

Reference: 01727484

Information Requests  
[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

12 December 2023

## Freedom of Information request: Right to know request

Thank you for your request for information concerning Ofcom rules on payment to participants in programmes. This request was received on 1 December 2023 and we have considered it under the Freedom of Information Act 2000 (the “FOI Act”).

### Your request

*“A major international news channel recently contacted a UK film maker about the possibility of their making a documentary about the abuses of power on the part of an influential institution in the UK.”*

*“The above-mentioned news channel asked the documentary makers to scope out the story and it has just been given the green light. I have asked the film maker what payments will be made to sexual abuse survivors prepared to regurgitate their stories yet again.”*

*“Would you please advise as to exactly what your rules are pertaining to such matters... think survivors need to be compensated for their time, upset and stories without which there would be no content.”*

### Our response

The [Ofcom Broadcasting Code](#) (“the Code”) sets out a range of editorial standards with which broadcasters have to comply. In general, the issue of remunerating people for appearing on TV and radio is a matter for broadcasters. However, Rules 3.5 to 3.7 of the Code, lay out certain restrictions on payments to programme participants in certain circumstances:

Rule 3.5: “No payment, promise of payment, or payment in kind, may be made to convicted or confessed criminals whether directly or indirectly for a programme contribution by the criminal (or any other person) relating to his/her crime/s. The only exception is where it is in the public interest”.

Rule 3.6: “While criminal proceedings are active, no payment or promise of payment may be made, directly or indirectly, to any witness or any person who may reasonably be expected to be called as a witness. Nor should any payment be suggested or made dependent on the outcome of the trial. Only actual expenditure or loss of earnings necessarily incurred during the making of a programme contribution may be reimbursed”.

Rule 3.7: “Where criminal proceedings are likely and foreseeable, payments should not be made to people who might reasonably be expected to be witnesses unless there is a clear public interest, such as investigating crime or serious wrongdoing, and the payment is necessary to elicit the information. Where such a payment is made it will be appropriate to disclose the payment to both defence and prosecution if the person becomes a witness in any subsequent trial”.

Interpretation of these rules is entirely a matter for the broadcasters in the first instance.

If you have any further queries, then please send them to [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk) quoting the reference number above in any future communications.

Yours sincerely

## Information Requests

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law, you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

### Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information about this, and the internal review process can be found on the Information Commissioner’s Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner’s Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF