

BBC ITACU - Guidance Notes to Independent Production Companies for the Use of Interactivity in BBC Commissioned Programmes

Introduction.

All BBC programming (whether in-house or independently produced) needs to comply with all applicable regulations and BBC Editorial Guidelines (please see <http://www.bbc.co.uk/guidelines/editorialguidelines/advice/interactivity/> - further advice may be sought from Editorial Policy).

These notes set out the process that production teams need to follow when incorporating interactivity into programming and specifically set out how they need to work with the BBC's Interactive Technical Advice and Contracts Unit (ITACU) to deal with:

- Approval Forms
- Selection of the type of Interactivity
- Selection of a Service Provider
- Contractual Terms with Service Provider
- Tariff to be used and Outpayment to Charity (if applicable)
- Use of Residuals
- Terms and Conditions
- Use of Independent Verifiers
- Contact with Regulators
- Graphics, Verbal Messages and Captions
- External Communications

Approval Forms.

For any use of interactivity, a BBC ITACU approval form will have to be submitted by the relevant BBC Commissioning Executive, for Vision, or Network Controller (or nominated deputy) for A&M. This form must be approved before any piece of interactivity takes place or is promoted in any form. The approval process will take at least 2 weeks from completed submission and may take longer for non-telephony interactive proposals, and up to 8 weeks for non verified online engines. It is advisable to discuss such proposals via your BBC Editorial Representative with BBC ITACU and Editorial Policy as early as possible. Please contact BBC ITACU for more details: itacu@bbc.co.uk

Selection of the Type of Interactivity.

There are different types of interactivity available such as telephony (Premium Rate or non Premium Rate), texting (SMS) and post. BBC ITACU covers the following types of audience interactivity: telephony, SMS, online, post, email and red button.

Not all types of interactivity will always be suitable to a particular programme. Aspects such as demographics and target audience, or the length of the interactivity window could make certain interactivity methods impracticable. For example texting

might not always be the most appropriate entry method for a competition targeting an older demographic and use of premium rate telephony will rarely be considered suitable for interactivity aimed principally at children. Also mobile text entries may not be suitable for a vote or competition to be resolved in a very short period as latency issues (due to how texting technically works) may result in entries not getting through on time.

Therefore, ITACU should be consulted before deciding which type of interactivity to be used. ITACU may also be required to consult BBC Editorial Policy.

Please note that this also applies to any promotion associated with the main programme event such as audience participation lines.

Selection of a Service Provider.

The BBC has in place Framework Agreements with a number of suppliers. Frameworks were awarded following an EU Procurement tender. The contracts are effective until 1 July 2011 and may be extended for up to two more years. The framework suppliers have been grouped in 4 categories (known as 'lots') for the following services: fixed line telephony, mobile telephony (shortcodes), mobile console and fulfilment and transcription.

All audience interactive services for any programmes produced by independent producers must be carried out by a framework supplier. Independent production companies are free to choose any supplier from the list of framework suppliers.

BBC ITACU will not recommend or endorse any particular framework supplier. However, where a production company wants to tender out a particular piece of interactivity (which the BBC undertakes for all in-house interactivity), BBC ITACU will assist them by providing the templates and process used for BBC mini-competitions (ie those used for all BBC in-house productions using interactive services - with which all framework suppliers will be familiar). In these cases, BBC ITACU will request that the mini tender goes out to all framework suppliers in the relevant lot. The decision as to who to appoint will rest entirely with the relevant independent production company.

It is always advisable to provide BBC ITACU visibility of the terms of the tender early in the process. The following are just a few of the points that should be raised with the suppliers at this stage:

- **Vote Room:** BBC ITACU will advise whether the vote room should be at BBC premises or any other venue. For live broadcasting events, the vote room should be located in BBC TV Centre or in any other studios from where the associated programme is being broadcast.
- **Attendance to Vote Room:** Usually, at least one representative from BBC ITACU will attend the vote room during the interactivity. Editorial Policy may also attend. For live broadcast events, the service provider will be expected to attend the final rehearsal/dress run. BBC ITACU will approve the number of representatives from the independent production company, the service

provider and verifier to be allowed in the vote room and may also advise additional requirements such as confidentiality agreements be in place with the relevant individuals.

