

CONFIDENTIAL



16 June 2017

Dr Sarah Wollaston
Chair
Health Select Committee
House of Commons
London
SW1A 0AA

Tony Close
Director, Content Standards, Licensing and
Enforcement

By post and email: healthcom@parliament.uk

Dear Dr Wollaston

Health Select Committee Report on Suicide Prevention

Ofcom welcomes the Health Select Committee's recent report on Suicide Prevention, and acknowledges the Committee's concerns about Ofcom's regulatory duties and the Broadcasting Code in this area.

Protecting audiences from harmful and offensive content is a crucial element of our regulatory duties. To address these concerns and to help the Committee's understanding further, we think it would be helpful to provide you with further details of our work in this area.

Ofcom's Broadcasting Code

The Communications Act 2003 ("the Act") requires Ofcom to set standards for the content of television and radio programmes. These standards are set out in the Ofcom Broadcasting Code ("the Code") which broadcasters must abide by. The Code applies to all broadcasters licensed by Ofcom and to the BBC's licence fee funded television, radio and on demand programme services ("ODPS") content.

We regularly report on the outcome of our investigations into potential breaches of our rules. We publish these each fortnight on the Ofcom website¹. If broadcasters have seriously, repeatedly, deliberately and/or recklessly breached the Code, Ofcom can impose statutory sanctions on broadcasters. These include financial penalties and ultimately revocation of a broadcaster's licence.

The Code is kept under constant review, to ensure it is fit for purpose.

¹ See <https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins>

Section 319 of the Act requires that generally accepted standards are applied to the content of television and radio services to provide adequate protection from harmful and/or offensive material. Section Two of the Code reflects this standard. There is no outright prohibition on broadcasters depicting suicide, however, Rule 2.5 of the Code states:

“Methods of suicide and self-harm must not be included in programmes except where they are editorially justified and are also justified by the context”.

We take account of a range of factors when considering context, such as: the editorial content; the expectations of the likely audience; the time of broadcast; and the channel or station on which the programme is broadcast.

Our published Guidance to Rule 2.5 states:

“This rule reflects a continued concern about the impact of real or portrayed suicide, and self-harm, on those whose minds may be disturbed. Whilst it is always difficult to prove causality, various studies have shown that there may be a short-lived increase in particular methods of suicide portrayed on television. Broadcasters should consider whether detailed demonstrations of means or methods of suicide or self-harm are justified”.

In addition, Rule 1.13 of the Code reflects the standards intended to protect persons under the age of eighteen:

“Dangerous behaviour, or the portrayal of dangerous behaviour, that is likely to be easily imitable by children in a manner that is harmful:

- must not be featured in programmes made primarily for children unless there is strong editorial justification;*
- must not be broadcast before the watershed (in the case of television), when children are particularly likely to be listening (in the case of radio), or when content is likely to be accessed by children (in the case of BBC ODPS), unless there is editorial justification”.*

When applying the Code, Ofcom must consider the right to freedom of expression, which encompasses the audience’s right to receive information and ideas and the broadcaster’s right to impart them. This is set out in Article 10 of the European Convention on Human Rights. Ofcom must balance the right to freedom of expression, with, for example, the requirement in the Code to ensure that methods of suicide must not be included in programmes except where they are editorially justified and are also justified by the context.

Ofcom’s regulatory approach to suicide

Ensuring that audiences are protected from potentially harmful material in programmes is of paramount importance to Ofcom. This is particularly the case in the area of suicide. As highlighted by the Committee, a key aspect of the Government’s 2012 strategy was to promote the responsible reporting and portrayal of suicide and suicidal behaviour in the media.

To ensure that we apply our rules in this area appropriately, we have liaised closely on a number of occasions with the Samaritans on the portrayal of suicide in programmes. This

has included holding joint sessions, with invited expert academics, to discuss issues such as media portrayal of imitability of suicide and novel suicide methods.

We receive relatively few complaints about the portrayal of suicide in programmes. (22 during 2016, out of approximately 17,500 complaints in total that year). We have not to date had cause to record breaches of our rules about depiction of suicide. However, we have given formal Guidance to broadcasters in cases where we feel that the portrayal of suicide was close to the edges of acceptability, to ensure that broadcasters take our concerns on board going forwards. For example, in October 2016, the BBC broadcast an episode of the crime drama series *The Fall*, in which one character was shown committing suicide. In that case, the BBC deliberately omitted details of the character's method of suicide, by omitting various shots, and took into account expert advice on the portrayal of suicide in drama (including the Samaritans Media Guidelines). Although we did not record a breach of our rules, we did give formal Guidance to the BBC to take great care when portraying suicide so as to minimise appropriately the risk of imitable behaviour.

Therefore, our experience is that broadcasters take the portrayal of suicide very seriously. Our regular liaison with the Samaritans indicates that they have a large degree of engagement with broadcasters to ensure that instances of suicide are sensitively portrayed consistent with our rules.

We agree with the Committee's recognition of the "need for programme makers to portray dramatic situations" which include the issue of suicide. When we receive complaints in this area, we are particularly sensitive to: how suicide is depicted; the detail of any depiction; issues around potential imitability; and the novelty of any technique depicted.

The Committee refers to "inappropriate and graphic detail of suicide on television programmes". We would have concerns if broadcasters used in programming "unnecessary and exact detail about a suicide method which could influence imitative behaviour" or content "where the method depicted is relatively uncommon and where scenes show suicide as being quick, easy and painless". We would encourage the Committee to share any evidence it has obtained with us, regarding specific programmes (including their dates and times of transmission) so we can assess the content under our rules and consider whether any regulatory action is necessary.

We do not have any current plans to revise our Broadcasting Code rules on the portrayal of suicide. However, we maintain a very constructive relationship with the Samaritans. This enables us to remain informed about current concerns and details of any novel forms of suicide, and we would certainly consider developing our published Guidance in this area if new issues or detail arises that would assist broadcasters in complying with the rules.

We would be happy to work with Public Health England or any other bodies to explore any additional ways we can provide audiences with the necessary information about how they can complain about TV or radio content if they wish to.

We would be very pleased to expand on any of the points in this letter, if that would be helpful to the Committee.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tony Close', with a large loop and a horizontal tail.

Tony Close