

Consultation on draft Guidelines for Elections around the UK in 2016

November 2015

CONSULTATION: Draft Guidelines for Elections around the UK in 2016

Background

The BBC is required by its 2006 Charter and Agreement to ensure that matters of political controversy and matters of public policy are covered with due impartiality.

The following elections are due to take place on 5 May 2016:

- In Scotland – Scottish Parliament
- In Wales – National Assembly for Wales
- In Northern Ireland – Northern Ireland Assembly
- In England (outside London) – Local government
- In London – Greater London Authority including the Mayor of London
- Police and Crime Commissioners (England-outside London- and Wales)

The BBC's Editorial Guidelines set out the values and standards all BBC content must meet. However, the BBC intends to publish additional Guidelines for its editorial staff to refer to specifically when covering these elections. The Guidelines are developed by the BBC Executive (which is responsible for the day-to-day operation of the BBC) and brought to the Trust for approval. The BBC Trust is the governing body of the BBC. It is separate from the BBC Executive, which is responsible for all BBC content. The Trust is also the final appeal body in the BBC complaints process. Once published, the Guidelines will be available for producers and editors to refer to when compiling coverage of the above elections.

These Guidelines supplement the BBC's usual Editorial Guidelines and help to define how the BBC will comply with its duty of due impartiality during the period leading up to and including the above elections. They include—

- a Code of Practice as to the participation of candidates in news etc items about the constituency or electoral area broadcast during the election period,¹

¹ Such a Code is required by section 93 of the Representation of the People Act 1983. The current version of section 93 was substituted by section 144 of the Political Parties, Elections and Referendums Act 2000.

- general advice about giving a level of coverage to each party, related to the level of past and/ or current electoral support it can demonstrate, and
- Appendices giving more specific advice on the relative levels of coverage different parties might on that basis expect to receive on BBC services. Each Appendix relates to a different electoral area.

We are also publishing a background paper on the current electoral landscape as the BBC sees it.

About this consultation

The Trust is seeking views on the Guidelines and the Appendices so that we can take those views into account when considering whether we should approve the Guidelines.

This consultation will allow the Trust to take into consideration the views of registered political parties, those intending to stand and their agents, together with the views of other regulatory bodies, broadcasters and members of the public in determining whether the proposed Guidelines are appropriate. The Trust is also consulting the Electoral Commission.

The background paper on the current electoral landscape is not part of the consultation as such, because it contains evidence that has informed the guidance in the Appendices, rather than recommendations or advice as to coverage. The Guidelines and Appendices will continue to be open to amendment by the BBC to reflect any new and significant relevant evidence of current electoral support until the day after the close of nominations. For that purpose, the BBC will pay due regard to any factual remarks or other comments received about the landscape paper.

The consultation period begins on 20 November 2015 and runs for eight weeks to 15 January 2016.

The Guidelines

There are no fundamental changes to the normal principles set out in each previous edition of the Election Guidelines. In particular, it is proposed that the levels of coverage given to the different political parties and candidates should be based in the first instance on the levels of past and/ or current electoral support that they can demonstrate, although, as explained below and in section 4.1 of the draft Guidelines², the relationship cannot be purely mathematical and other factors can be involved.

² See also the Introduction to the Appendices.

However, there are some amendments or additions compared to previous Guidelines, and other points to note.

For the elections taking place on 5 May 2016, the formal election periods for each do not all begin on the same day. The Guidelines will take effect from the first day of the earliest election period for UK-wide output, which is Monday 21 March 2016 at 00.01 and they remain in effect for all elections until the close of polls at 22.00 on 5 May 2016³.

The start of the Election period for each election is as follows: ⁴

GLA (including London Mayor)	Monday 21 March 2016
Scottish Parliament	Wednesday 23 March 2016
Welsh Assembly	Wednesday 30 March 2016
Northern Ireland Assembly	Wednesday 30 March 2016
English Local government	Wednesday 30 March 2016
Police and Crime Commissioners	Wednesday 30 March 2016

The Guidelines are intended to create a framework to assist the producers of BBC content in delivering to audiences impartial reporting of the campaigns, whilst still allowing producers an appropriate degree of editorial and creative freedom.

