



# Content Compliance Pack

SKY UK  
Grant Way, TW7 5QD  
March 2025

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Welcome to the SKY Content Compliance Pack. This pack has been written as a resource to help with queries around broadcast compliance that may arise as your production takes shape.

Please note that it is not a definitive guide but should hopefully point you in the right direction to begin with. If unsure of anything, please contact your Production Executive or SKY compliance contact.

## 1. Contacting SKY's Content Compliance Team

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Your SKY Production Executive should pass on contact details for the Compliance Executive allocated to your programme.

For urgent queries and contact outside of working hours, the Head of Compliance/ Senior Compliance Managers and one of the Managers are always on call across the weekends and Bank Holidays at **dl-compliancecommissions@sky.uk**.

Members of the Commissioning Team are also available out of hours for any production they are working on. This should be agreed with as much advanced notice as possible.

### **Where to find us:**

**Post:** Sky UK | Neighbourhood 1.8 | Sky Central | Grant Way | Isleworth | Middlesex | TW7 5QD

**Visitors:** Visitors Reception | Main Gate Sky Campus | Grant Way | Isleworth | Middlesex | TW7 5QD

**General SKY Switchboard:** 0207 032 3000

## 2. Compliance & Broadcasting Guidelines

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**Under the terms of SKY's Commissioning agreement, you are contractually obliged to observe and comply with all applicable laws, statutes, rules and regulations and requirements of all governmental bodies at all times throughout production.**

SKY expects producers to comply with the terms of the **Bribery Act 2010** (the 'Act'). If SKY discovers or suspects that any producers have committed bribery SKY will be compelled to take appropriate action.

All programme(s) delivered to SKY for transmission on SKY platforms should adhere to Ofcom and all other broadcasting guidelines, including SKY's Content Compliance Pack and Production Guidelines. It is the responsibility of the producer to ensure that the codes and guidance notes issued by Ofcom and all legal and compliance issues have been dealt with thoroughly prior to delivery, and that the Silvermouse form has been fully completed and submitted.

**The guidance in this document does not constitute legal advice and is not meant to be a comprehensive guide on how to comply with the Ofcom Broadcasting Code or any applicable laws.**

The **Ofcom Broadcasting Code** can be found on the Ofcom website.

**At green light stage you will be sent a copy of the SKY Contributor & Data Protection Checklist – this document MUST be filled out and sent through to the compliance, production, and commissioning departments ahead of your Start Up Meeting.**

### 3. Flashing Images

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As a broadcaster SKY must take precautions to maintain a low level of risk to viewers who have photosensitive epilepsy (PSE). Where it is not reasonably practicable to follow the Ofcom guidance, for example during 'live' performances and where broadcasters can demonstrate that the broadcasting of flashing lights and/ or patterns is editorially justified, viewers must be given an adequate verbal and, if appropriate, visual warning ahead of the relevant sequences.

Where live broadcasts are under the control of a production company, it is expected that they will try to find workable solutions to minimise and/ or mitigate any potential harm to viewers from flashing images.

As part of SKY's technical specification requirements, an appropriate flashing images test should be carried out on all master material prior to delivery. A flashing images test confirming that the programme has passed should be delivered with the master.

A further test will be carried out as part of the QC process at SKY, and the production company will be alerted if any outstanding issues are found regarding flashing images. If flashing images are discovered, it is the production company's responsibility to rectify these issues.

### 4. TX Master Redelivery Policy

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**There will be a charge incurred for redeliveries of content where there is no valid compliance or legal reason for doing so, and this will be reflected in your commissioning agreement.** The aim of this is to deter productions from redelivering for minor reasons (e.g. spelling mistakes) and to ensure masters are properly checked for mistakes before delivering.

#### **Charges:**

There will be a fixed fee of **£700** charged by Compliance in the first instance of a resupply that does not qualify for an authentic legal or compliance reason – this charge will depend on how much work has been undertaken on the original delivery. (See the 'stages in process' criteria where charges will take effect on the following page). **NB. After the first redelivery for each subsequent resupply request around the same content there will be a 50% uplift attached.**

For example:

- S1 Ep1 of a new SKY Commissions Drama is redelivered as it features a misspelled end credit. The episode has already been processed and signed off by the Compliance team – **the charge will be £700.\*\***
- The same episode is then redelivered for the same or a different issue that does not qualify as a legitimate compliance or legal reason. This will incur a charge of £1050 (£700+£350)
- The exception to this would be Kids commissions which will only invoke the 50% uplift should an entire series be redelivered, rather than individual episodes.