- **Facilities:** BBC ITACU will advise the necessary equipment to be available in the vote room. Minimum requirements include: access to a live feed to the studio, telephone line, Internet access and computer terminal, fax machine and confidential bin or shredder.
- **Testing and Reporting Requirements:** The frequency and other particulars for these will be advised by BBC ITACU.
- **Capping Votes:** BBC ITACU may request that voting be limited per person, telephone line, etc. This will be looked at on a case-by-case basis but should be raised with the supplier as soon as possible, as their quotes may make assumptions around this.

Contractual terms with the Service Provider.

Independent producers will be asked to contract with the framework supplier on BBC-approved terms, which will be based on the Framework Agreement. The BBC will provide a template. This contract will be finalised between the independent producer and the framework supplier. BBC ITACU Legal and Business Affairs will need to be consulted prior to any changes that could relate to the BBC requirements.

The BBC requirements under all applicable regulations or BBC guidelines (for example data protection, lowest viable tariffs, use of residual revenue, etc) will apply equally to any independent production as they do to in-house productions.

Tariff to be used and Outpayment to Charity.

The use of premium rate services interactivity in any independent production commissioned by the BBC will be subject to the same rules as the BBC's in-house productions. Please note that this also applies to any promotion associated with the main interactive event and/or audience participation lines. These basically provide that premium rate services should not be used for profit and be run on the lowest possible rate. The only exception to this is where the purpose of the interactivity is to raise funds for BBC charitable appeals. The charity tariff must be approved by BBC ITACU in consultation with Editorial Policy. The rate should always take into account the best possible outpayment for charity and the likely take up by the audience.

Use of Residuals.

There are no circumstances where residual revenue generated from the use of premium rate services can be used to fund or recover production costs. A portion of the revenue generated from the use of interactivity (ie calls or messaging costs) can be retained by the service provider that manages the interactivity to offset against their agreed fees. Only in limited cases, should the fees be agreed as a fixed charge. The BBC will usually expect the service provider to offer a revenue share where no

minimum payment is due to the service provider should there be a shortfall which would mean that call volumes do not cover the supplier's fees. However, the independent production companies are free to agree a flat fee with the service provider. In such instances the risk of a shortfall will have to be agreed between the independent producer and the service providers. Under no circumstances will the BBC pay or underwrite the shortfall.

Apart from the service provider's fees, other allowable deductions from the residuals are any independent verification of the vote, if required (e.g. a vote result) and contingencies, such as refunds. These will be considered on a case-by-case basis and will need to be approved by the BBC ITACU in consultation with Editorial Policy and Finance.

Any residuals left after the allowable deductions, must be paid to the charity nominated by the BBC through the Chair of the Appeals Advisory Committee.

Terms and Conditions.

All votes and competitions will require clear terms and conditions to be published. These will help ensure the event is compliant with the BBC Editorial Guidelines as well as any applicable legislation. The terms and conditions and any amendments thereto will require approval from the BBC Senior Legal and Business Affairs Manager in BBC ITACU.

Please note that where the production company produces content to be posted online (including profiles on social networks), any information about the vote or the terms and conditions will need to be approved by BBC ITACU or the BBC Senior Legal and Business Affairs Manager in ITACU, respectively.

Use of Independent Verifiers.

For certain events, including any involving premium rate telephony and charity appeals, BBC ITACU may require that an independent verifier be present to certify that the event has been carried out and the results obtained in accordance with the applicable rules. In such instances, the verifier should be approved by the BBC and be expected to share all information with BBC ITACU. The contract with the verifier will be entered into by the independent producer. The verifier's fees may be deducted from the residuals. They must not be agreed on a revenue share basis.

Contingencies.

Technical contingencies, ie in case a voting mechanism or entry method fails, will need to be agreed and approved by BBC ITACU. These should be accompanied by the relevant scripts. The BBC Legal and Business Affairs Manager in ITACU may require that contingencies around tie scenarios are to be included in the terms and conditions.

Editorial contingencies will need approval from BBC Editorial Policy.

Contact with Regulators.

BBC ITACU Legal and Business Affairs may consider consulting the regulators (Ofcom and Phone Pay Plus) on any compliance proposal for a particular event.

Graphics, Verbal Messages and Captions.

The wording, prominence and frequency of these must be compliant with applicable regulations and BBC Editorial Guidelines, and will need to be approved by BBC ITACU.

External Communications.

All external communications regarding interactivity (eg queries or complaints about voting issues, network status, etc) should be referred to and approved by BBC ITACU and the BBC Press Office in the first instance. This should also include any contact with network operators.