

SECTION 9: CHILDREN AND YOUNG PEOPLE AS CONTRIBUTORS

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9.1 INTRODUCTION

Children and young people are very important to the BBC. They contribute and interact with us in many different ways – as contributors, actors, presenters, through our interactive and user generated content, via all our services. We also aim to provide them with challenging, educative, enjoyable and interesting content and to help them make sense of the world in which they live. Ensuring the content children consume is appropriate is considered throughout the Editorial Guidelines and, specifically, in Section 5: Harm and Offence. This section is concerned with how we deal with children and young people who contribute to and interact with our content, whether or not it is aimed at children, or usually includes them as contributors.

We must always safeguard the welfare of the children and young people who contribute to our content, wherever in the world we operate. This includes preserving their right to speak out and to participate, as enshrined in the United Nations Convention on the Rights of the Child. The Ofcom Broadcasting Code obliges broadcasters to take *“Due care ... over the physical and emotional welfare and the dignity of people under eighteen who take part or are otherwise involved in programmes.”*¹ This obligation is irrespective of any consent that might have been given by a parent or other adult acting in loco parentis. The Code also requires that *“People under eighteen must not be caused unnecessary distress or anxiety by their involvement in programmes or by the broadcast of those programmes.”*² We are also subject to the law regarding children.

(See Section 18 The Law: 18.9)

For the purposes of the Editorial Guidelines and unless stated otherwise, a child is someone under the age of 15 years. Young people are those aged 15, 16 and 17³. 'Parental consent' is normally required before involving anyone under 16 in our output. However, age may not be the only consideration.

(See Section 9 Children and Young People as Contributors: 9.4.14 - 9.4.19)

¹ Rule 1.28, Ofcom Broadcasting Code

² Rule 1.29, Ofcom Broadcasting Code

³ These definitions reflect the Ofcom Broadcasting Code (Section One: Protecting the Under-Eighteens – Meaning of “Children”) which classifies “Children” as “people under the age of fifteen years”.

9.2 PRINCIPLES

9.2.1 We must ensure that the physical and emotional welfare and the dignity of children and young people is protected during the making and broadcast of our content, irrespective of any consent given by them or by a parent, guardian or other person acting in loco parentis. Their interests and safety must take priority over any editorial requirement.

9.2.2 We must ensure that children and young people are not caused unnecessary anxiety or distress by their involvement in our output. Their involvement must be clearly editorially justified, consents should be obtained as appropriate to the circumstances of the child/young person and the nature of the contribution and output, and support should be given to them where necessary.

9.3 MANDATORY REFERRALS

(Mandatory Referrals are part of the BBC's editorial management system. While they will not, in themselves, meet the Principles in the Editorial Guidelines, they are an essential part of the process to ensure compliance and must be observed.)

Referrals to Editorial Policy

9.3.1 Any proposal to use any form of moderation, other than pre-moderation, in online spaces designed to appeal to children and young people must be referred to Editorial Policy.

(See 9.4.6)

9.3.2 Any proposal to use any form of moderation, other than pre-moderation, in online spaces which publish pictures or video from members of the public must be referred to Editorial Policy.

(See 9.4.7)

9.3.3 Any proposal to offer a private online space for children and young people where strangers can routinely meet and exchange personal information must be referred to Director Future Media and Technology and Editorial Policy.

(See 9.4.10)

Other Referrals

9.3.4 In the course of our work if we suspect a child or young person may be at risk, or we are alerted by them to a child welfare issue (including allegations against BBC staff) the situation must be referred promptly to the divisional manager with responsibility for the Child Protection Policy.

(See 9.4.3)

9.3.5 Any incident of suspected "grooming" online must be referred promptly to the CBBC Interactive Executive Management Team (or, for commercial

services, to the relevant editorial leader) who will be responsible for reporting it to the appropriate authorities.

(See 9.4.5)

9.3.6 Any proposal to reveal a child or young person's personal information to a third party without consent must be referred to a senior editorial figure, or for independents to the commissioning editor, who may consult Editorial Policy and Information Policy and Compliance.

(See 9.4.11)

9.3.7 Any proposal to proceed with the contribution of a child or young person after a refusal of 'parental consent' must be referred to a senior editorial figure or, for independents, to the commissioning editor. Editorial Policy should also be consulted.

(See 9.4.17)

9.4 PRACTICES

Safeguarding the Welfare of Under-18s

Child Protection

9.4.1 We should apply the principles of the BBC Child Protection Policy in our dealings with children and young people under 18. Their welfare is our paramount consideration. This means their interests and safety must take priority over any editorial requirement.