**\*\*Please note that QC also charge a redelivery fee. This will follow the same criteria as above with an initial recharge fee of £300.**

If a redelivery is required, it must be agreed by all parties set out within the Redelivery Policy detailed below before being agreed with the production company. Once agreed, the following steps below must be followed:

<b>GREEN:</b>	<b>STAGE IN PROCESSING:</b>	<b>VALID REASON FOR REDELIVERY WITH NO CHARGE:</b>	<b>MUST BE SIGNED-OFF BY:</b>	<b>COMPLIANCE/QC COSTS:</b>
	A. QC Reviewed and Failed B. Currently being complied but not yet finished or any eps uploaded to VOD platform C. Redelivered before we get to work on it	A. Legal issue B. Compliance issue C. Credit issue – if related to contractual obligation	Production contact & Commissioning Exec	No charge from Compliance or QC We will accommodate where possible

<b>AMBER:</b>	<b>STAGE IN PROCESSING:</b>	<b>VALID REASON FOR REDELIVERY WITH NO CHARGE:</b>	<b>MUST BE SIGNED-OFF BY:</b>	<b>COMPLIANCE/QC COSTS:</b>
	A. QC Passed B. Delivered and complied, not yet TX'ed and/or uploaded to VOD	A. Legal issue B. Compliance issue C. Credit issue – if related to contractual obligation	Production contact, Commissioning Exec & Compliance Exec	Compliance: Charged £700 per file + 50% Uplift for any subsequent deliveries QC: Charged £300 per file + 50% Uplift for any subsequent deliveries

<b>RED:</b>	<b>STAGE IN PROCESSING:</b>	<b>VALID REASON FOR REDELIVERY WITH NO CHARGE:</b>	<b>MUST BE SIGNED-OFF BY:</b>	<b>COMPLIANCE/QC COSTS:</b>
	A. All episodes delivered, complied, uploaded to VOD and ready to TX and ready for Boxset B. Episode Already TX'ed and on VOD	A. Legal issue B. Compliance issue C. Credit issue – if related to contractual obligation	Production contact, Commissioning Exec, Compliance Exec & Channel (when required)	Compliance: Charged £700 per file + 50% Uplift for any subsequent deliveries QC: Charged £300 per file + 50% Uplift for any subsequent deliveries

## 5. Adult & Under 18s Contributor/ Talent Policy & Guidance

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### Safeguarding the welfare of Adults, Young People & Children

#### A. Introduction

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Key Principle:

The interests and safety of contributors to SKY content, both paid and unpaid, must take priority over any editorial requirement.

This aim of this section is to set out the responsibilities for production companies when dealing with contributors and to provide guidelines on how to ensure that their safety and welfare is adequately protected.

'Vulnerable'<sup>1</sup> adults and young people in particular need extra measures to be put in place to ensure their safety whilst preparing for, taking part in and after the transmission of any SKY content they are involved in. The production company has a legal duty to ensure that under 18s have a right to equal protection from all types of harm and abuse.

This includes protecting their physical and emotional welfare, creating a safe environment for them with suitable supervision and shielding them from unnecessary distress. There are many aspects to safeguarding the welfare of young people, ranging from obtaining child performance licences to keeping their personal details safe. They apply whether we are making a programme with a child actor, using a young person for a voice-over or receiving user-generated content (UGC) from young people. These guidance notes give advice to help ensure duty of care for all our contributors and actors.

In relation to under 18s, productions must follow all Ofcom Codes and Guidance on the participation of children in TV programmes. It is worth noting Rules 1.28, 1.29 and 7.3 in particular, as these were recently amended by Ofcom in response to a rise in complaints about the wellbeing of programme participants.

