

DRAFT

ALTERNATIVE VOTE REFERENDUM GUIDANCE

This Guidance applies to any content which mentions or discusses the AV Referendum and is intended for broadcast or publication on BBC outlets within the UK. It should be read in conjunction with the Referendum Guidelines.

In addition, the Referendum Campaign Period is likely to run concurrently with various election periods in different parts of the UK – content producers using the Referendum Guidelines and Guidance are likely to need to read both in conjunction with the Election Guidelines and Guidance.

1. Introduction

This will be the first UK-wide Referendum since 1975 and is only the second conducted under current legislation and the auspices of the Electoral Commission (after the NE Assembly referendum in 2004). For many of those covering the AV Referendum for the BBC, it may involve some new territory in terms of how to achieve impartiality, using appropriate terminology, meeting the challenges of engaging the audience in complex explanations and covering a significant political issue which does not fit straightforwardly into the normal party political landscape. At the same time, the decision to hold a referendum emanated directly out of the political context following the 2010 General Election and the formation of the Coalition Government, so it is not entirely separate from party politics.

To be authoritative, it is important for anyone involved in coverage at any level to have an appropriate understanding of the implications of this new territory for their output. Areas (such as those outside Journalism) which are not familiar with the issue of voting systems being comparatively high profile need to appreciate, for instance, that the “Alternative Vote” system must not be described in any way as a system of “proportional representation”.

Detailed information is available on the BBC News Analysis and Research website:

<http://bbcapps2498/display.aspx?File=e:\briefs\Elections%20and%20Polls\Referendums\00003219.mht>

2. Timing of the Referendum Period

The Referendum on whether to change the electoral system for the House of Commons is due to take place on 5th May 2011 (subject to Parliamentary approval).

The Pre-campaign Referendum Period (“Phase One”) will begin when the Parliamentary Voting System and Constituencies Bill receives Royal Assent (expected from mid February).

The Referendum Campaign Period (“Phase Two”) will begin as soon as the Electoral Commission announces its decision on the designation* (see definition of designation, below) of “Yes” and “No” campaigns, or on 1st April 2011, whichever is sooner.

3. When the Guidance comes into effect

This Guidance will formally come into effect at the beginning of the Referendum Campaign Period (Phase Two), but relevant output areas should be aware of, and take account of, the issues raised throughout both phases of the Referendum Period.

4. Due Impartiality covering the Referendum.

As the Referendum Guidelines make clear, fairness and impartiality are not necessarily achieved by the application of a simple mathematical formula, but the objective must be a broad balance between the “yes” and “no” arguments irrespective of indications of levels of support. However, it is essential that news judgements continue to drive editorial decision-making (see BBC Editorial Guidelines, section 10: Reporting UK Election and Referendum Campaigns and Broadcasting During Elections.). Therefore, our journalism, where appropriate, may make evidence-based judgements on the progress and content of the Referendum Campaign, for instance, during correspondent two-ways.

It is up to each programme or content area to ensure its output has achieved broad balance, across each Phase of the Referendum Period, in a way that will stand up to public scrutiny.

Maintaining impartiality on the issue of change in the voting system will require particular care in a number of areas, for example:

- language: we must ensure that our use of certain phrases or words does not inadvertently convey a meaning which may be construed as favouring one side or the other. For instance, we should make no assumptions

about which voting system is “**fairer**” – that is a claim for campaigners to make which we should test, but be careful not to endorse on either side.

- The term “**reform**” explicitly means an “improvement” or “change for the better”. So in this particular context, it is not neutral, but controversial in itself. The BBC, therefore, should not be seen to be making such a judgement – in our own scripts, questions, etc – by referring to this as being a referendum about “electoral reform” without appropriate qualification, though contributors, of course, may choose to do so.
- research, academics, other campaigners: in seeking authoritative and impartial voices and research beyond the referendum campaigners, we must pay particular attention to their standpoint on the issue of changing the voting system. Editorial Guidelines (4.4.14) say that we “should not automatically assume that contributors from other organisations (such as academics, journalists, researchers and representatives of charities) are unbiased and we may need to make it clear to the audience when contributors are associated with a particular viewpoint...” In the context of the AV Referendum, output producers will need to take all reasonable steps to be sure that any contributors are appropriately described, taking account, for instance, of previous public statements about electoral change, how relevant organisations are funded, the nature of research, etc.

5. Party Politicians and Campaigners

The AV Referendum will not, of course, be fought on a party political basis and we should ensure that perspectives other than those of party politicians, where appropriate, are also included. In particular, programmes or other content which give significant levels of coverage to the referendum need to reflect the range of voices on each side of the issue, both of party politicians and non party campaigners. But neither is the referendum entirely separate from issues of party politics, integral as it is to the relationships between parties and, potentially, their standing and prospects at future Westminster elections.

In the current climate, it may well be an element of the argument that either side may claim it is represented more by “ordinary people”, than by “party politicians”. So in making editorial judgements about who might represent each side of the issue, content producers should be aware that how they do so – either with party politicians or non party campaigners – may itself have an influence on that argument and, therefore, potentially, on impartiality. Taking account of the extent of their coverage, producers should plan, where appropriate, to reflect a range of such voices – and combinations of voices - across each Phase of the Referendum Period.

Although there will be occasions when programmes will, for justifiable editorial reasons, want to reflect each side of the argument by using only party politicians and on other occasions by using only non-party campaigners, there is no obligation to match each side in that way on every occasion, providing fairness is achieved and there is editorial justification.

6. Editorial Independence and Fairness

Deciding who represents each side of the referendum argument is a matter for editorial judgement. In many instances, output producers will choose to reflect that debate through representatives of the “Yes” and “No” campaigns, especially if and when they have been “designated” by the Electoral Commission. But there may be other voices and perspectives on the referendum issue – especially during Phase One – and these should also be given due weight. “Broad balance” is between the arguments and not necessarily between the official campaigns which, whilst offering spokespeople, cannot dictate who should and should not appear on BBC output. However, there remains a general obligation of fairness to the official campaigns and - especially after designation - similar levels of coverage should normally be given to each of the official campaigns. (nb: this element of the Guidance may be supplemented if rival non-designated campaigns were to emerge on either side)

Particularly for output which is giving significant levels of coverage to the referendum overall, the key to achieving fairness on both these issues - respective amounts of coverage for

- a) party politicians and non-party campaigners and
- b) those representing the official campaigns and other voices from outside the campaigns,

will be to seek over each Phase of the Referendum Period an appropriate range and variety of perspectives on each side, giving due weight in exercising editorial judgement. Similarly, although there is no requirement for balance between the different political parties on the referendum issue itself, (bearing in mind that supporters of the same party may be on opposite sides of the referendum debate) there remains a general requirement that each should be treated fairly and appropriately.

7. Simultaneous campaigns for the referendum and elections

Covering politics when there is a referendum campaign throughout the UK and campaigns for different elections in different parts of the UK, all at the same time, clearly presents new and significant challenges for BBC producers. This

unprecedented concurrence may itself continue to be a controversial political issue.

Engaging different audiences appropriately in the issues must remain a priority, whilst ensuring due impartiality and fairness is achieved in a complex political environment. It will require good planning by individual programmes and outlets, astute and flexible editorial judgements and well-organised self monitoring. The various balances to be struck – such as between levels of coverage for the referendum on the one hand and coverage of elections on the other – will vary in different parts of the UK and in different genres.

Given this concurrence, content producers should be clear - when party politicians are being invited to contribute – which issues are being covered.

Where an item or programme is about issues not related directly to the referendum (such as the elections), it is important to ensure that either:

- the referendum is not mentioned in a way that encourages support for one side or the other; or
- if referendum issues are discussed, there is an appropriate opportunity to ensure a broad balance between the “yes” and “no” arguments is achieved.

Producers of live programmes may need to remind guests that the broadcast is taking place during the period prior to both a referendum and elections – and that the BBC is required to achieve due impartiality in both areas. This may, in some circumstances, mean asking them to confine their contribution to only one of these areas.

Where items or, for instance, panel discussions are being planned during the Referendum Period which are intended to cover both the referendum and other political issues, including the elections, producers must take care to achieve appropriate broad balance on the referendum as well as due impartiality on the other issues. This is likely to involve taking a considered view of the balance of contributors across the whole Referendum Period (see Referendum Guidelines, section 4.2: Participants in Debates and Discussions.)

8. Further Advice

In these unprecedented electoral circumstances, new dilemmas and difficulties may arise in any part of our coverage. It is particularly important that these should be fully discussed at an appropriate level. Do not hesitate in raising any issues or uncertainties with more senior editorial figures and in contacting the Chief Political Adviser, Ric Bailey, Philip Abrams in Editorial Policy or David Cowling, Editor of Political Research.

Contact Details

To be added.

Footnote

Electoral Commission explanation of Designation

Before a referendum is held, there is a formal campaigning period called the referendum period'. During this period restrictions surrounding campaign expenditure and publicity will apply.

From the first day of the referendum period, we will start to register those who intend to spend more than £10,000 campaigning, who will be known as 'permitted participants'. Once registered, campaigners can also apply to become the lead campaign group, known as the 'designated organisation', for one side of the debate.

For the first four weeks of the campaign we will accept applications from campaigners wanting to become the designated organisation. After this, we will decide whether to designate. We must designate lead campaigners for both sides or not at all.

Benefits for designated organisations

Designated organisations qualify for an expenditure limit of £5 million UK-wide.

They also qualify for certain publicly funded assistance, including: _

- free postal distribution of one piece of referendum literature to each household or elector*
- _ - referendum TV campaign broadcasts*
- equal grants of public money of up to £600,000 UK-wide (amount to be determined by the Commission)*
- free use of public rooms for meetings (except in Northern Ireland)*

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