The Appendices

The guidance in the Appendices, which is written by the BBC Executive, is aimed at ensuring that there are appropriate levels of party coverage, with some minimum level for smaller parties and independent candidates. It does not set any maximum.

The guidance sets out the principles and reasoning underlying the BBC's advice to programme-makers when deciding respective levels of coverage for different candidates in elections, according to their varying levels of political support. The assessments cover Scotland, Wales, Northern Ireland, London, Local government in some parts of England, and Police and Crime Commissioners in England and Wales.

³ where the variations may have specific relevance, the BBC offer detailed advice from the Chief Adviser, Politics

⁴ All dates to be confirmed

The BBC explains that the amount of coverage given to political parties and independent candidates in each electoral area (for instance, across a nation or within an individual constituency) relative to each other should reflect levels of past and/or current electoral support in that electoral area. Although performance at the last equivalent election in terms of representation and share of the vote is taken as the starting point, it says the following factors must also be given due weight:

- performance in subsequent elections, where relevant
- other relevant evidence of current electoral support
- the number of candidates a party fields in the election
- other relevant editorial issues, such as electoral pacts, new parties, coalition agreements etc.

One effect of the proposed guidance in the Appendices would be that, broadly, the BBC would be quicker to increase coverage in recognition of recent increases in electoral support than it would be to take decreasing electoral support as an indication that a party should receive less coverage, although this may not always be appropriate. The relationship between increased electoral support and any more coverage should not be one of simple mathematics, because it would not be appropriate, where one party begins to enjoy very high levels of support, for it necessarily then to receive significantly greater coverage than the main opposition party. In other words, larger parties should be grouped together in terms of levels of coverage, at least until any disparity is sufficiently long term and established for a change to be considered.

Questions to which we are seeking a response

We are interested in receiving any comments related to the proposed Guidelines and the associated Appendices.

In particular, it would be helpful to receive your views in response to the following questions:

- 1. Are the proposed Guidelines and Appendices relevant and appropriate for these elections? Please explain why.**
- 2. Are there any omissions from the proposed Guidelines and Appendices?**
- 3. Do you have any other comments on the proposed Guidelines and Appendices?**

How to make a submission

Please send your submission to: election.consultation@bbc.co.uk

or by post to:

Election Guidelines Consultation
BBC Trust Unit
180 Great Portland St
London W1W 5QZ

Hard copy, large print, audio and Braille versions of the draft Election Guidelines for 2016 are available upon request by contacting the BBC Trust by email or by post as above, or by telephone on 0203 214 4973 or textphone 03700 100 212.

Confidentiality

The BBC Trust usually publishes organisational responses in full when it reaches its conclusions. We will not publish the name or contact details of those responding on behalf of organisations. If you would prefer that all or part of your organisation's response is treated as confidential, please clearly indicate this at the start of your response and state which parts should remain confidential.

We do not intend to publish individual responses from the public and will treat your identity in confidence if you disclose it to us. However, we will publish anonymised data in the interests of transparency. Any specific quotes used in the report will be anonymous unless otherwise requested.

The BBC complies with the Data Protection Act 1998. The BBC Trust will securely store any personal information you provide such as your name, contact details and organisation and use it only for the purposes of administering this consultation. You can find more information on the BBC's privacy policy at <http://www.bbc.co.uk/privacy>.

The BBC is covered by the **Freedom of Information** Act 2000. If a request is made under the Act in relation to this consultation, the BBC may be required to disclose the information unless an exemption under the Act applies. For more information, see <http://www.bbc.co.uk/foi>.

Next steps

The BBC Trust will take the consultation responses into account and publish the results of this consultation on the Trust website, together with the Election Guidelines approved by the Trust. We anticipate that this will be in February 2016.

The Guidelines and Appendices will continue to be open to amendment by the BBC to reflect any new and significant relevant evidence of current electoral support until the day after the close of nominations. Changes will be approved by the Trust and the new version added to the Trust website.