



European Parliament Election May 2019

Notes on S4C Programme Guidelines

15/04/2019

1. Introduction

1.1. The European Parliament Election will take place on Thursday the 23rd of May 2019

In the period leading up to the election, producers are reminded of the need to ensure compliance with:

- S4C Guidelines on Programme Compliance, Conflict of Interest and Political Interests (S4C Programme Compliance Guidelines);
- The Ofcom Broadcasting Code (particularly sections 5 and 6, and the Guidance to section 6).

1.2. Please note that Ofcom has amended Section 6 (elections and referendums) of the Broadcasting Code to remove the concept of the list of larger parties (see here for more information). These changes came into effect on 22nd March 2017. From this date, producers must base editorial decisions on election coverage by reference to evidence of past electoral support and/or current support. In order to assist this decision-making process, Ofcom has published an annual digest of past electoral support (see here) which sets out the factors it will take into account when making decisions in the area of elections (see here: https://www.ofcom.org.uk/_data/assets/pdf_file/0018/144531/evidence-past-current-electoral-support-european-elections-may-2019.pdf) which lists the factors taken into account when making decisions in the field of elections (see below for more information).

1.3. Producers should therefore ensure they have read and understood the amended Broadcasting Code and Guidance, and should seek independent legal advice where required.

1.4. These notes provide additional guidelines for the implementation of those requirements. Producers should refer any uncertainty about the implementation of the guidelines to the relevant Content Commissioner at S4C in the first instance. Much of the following guidelines are relevant to the pre-election period as well as to the election period itself.

2. The Election Period and Candidates

2.1. The official election period for the European Parliament Election starts on 15 April and will continue until voting concludes on Thursday 23 May 2019.

2.2. Throughout the period noted above producers must notify S4C in advance of any plans to include guest appearances in their programmes where such guests have an obvious connection with any political party or if the person is likely to stand as a candidate in the European Parliament Election.

- 2.3. Producers should be familiar with the latest candidates list in order to be aware in advance of problems which may arise in connection with individuals appearing in their programmes.
- 2.4. Producers are reminded that S4C's Programme Compliance Guidelines (particularly section 5) include limitations on politicians or political candidates appearing on S4C, whether before or during an election period. For 'non-political' programmes, every producer is expected to advise S4C at once if there is any possibility that any of their contributors, even if the programme has already been recorded, is to stand as a candidate in the election. No 'new' appearances should be arranged during the election period.
- 2.5. Candidates must not act as news presenters, interviewers, or presenters of any type of programme during the election period. It is essential that S4C is informed as far in advance as possible if any of the channel's presenters intends to stand as a candidate.
- 2.6. The final list of candidates will not be available until the close of nominations on Thursday 25 April 2019. During the period prior to that, producers should take particular care in relation to contributors who have expressed an intention to stand for election or who are likely to do so.
- 2.7. In any report before the close of nominations which refers to a list of candidates, it should be explained that this is the list 'to date'. Any such report should also refer, at the least, to an online list of all candidates standing.
- 2.8. There must not be any discussion or analysis of election issues on polling day itself between 00.30 until the polling booths have closed at 22.00. Any coverage should be factual only with nothing which could influence voting.
- 2.9. S4C aims to avoid a situation where S4C programmes or productions are used for the purpose of campaigning. During the parties' campaign period and the official election period, visits to an S4C set or production by candidates in the European Parliament Election or other elected members should not be arranged. At other times, producers should coordinate with S4C (partnerships department) before inviting politicians to visit S4C productions.

3. Impartiality and Fairness

- 3.1. Due weight must be given to the coverage of parties and independent candidates during the election period. In determining the appropriate level of coverage to be given to parties and independent candidates, producers must take into account evidence of past electoral support and/or current support. Producers should contact our Commissioner News and Current Affairs Geraint Evans, (Geraint.Evans@s4c.cymru) for further guidance.