9.4.2 We must take care that the information we disclose about children and young people does not put them at any risk. How they are identified in our content requires careful consideration and will vary according to context. Advice is available from Editorial Policy. If it has been established that we should not disclose a child or young person's location, particular care should be taken not to inadvertently do so by a 'jigsaw effect', i.e. revealing several pieces of information in words or images that can be pieced together to readily identify where the child may be found. (Note that, in some circumstances, avoiding the 'jigsaw effect' may require taking account of information already in the public domain.)

(See Section 6 Fairness, Contributors and Consent 6.4.10 - 6.4.12)

9.4.3 All children and young people, regardless of age, disability, gender, racial or ethnic origin, religious belief and sexual identity have a right to protection from harm or abuse. **In the course of our work if we suspect a child or young person may be at risk, or we are alerted by them to a child welfare issue (including allegations against BBC staff) the situation must be referred promptly to the divisional manager with responsibility for the Child Protection Policy.**

(See Guidance online: Working with Children and Young People)

Online Protection

9.4.4 The online protection of children and young people is a shared responsibility between the BBC, parent/guardian and the child or young person. We aim to ensure that children and young people taking advantage of our changing technologies understand the possible risks they face and how to minimise them. When online content is likely to appeal to a high proportion of children or young people, we should offer links to relevant advice on bbc.co.uk, such as advice on safe surfing. Safety information should be prominent, easily accessible and clear.

(See Guidance online: Interacting with Children and Young People Online)

9.4.5 Any incident of suspected “grooming” online must be referred promptly to the CBBC Interactive Executive Management Team (or, for commercial services, to the relevant editorial leader) who will report it to the appropriate authorities.

(See Guidance online: Interacting with Children and Young People Online)

9.4.6 Spaces designed to appeal to children and young people are usually pre-moderated. Any proposal to use any other form of moderation for children and young people will need to be able to demonstrate that it offers a high level of child protection and must be referred to Editorial Policy.

9.4.7 Spaces which publish pictures or video from members of the public are usually pre-moderated. Any proposal to use any other form of moderation must be referred to Editorial Policy.

9.4.8 We should not link to unmoderated chat rooms for an audience of children or young people.

(See Section 17 Interacting with our Audiences: 17.4.41 and Section 5 Harm and Offence: 5.4.15 - 5.4.17)

9.4.9 Moderators of sites designed for children and young people, and sites which are aimed at or likely to attract them, should have appropriate police checks (as laid out by the Independent Safeguarding Authority) and be recruited, trained and supervised as appropriate for working on such sites. People who are editorially responsible for moderators and hosts will need to assess the risk to children and young people based on:

- the opportunity for virtual contact the moderators and hosts have with children and young people
- how far the moderators and hosts are in a position of trust and authority in relation to the users

- the access the moderators and hosts have to personal information about users.

(See Guidance online: Moderation, Hosting, Escalation and User Management)

9.4.10 Until a reliable method of digital identification is available, private online spaces where strangers can routinely meet and exchange personal information are not likely to be suitable for children and young people. This is because private spaces cannot be monitored to safeguard such users. Any proposal to the contrary must be referred to Director Future Media and Technology and Editorial Policy.

Personal Information

9.4.11 We should not request more personal information from children and young people than is necessary. We must collect, store and dispose of their personal details securely and in accordance with the guidelines issued by Information Policy and Compliance.

Any proposal to reveal a child or young person's personal information to a third party without consent must be referred to a senior editorial figure, or for independents to the commissioning editor, who may consult Editorial Policy and Information Policy and Compliance.

(See Section 18 The Law: 18.11 and Section 7 Privacy: 7.4.45 - 7.4.50)

Informed Consent for Children and Young People

9.4.12 When featuring children and young people in our output we must obtain their informed consent, wherever possible, and respect any refusal to take part (unless there is a public interest⁴ that outweighs their expectations of privacy).

(See Section 6 Fairness, Contributors and Consent: 6.4.1 - 6.4.8 and Section 7 Privacy: 7.1)

In addition to the usual considerations for obtaining informed consent from the child/young person and, when necessary, any other person giving consent for their involvement, we must:

- ensure they understand the nature of the output
- ensure that any reasonably foreseeable consequences of the child's participation, such as the possibility of bullying, are made clear
- not give them any inducement to secure consent (although the payment of expenses is acceptable as long as they are reasonable and legitimate).

9.4.13 In law, performances by under-16s (and some 16-year-olds still in full-time education) should normally be licensed by the Local Education Authority. Children taking part in a performance must also, at all times during the

⁴ See Section 7 Privacy: 7.1 The Public Interest

engagement, be in the care of their parent, the child's legal guardian or a licensed chaperone.

(See Guidance online: Working with Children and Young People)

Parental Consent

9.4.14 'Parental consent' means the informed consent of a parent, legal guardian, or other person aged 18 or over acting in loco parentis, such as a Head Teacher.

In addition to the informed consent of the child or young person themselves, we should normally seek 'parental consent' before interviewing anyone under the age of 16, or otherwise involving them in our output. An exception may be when recording vox pops with children on non-sensitive subjects, where it is not controversial for children to hold and express their views.

However, the younger and more vulnerable the child, and the more sensitive the subject matter, the more likely it is that 'parental consent' is essential. 'Parental consent' should normally be obtained if children are asked for views on matters likely to be beyond their capacity to answer properly.

(See Section 6 Fairness, Contributors and Consent: 6.4.1 - 6.4.8)

9.4.15 In deciding whether a child can give consent, the stage of development and degree of understanding as well as their age should be taken into account. If a young person is 16 or 17 it may still be appropriate to seek 'parental consent' in some cases, depending on the circumstances of the young person and the nature of the programme and contribution, for example when the content is exceptionally sensitive or where the contributor could be considered vulnerable. Advice is available from Editorial Policy.

9.4.16 Where 'parental consent' is required and parents are estranged or divorced, we will normally obtain the consent of the parent to whom a residence order has been granted, depending on the particular circumstances of the case. We should consider the extent of the other parent's involvement with the child or young person and, where we are not seeking their consent, listen to any reasonable objections they may have. Advice is available from Editorial Policy.

9.4.17 **Any proposal to continue with the contribution of a child or young person after a refusal of 'parental consent' must be referred to a senior editorial figure or, for independents, to the commissioning editor.** Editorial Policy should also be consulted. Proceeding without 'parental consent' is normally only editorially justified on the basis of a clear public interest⁵ or the freedom of the child or young person to express themselves, including their right to speak out.

9.4.18 When we ask children for personal information online we need to consider the standard of proof of 'parental consent' that is appropriate, taking

⁵ See Section 7 Privacy: 7.1 The Public Interest

account of the sensitivity of the subject matter and the age of the child. Options include:

- simply prompting a child to ask for 'parental consent'
- using a clickable check box to confirm that 'parental consent' has been obtained before allowing a child to proceed
- requiring verifiable 'parental consent', such as a signed letter.

Advice on the appropriate standard of proof to use is available from Editorial Policy.

(See Guidance online: Interacting with Children and Young People Online)

9.4.19 When we invite children to interact with us using technology that costs money, such as the telephone or text message, we must make clear on-air or online that they must obtain the consent of a parent or bill payer before contacting us.

(See Section 9 Children and Young People as Contributors: 9.4.11 and Section 7 Privacy: 7.4.45 - 7.4.50)

The Impact of a Contribution

9.4.20 Even when we have secured 'parental consent', we must consider carefully the impact and possible consequences of any material which involves a child, both during the production process and once the material has been broadcast. This applies both when we have approached the child to contribute and when they have approached us, including with user generated content.

Children are often eager to contribute to our output but many lack the judgement necessary to assess the longer-term impact it may have on their lives. When featuring anti-social, harmful or illegal activity amongst children, such as illegal drug use, abuse, eating disorders, and bullying, we should consider consulting experts about the best way of approaching interviews and minimising distress.

We normally aim to work with children in the presence of those responsible for their supervision, although circumstances may vary. Nevertheless, when sensitive issues are being discussed with a child or young person, it is often advisable to have someone there who is familiar to them and who can help safeguard their interests, such as a relative, family friend, or teacher.

(See Guidance online: Working with Children and Young People)

9.4.21 We should ensure children and young people are given a voice but we must also be alert to occasions when children exaggerate, try to please or report gossip or hearsay as fact. Criminal or anti-social behaviour should not go unchallenged.

(See Section 8 Reporting Crime and Anti-Social Behaviour: 8.4.15 - 8.4.21)

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9.4.22 When considering whether or not to identify children and young people involved in anti-social or criminal behaviour, we should take due account of their interests. Consideration should be given to the age of the child or young person, the nature or seriousness of the behaviour and the possible consequences of identification. We should not normally identify children when featuring such behaviour to illustrate a practice, unless there is a clear editorial justification. Always seek advice from a senior editorial figure, or for independents the commissioning editor, if you are unsure how to proceed.

(See Section 8 Reporting Crime and Anti-Social Behaviour: 8.4.32 and Section 6 Fairness, Contributors and Consent: 6.4.2)

There may also be legal reasons for not identifying a child or young person. If in doubt, consult Programme Legal Advice. Advice on the identification of a child or young person with an Anti-Social Behaviour Order (ASBO) or involved in court proceedings is available from Programme Legal Advice.

(See Section 18 the Law: 18.9)

9.4.23 The decision to involve, feature or identify children whose parents are engaged in anti-social or criminal activity should only be made if the welfare of the child will not be harmed and if it is clearly editorially justified. This is particularly important when children may be at risk because, for example, they are living with an alcoholic parent, or being forced to work as couriers of illegal drugs.

(See Section 7 Privacy: 7.4.31)