

# Presenting - Legal



## Language

At no time is it acceptable for a presenter to use offensive or demeaning language on air. All shows are recorded and many are repeated at different times throughout the week. There is no sense of a watershed whereby it is acceptable for offensive language to be used, and presenters must remember that even generally accepted standards for broadcast, determined by Ofcom, may not apply in a hospital setting. Where the context merits it and the presenter has planned content that uses it, the presenter must forewarn the listener that the content is likely to be deemed offensive, but it is necessary for the context in which it is given. Unplanned content that uses offensive language will not be tolerated.

Generally accepted standards must be applied to the contents of shows so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material.

In applying generally accepted standards, presenters must ensure that material which may cause offence is justified by the context (see meaning of "context" below). Such material may include, but is not limited to, offensive language, violence, sex, sexual violence, humiliation, distress, violation of human dignity, discriminatory treatment or language (for example on the grounds of age, disability, gender, race, religion, beliefs and sexual orientation).

### Meaning of "context"

Context includes, but is not limited to, the following:

- The editorial content of the programme, programmes or series;
- The service on which the material is broadcast;
- The time of broadcast;
- What other programmes are scheduled before and after the programme or programmes concerned;
- The degree of harm or offence likely to be caused by the inclusion of any particular sort of material in programmes generally or programmes of a particular description;
- The likely size and composition of the potential audience and likely expectation of the audience;
- The extent to which the nature of the content can be brought to the attention of the potential audience for example by giving information;
- The effect of the material on viewers or listeners who may come across it unawares.

Ofcom expects Radio Broadcasters to pay particular attention to the types of content detailed below with regards to offensive language.

- Lyrics in music tracks broadcast when children are particularly likely to be listening
- Live music performances/interviews/studio conversations when children are likely to be listening.

Broadcasters must ensure that presenters and contributors in all types of live radio programme are mindful of their language at all times. Guests or one-off contributors to such programmes should be adequately briefed on all of the above to avoid using offensive language.

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## Subject Matter

The following subject matters should be avoided where possible during a live radio programme:

- Death / Suicide
- Exorcism
- Party/General Election / Political Broadcasts
- Death of a Monarch
- Ongoing Criminal Case
- Anything that is classed as an infringement of Privacy
- Derogatory behaviour / attitude towards the Hospital/Trust
- Illegal behaviour
- Religious matters/issues

**2.11** Broadcasters must not use techniques which exploit the possibility of conveying a message to listeners, or of otherwise influencing their minds without them being aware, or fully aware, of what has occurred.

If a Presenter and/or Contributor uses offensive language and/or discusses the above subjects during live programming, it may be possible to reduce any potential offence caused by the Presenter and/or Contributor by promptly apologising about the use of the offensive language.

## Defamation

Words can misinform the public and they can hurt people with false accusations. At one stroke words can destroy a reputation which someone has spent a lifetime building. So people must be protected from the wrongful use of words. The laws of defamation can help with this.

### Definitions

Defamation: The action of damaging the good reputation of someone; libel/slander

Libel: Written word

Slander: Spoken word

In terms of Radio Broadcasting, most legal systems decide to apply the laws of Libel even though their words are spoken.

British Defamation Act of 1952 states that defamation is:

*Note: "Publication" includes "Broadcasting"*

The Publication of any false imputation concerning a person, or a member of their family, whether living or dead, by which (a) the reputation of that person is likely to be injured or (b) they are likely to be injured in their profession or trade or (c) other persons are likely to be induced to shun, avoid, ridicule or despise them.

The Publication of defamatory matter can be by (a) spoken words or audible sound or (b) words intended to be read by sight or touch or (c) signs, signals, gestures or visible representations, and must be done to a person other than the person defamed.

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## In Summary

Given that Hospital Radio Chelmsford have an older, vulnerable target audience that tend to have a more sensitive approach to Language and Subject Matter, it is suggested that you always be mindful of this when broadcasting. What may seem like mild Language/Subject Matter to you may not be for your listener. In fact, they might find you and your choice of Language/Subject Matter, offensive and inappropriate.

This document details the sort of things that you need to consider when planning, preparing and presenting your show. Not only is your name on the line, but also Hospital Radio Chelmsford. Every time you open the microphone, you are representing the Station, as well as the aims and objectives of the Charity. Our listeners expect quality broadcasting; therefore please take note of this document. If you are ever unsure of something that you want to say, do not say it! Always check first. Every show is recorded, therefore once it has been said there is no going back.

If you require more information on any of the above, please refer to the link below which details further The Ofcom Broadcasting Code:

<http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/broadcastingcode2011.pdf>

**If you are ever in doubt, immediately seek advice from the Station Manager / Programme Controller who will be more than willing to assist you with any queries you have about the content of this document.**

## Email Addresses

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