- 3.2. Producers should also consider giving appropriate coverage to parties and independent candidates with significant views and perspectives.
- 3.3. This does not mean that exactly the same amount of time has to be given to everybody nor that every party has to be included in every item, but due impartiality and fairness has to be ensured throughout the election period as a whole.
- 3.4. Ofcom has indicated that the following factors should be taken into account in weighting different types of evidence when taking decisions in relation to election coverage:
 - greater weight should be placed on the actual performance of a political party in elections over opinion poll data. This reflects the fact that electoral performance is a measure of how voters have actually exercised their democratic choice. This compares with the greater uncertainty associated with support in opinion polls, which may not translate into votes or seats at an election;
 - in considering past electoral support, factors such as the electoral performance of parties (including the numbers of elected candidates and overall percentage of vote received) in the previous set of corresponding elections over at least two electoral cycles should be taken into account;
 - performance in other relevant past elections being contested at the same time should also be taken into account, as well as performance in past elections not being contested at a given time;
 - the electoral performance of parties over at least two electoral cycles should be taken into account, when considering performance in any given type of elections. However, less weight should be placed on the evidence of electoral performance two or more electoral cycles ago given the historical nature of this evidence;
 - evidence in relation to the different devolved nations of the UK should be considered;
 - whilst putting less weight on levels of current support as opposed to actual performance, weight should be put on evidence of current support that is objective and measurable. One type of objective and measurable evidence of current support is opinion poll data, where it is available. There may be other types of evidence of current support but in considering such evidence the consistency and objectivity of each type of evidence should be taken into account; and
 - producers should always undertake a balanced assessment having regard to the totality of relevant evidence.
- 3.5. The factors listed in paragraph 3.4 above are included in Ofcom's amended Guidance to Section Six, as well as its annual digest of evidence of past electoral support and/or current support.

4. Programmes - General Points

- 4.1. The purpose of election guidelines is to establish a framework which enables producers and journalists to present information in an impartial and thorough way, but also to operate in as free and creative a fashion as possible.
- 4.2. It is possible that other elected bodies, such as the National Assembly and the House of Commons, will continue to operate during the election period. In giving normal coverage to these, producers need to be aware of the possible effects on the General Election campaign. It should be made clear to viewers if any story impacts upon the campaign, and producers should be particularly careful in following the impartiality rules where politicians who are not candidates are talking about matters which are relevant to the election, e.g. Local Councillors, Members of Parliament, and Assembly Members.
- 4.3. In discussing any major news story which may arise during the election period, any political element in that story should be treated in a way which reflects the fact that we are in the middle of an election campaign. The exact means of achieving this will depend on the specific circumstances of each case.
- 4.4. In cases where candidates are talking about duties or activities which are not part of the election campaign, producers should ensure that they do not gain any unfair electoral advantage over other candidates.
- 4.5. The order of parties' coverage in programmes or packages is an editorial issue, but in a series, the order should be varied if possible.
- 4.6. No interview should be requested with any party leader, without consultation with the relevant S4C Content Commissioner in advance.
- 4.7. Producers should also consult with S4C in advance if there is any intention to include a contribution by a politician without giving an opportunity to other politicians to respond.
- 4.8. Giving an unfair advantage to any candidate should be avoided, for example by interviewing prominent individuals who support a particular candidate, or who are wearing a rosette featuring the name of the candidate, or are interviewed in front of posters or similar material featuring the name of the candidate.
- 4.9. Producers should consult with S4C before arranging an audience for a programme, in order to discuss the selection of the audience and ways of ensuring impartiality.

5. Political and Election Programmes

- 5.1. Every bulletin, programme, or series, as well as online services, should ensure impartiality towards parties and candidates, across the whole campaign. If only one programme is broadcast, this must be achieved within the programme. In a series, it can be achieved across the series as a whole.

- 5.2. Any series covering the election in more than one programme must remind the audience of content which has already been broadcast, and of content which is to follow in the series, in order to make it clear that impartiality is being achieved over a period of time.

6. Constituencies and Regions

- 6.1. Due impartiality must be strictly maintained in a constituency report or discussion and in an electoral area report or discussion. In the European Parliament Election, Wales is a single constituency.
- 6.2. In reports or studio discussions on constituencies, it is possible to include either the candidates or party representatives. If a candidate takes part in an item about his/her constituency, producers must offer the opportunity to take part in such items to all candidates within the constituency or electoral area representing parties with previous significant electoral support or where there is evidence of current significant support. This also applies to independent candidates.
- 6.3. If any candidate is unable to take part, the opportunity should be offered to a representative of the party in the constituency, explaining to viewers why the candidate is unable to contribute. Where the candidate cannot speak Welsh, then the opportunity may be offered to a candidate in another constituency or another party representative. If the candidate or the party refuses or is unable to take part, the item may nevertheless go ahead, but in terms of fairness, steps should be taken to ensure that differences of opinion on constituency matters are reflected.
- 6.4. Where a candidate is taking part in a programme on any matter, after the election has been called, s/he must not be given the opportunity to make constituency points, or electoral area points about the constituency or electoral area in which s/he is standing, when no other candidates will be given a similar opportunity. Candidates who are taking part in live televised discussions should be reminded that they are not allowed to refer to constituencies. If they do that, they must be stopped at once.
- 6.5. Any constituency or electoral area report or discussion after the close of nominations must include a list of every party which has a candidate in the relevant region in sound and/or vision, but it is not necessary to list candidates individually. However, any independent candidate who is not standing on a party list must be named. In this situation, referring viewers to a website is not sufficient.

7. Other Programmes

- 7.1. Producers of any 'non-political' programme which does not usually discuss political matters or invite politicians to contribute, must consult with the Content Commissioner in advance before proceeding to arrange any political content.

7.2. All of the guidelines in this document apply to these types of programmes as well.

8. Opinion Polls

- 8.1. The Content Commissioner should be consulted in advance before commissioning any opinion poll on politics or other public issues.
- 8.2. During the election period, no opinion polls should be organised by telephone, online, by text, or through any other medium, which attempt to measure support for politicians, parties, or issues on which politicians have policies.
- 8.3. During the election period, no details should be broadcast about the number of calls, emails, text messages, or any other messages which have been received about any aspect of the election campaign.
- 8.4. No opinion poll should be published on any election matter on polling day until the polling booths have closed. It is an offence to broadcast anything about the way people have voted while polling booths are still open on that day.
- 8.5. It is acceptable for journalists to draw attention to opinion polls in packages and reports (but not while the polling booths remain open), but they should not be given undue weight. It is important to use appropriate language when referring to opinion polls e.g. the polls "suggest" NOT "prove" or "show".
- 8.6. Producers should take particular care with vox pops during the election period. It must be made clear that such interviews are not a sign of the strength of opinion on an issue, but are rather contributions which add colour to the debate. Care is also needed on the location of vox pops, and ensuring that they represent different aspects of the debate.
- 8.7. The origins of materials offered as audience contributions should be rigorously investigated and producers should take responsibility for their authenticity. Contributors must be described clearly, especially where such contributions come from candidates.

9. Online and Social Media

- 9.1. All guidelines for television programmes apply in the same way to all election material on websites and social media.
- 9.2. Faces and Editorial Persons (as defined in the S4C Programme Compliance Guidelines) should not compromise S4C's impartiality or integrity by expressing opinions on political issues on websites or personal accounts on social media. Producers are reminded of the S4C Guidelines on Use of Social Media in this regard.

10. Dealing with Complaints, Comments and Political Enquiries

- 10.1. The S4C Code of Practice for complaints (<http://www.s4c.cymru/en/contact-us/page/17088/how-to-complain-to-s4c/>) aims to ensure that complaints are dealt with as quickly and as fully as possible. A complaint can be submitted via the website, phone, the Viewers' Hotline, or by post.
- 10.2. If a production company receives any complaint, comment, or enquiry on a political matter from an individual, a party, or an organisation which relates to an S4C programme or service, they are expected to forward them immediately to: Elin Morris, Chief Operating Officer, S4C, Canolfan S4C Yr Egin, Carmarthen SA31 3EQ (03305 880414; elin.morris@s4c.cymru) rather than attempt to respond themselves.