitable and campaigning activities

No Face or Editorial Person involved in charitable activities or lobbying or campaigning for any cause or matter of public policy shall do so in a way which might suggest that S4C is supporting such activity, charity, lobbying, campaign, cause or policy, unless permitted by S4C in advance in writing (which includes e-mail). There are additional guidelines for Main Faces (see Section 6).

8. Advertising and Presenters

As noted in Section 6, a Main Face may not engage in any commercial advertising or endorsement activities without S4C's prior written permission. In the case of other Faces or where permission is granted for a Main Face to be involved in commercial advertising or endorsement activities, they must comply with the following guidelines.

- Faces may not engage in any advertising or endorsement activity if there is a conflict between their on-screen role and that which they would be promoting.
- No Face may promote or endorse any goods or services which have been or are likely to be, shown or discussed in a programme where the Face appears.
- Faces may not appear in their on-screen character (i.e. a character different from their natural personality) when promoting or endorsing goods or services.
- Promotional or endorsement activity should not undermine the credibility and normal role of a Face on S4C nor undermine S4C's credibility or impartiality.
- No use may be made of any material from S4C's programming, and no association with any S4C programmes may be made, in any promotional or endorsement activity in which a Face appears.

"Advertising or endorsement activity" does not include promotion of S4C's programmes or services.

9. Criminal Matters

If any person who is to appear or to be an Editorial Person on one of S4C's programmes is arrested or is charged with or convicted of a crime, the producer of that programme must inform and consult immediately with S4C and act in accordance with S4C's directions in relation to that person.

10. Political Broadcasting

10.1 *Programmes during an Election Period*

Programmes broadcast during an election period which relate to the election or politics must comply with rules 5 and 6 of the Ofcom Broadcasting Code. S4C adopts rules 6.8 to 6.13 of the Ofcom Broadcasting Code and producers/suppliers are expected to comply with them.

10.2 Producers must obtain S4C's permission before commissioning or co-commissioning an opinion poll in connection with an election which is wholly or partly for the purposes of a programme on S4C.

10.3 *Political Broadcasts*

S4C has a Policy on Party Political Broadcasts and specific guidelines for delivery and production of such broadcasts. These are available on the S4C website.



10.4 Broadcasts from the National Assembly or UK Parliament

Producers who wish to broadcast from, or use recordings of proceedings of, the National Assembly or UK Parliament must comply with any rules or code of practice which apply to either of these.

11. General

Where there is a requirement under these guidelines for S4C's permission or approval, such permission or approval must be obtained from S4C's Commissioning Director or, in her absence, the Chief Executive or any deputy(ies) nominated for this purpose.