**1.28: Due care must be taken over the welfare and the dignity of people under eighteen who take part or are otherwise involved in programmes. This is irrespective of any consent given by the participant or by a parent, guardian or other person over the age of eighteen in loco parentis.**

**1.29: People under eighteen must not be caused unjustified distress or anxiety by their involvement in programmes or by the broadcast of those programmes.**

**7.3: Where a person is invited to make a contribution to a programme (except when the subject matter is trivial or their participation minor) they should normally, at an appropriate stage:**

- **be told the nature and purpose of the programme, what the programme is about and be given a clear explanation of why they were asked to contribute and when (if known) and where the programme is likely to be first broadcast;**

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<sup>1</sup> Meaning of 'vulnerable people'

This varies, but may include children, those with learning difficulties, those with mental health problems, the bereaved, contributors affected by brain damage or forms of dementia, those who have been traumatised, individuals who are sick or terminally ill, those who have suffered substance abuse issues or with health/ socio-economic issues.

- **be told what kind of contribution they are expected to make, for example live, pre-recorded, interview, discussion, edited, unedited, etc.**
- **be informed about the areas of questioning and, wherever possible, the nature of other likely contributions.**
- **be made aware of any significant changes to the programme as it develops which might reasonably affect their original consent to participate, and which might cause material unfairness.**
- **be told the nature of their contractual rights and obligations and those of the programme maker and broadcaster in relation to their contribution.**
- **be given clear information, if offered an opportunity to preview the programme, about whether they will be able to effect any changes to it; and**
- **be informed about potential risks arising from their participation in the programme which may affect their welfare (insofar as these can be reasonably anticipated at the time) and any steps the broadcaster and/ or programme maker intends to take to mitigate these.**

Taking these measures is likely to result in the consent that is given being 'informed consent'.

Note that in addition to the above, the contributor should be informed how their personal data will be used, shared and protected by the production company. Where personal data relating to a contributor will be shared with Sky, please inform them that you intend to do this and point them towards Sky's Contributor Privacy Notice or Sky's Contributor Privacy Notice for Children. These can be found by searching for 'Privacy Hub' on the Sky.com website under the 'Help' section.

It is worth noting that guidance from different sources often use varying ages to define a 'child' or 'young person'.

For the purposes of this document SKY uses the term 'young person' and 'child' to refer to all under-18s and we provide this guidance with the expectation that it is considered and applied for all under-18s regardless of age or presumed maturity.

The guidance given below is not exhaustive and cannot anticipate every possible production situation, however following the points below will ensure that any risks are anticipated and flagged up as early as possible in the pre-production process.

Please reach out to your SKY compliance contact if you have any questions or concerns.

## **B. Child Protection Policy**

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SKY has a Child Protection Policy within its Safeguarding and Child Protection Hub. This policy outlines what SKY employees should do if they have concerns about the welfare of a young person or vulnerable adult. It applies to all SKY staff and is backed up with mandatory training.

All productions involving young people should have their own Child Protection Policy in place in line with Ofcom Regulations and Local Authority licensing rules. **Please share your Child Protection Policy with your SKY compliance contact at the earliest opportunity.**

Your Child Protection Policy should include your approach to:

- Self-certification and DBS Checks (see Section C)
- Adult supervision of young people by parents or chaperones
- Provision of suitable segregated toilet and changing room facilities
- Supervised transport and accommodation arrangements (see Section Q - R)



- A code of conduct for expected and appropriate behaviour of crew around young people (see Section P & Q)
- Working hours, mealtimes and appropriate breaks
- Secure handling, storage, retention, usage and disposal of personal information and adherence to GDPR (see Section K 'Data Protection')
- A named member of the production team who is designated as a Safeguarding Lead and acts as a referral point for any concerns about welfare or safeguarding and their contact details.

## C. Self-declaration Forms & DBS Checks

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### **Self-declaration Forms:**

Production companies producing content for SKY should assess the suitability of all contributors and make proportionate enquiries about their background to protect both the contributor and others working on the production.

The type and extent of background checks should be agreed with Sky, but potentially all contributors should be asked to self-declare any unspent convictions. All such sensitive data should be processed in accordance with UK data protection laws. Sky may need to see the written responses to such self-declarations, so explicit GDPR consent needs to be obtained from contributors to share this data with SKY. Please request SKY's Data Protection Guide referenced in Section K below.

Once the final selection or casting process has taken place you may wish to carry out further screening on your main contributors prior to any filming taking place.

### **DBS Checks:**

Not everyone working across the production will need DBS Checks, so you should use your judgement. If the production involves interacting with young people or vulnerable adults, staff and freelancers are likely to require DBS Checks to ensure they have no unspent convictions around child-related offences and are suitable to work with and around these groups.

In cases where a role entails a closer interaction with children, an enhanced DBS Check may be required.

It is important not only to think about staff who will be recording with young people, but any others who might interact with children on the project such as the make-up department, sound, wardrobe and those who will have access to their personal data.

The 'Disclosure and Barring Service' covers these background checks for England and Wales. The equivalents in Scotland and Northern Ireland are referred to as 'Disclosure Scotland' and 'AccessNI' respectively. If production is taking place outside of the UK, an equivalent local screening service should be used where possible.

We appreciate that DBS Checks may not be possible in some instances such as when dealing with high-status talent, anonymous sources or anyone under the age of 16.

If there is a legitimate reason why DBS Checks/ Self Declaration Forms may not be possible, please discuss with your SKY compliance contact at the earliest opportunity.

If you remove an employee from working with children because the person is believed to pose a risk to children or they leave before you are able to make such a determination, you must comply with all



relevant laws and guidance relating to such incidents including informing the DBS about such an incident, if appropriate.

## D. Background Checks for Supporting Artists/ Extras (SA's)

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As part of the background checks Producers already undertake for production staff and freelancers, additional measures are now being implemented to ensure that any supporting artists (SA's) supplied or contracted through a casting agent have obtained a basic DBS certificate within the last 18 months.

It is your responsibility to inform agencies if a production involves young people and ensure that SA's have had relevant background checks. If you decide this is not possible you must discuss this with your SKY compliance contact.

This check should be an additional check and does not replace any existing safeguarding already in place.

## E. Data Protection Checklist - Mandatory

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As part of the green light process, you will be asked to complete a SKY Data Protection Checklist and return it to the SKY Production Executive attached to your commissioned programme. This document can be found on the SKY Studios production URL under the 'Data Protection' tile.

The purpose of the checklist is to ascertain the intended nature of the programme and assist in highlighting any potential data protection issues ahead of production, to ensure compliance with data protection obligations, including provision and secure storage of privacy notices, consent forms, and other documents. Please see Section K below titled 'Data Protection' for further information.

Completion of the SKY Data Protection Checklist should be done at an early stage to ensure that all relevant contributor checks have been considered and discussed with SKY and the right funding, pre-production time and staffing levels are put in place before contracts are signed off.

**This document as well as the Contributor Checklist must be sent through to your SKY production and compliance contacts no later than 3 days prior to the start-up meeting for your production.**

## F. Informed Consent – Release/ Consent Forms

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The requirement to obtain informed consent is a key principle of the Ofcom rules and SKY's Editorial Policy. All contributors must be made aware of the nature of the programme, the nature of their contribution and how it will be used in the programme, including the programme's longevity and likely repeats. It is vital that Producers raise any special situations or any difficulties in connection with securing releases prior to production.

Informed consent should be obtained in the form of a written release. **An appropriate Contributor's Release Form** should be used which complies with the requirements of the SKY commissioning agreement as well as the specific requirements of the production, in accordance with advice from a suitably qualified Production Lawyer.

A shorter release form may be used in certain circumstances, e.g. for secondary or tertiary contributors, whose contribution is not featured significantly in the programme but who are clearly not incidental. SKY acknowledges that due to the demands of production there may be limited circumstances where a written release cannot be obtained but informed consent is required.

The Producer should use every effort to obtain a written release before or after filming but, where this is not possible, a Verbal Release to Camera must be obtained. This should be time and date stamped.

Note that 'Informed Consent' is different to 'Explicit Consent'<sup>2</sup> under GDPR - this type of consent is often used as a legal basis to process 'special category' or criminal offence personal data relating to individuals. Explicit consent requires transparency, granularity, and ease of withdrawal. It is different from informed consent required by Ofcom rules or consent used in release forms, DBS forms, or consent used to license intellectual property rights.

SKY may need to see a copy of the signed informed consent, any GDPR explicit consent obtained, signed release form and/ or any footage containing a verbal release, so please ensure you keep these documents/ footage for a reasonable period, in accordance with your own data protection policy.

## **G. Parental & Child Consent**

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Parental consent must be obtained for all under 18s. If the young person's parents are separated, parental consent must be obtained from both parents if they have joint custody. If only one parent has custody, proof should be provided to this effect as well as the parental consent form being signed. Best endeavours should be taken to inform the other parent of their child's involvement in the programme, unless there are child welfare issues that preclude this.

If one of the parents does not speak English, the form must be translated into the language they speak.

An appropriate Parental Consent Release Form should be used which complies with the requirements of the SKY commissioning agreement as well as the specific requirements of the production, in accordance with advice from a suitably qualified Production Lawyer.

When seeking informed consent from a child, all the information should be given in a way that can be easily understood by the recipient. Personal consent forms with age-appropriate language should be used for children over the age of 11 and on-camera consent should be obtained from younger children.

In pitching your explanation, think carefully about the age and maturity of the child in question. Sometimes it can be helpful to ask the child to say back to you what they understand their participation would involve, checking they have understood correctly. Make sure the child does not feel pressure to agree - let them know it is okay to accept or decline. (Children often see adults as authority figures with whom they cannot disagree.)

Also look for non-verbal signals that may express what a child is really feeling about participating. Check-ins with children should be carried out on a regular basis to ensure they are still happy to be filmed.

If only verbal consent is being obtained (when the child is under 11), an easy-to-understand confirmation letter could be addressed to both the child and parent. We generally recommend

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<sup>2</sup> For definitions of 'Explicit Consent' please refer to the [ICO.org.uk](https://ico.org.uk) website

suitably worded briefing documents to be used in most instances - one for the child, in language they will understand, and one for the parent.

Any likely consequences of the contribution - both negative and positive - should also be made clear to both parties. Briefing documents/ confirmation letters to parents should also include:

- the title, nature and purpose of the programme they are taking part in.
- what they will be required to do or take part in for the programme and what their contribution will be;
- how their contribution will be featured within the programme.
- health and safety details;
- informing parents that there is a Child Protection Policy which staff must follow. SKY/ Independent production company contact details should be provided by staff, e.g. programme email addresses or phone numbers, not personal email addresses – see Section P ‘Appropriate behaviour with children and young people’. It should also be made clear that staff should not be placed in a caring or supervisory position. (If this is to happen there must be express agreement of all parties in advance of the visit.)
- description of how SKY/ an independent production company uses and protects personal data. Where personal data relating to a child contributor will be shared with Sky, please provide the child contributor with a link to SKY’s Contributor Privacy Notice for Children, available under the ‘Data Protection’ tile on the SKY Studios production website.

## **H. Keeping Contributor Details Safe**

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Part of our duty of care provisions for our contributors - whether they are adults or young people - involves keeping their personal details safe during and after filming. All contributor details including biogs, personal details etc must be kept secure, for example, on an encrypted and password-protected drive/ in password protected files, and access only granted to specific staff who require this information for production or compliance purposes.

It may be appropriate to ask relevant members of staff to complete a basic DBS check if they are handling the personal data of young people. All personal data should be deleted under advisement from production and following proper data protection retention guidelines. See Section K for more detail.

When filming with contributors in or outside their homes or places of work etc, care must be taken to ensure that we don’t inadvertently create any privacy or safety issues for them by including information or shots that can enable viewers to identify their exact address or any other personal details (the ‘jigsaw effect’).

Road signage, house numbers and car registrations of contributors should either not be visible or masked in edit unless the consent of the contributor has been obtained. Attention should also be given to what can be seen in the background of shots inside people’s homes, to ensure that no personal details are visible, such as addresses on a postcard or letters on the fridge etc.

## **I. Identifying Children in our Programming**

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When filming with young people, we would advise that they are only identified by their first name with details about their school or college etc. being kept to a minimum or not included unless there are genuine editorial reasons for doing so. This is to ensure that there is no opportunity, through the

build-up of information given about them (i.e. 'the jigsaw effect'), by which viewers would be able to identify where they go to school or where they live.

Even when the story is non-controversial, it is likely to be more appropriate to name a child only by their first name and to give the name of the large town they live in or near, rather than more specific details.

We generally advise not to film the child in their bedroom unless there is a strong editorial justification to do so.

If you are thinking about giving out more details about a child, for example their surname in a story where the child is already publicly known (a sports star for instance) or where they have won an award and deserve recognition, this should be considered and - where appropriate - should be discussed as part of the consent process. It is not usually advisable to name the school unless it is part of the story, for example where the school has done something interesting and becomes the main focus of the piece.

## **J. Children at Risk**

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If, as a member of production, you have concerns that a young person is at risk of harm you should refer this to your nominated Safeguarding Lead, in accordance with your own Child Protection policy, who can flag this to the relevant authorities.

However, if you suspect a child is at immediate risk of harm and the nominated Safeguarding Lead cannot be contacted immediately, the Police should be alerted straight away.

In a school environment, it may be appropriate to share your concerns with staff at the school.

## **K. Data Protection**

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Production companies creating content for SKY must comply with all relevant data protection laws. As data controllers, you are responsible for ensuring compliance in your own processing activities, as well as when sharing contributors' personal data with SKY.

Data protection obligations, separate from Ofcom requirements, can be intricate.

These regulations apply throughout the production lifecycle. These obligations require you to put in place technical and physical controls to protect personal data, operational controls to manage personal data and an accountability/ governance framework to manage the documentation required to comply with GDPR.

Production companies should consult the UK's Data Protection Regulator, the Information Commissioner's Office (ICO), for guidance. In particular, reference should be made to the ICO's Journalism Code of Practice available on the [ICO.org.uk](https://ico.org.uk) website which is likely to apply to all non-scripted productions.

Where personal data relating to a contributor is shared with SKY, please inform the contributor that you intend to do this and provide the contributor with a link to SKY's Contributor Privacy Notice or SKY's Contributor Privacy Notice for Children, both available on the SKY Studios production website.

SKY has created a 'Data Protection Guide' to assist production companies working with them. This guide includes information on:

- having a privacy policy in place for contributors. When sharing contributors' personal data with SKY, direct them to SKY's Contributor Privacy Notice. The guide provides suggested template language you might want to use for providing such a notification.
- identifying a legal basis for processing personal data, including sensitive personal data. where you rely on consent to process or share sensitive personal data (for example, data relating to health, ethnicity or criminal history), ensure you obtain explicit consent.

The guide provides suggested template language you might want to use to obtain explicit consent.

- Evidencing reliance on the journalistic exemption, where applicable.
- Putting in place a framework to deal with data subject rights and security breaches.
- Implementing appropriate technical, operational, and security controls to meet your accountability obligations under data protection laws.

When your program is commissioned, please request the SKY Data Protection Guide from your Production Executive. You will also need to complete the SKY Data Protection Checklist and return it to the SKY Production Executive attached to your commissioned programme. This document can be found on the SKY Studios production website.

If you need further information about Data Protection, please contact your Production Executive who will put you in touch with a Data Protection Representative at SKY.

## **L. Intimacy on Set/ Nudity & Sex Scenes – Safeguarding Talent**

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As a broadcaster SKY believes that the physical and mental wellbeing of its talent is paramount and wants to ensure that no one working on our productions is ever made to feel unsafe, exploited or mismanaged during casting or on set.

Whenever there is a legitimate reason for a performer to take their clothes off or perform a simulated sex act on camera, they are inherently vulnerable, and there is a shared responsibility between SKY and the production team to manage situations like this in a considered and respectful way.

Risks to performers can include the following.

- Intimidation to participate (bullying)
- Body shaming and ridicule
- Gender-based derision and humiliation
- Reputational damage
- Objectification
- Stalking and obsessive behaviours from others
- Unwanted physical contact
- Molestation
- Physical assault
- Sexual assault

Producers and Directors can play a huge role in setting a professional tone on set and in helping to create a positive, safe and collaborative working environment.

In keeping with this, SKY is providing productions with clear and practical 'best practice' guidance on filming scenes of nudity and simulated sex, so that actors and directors can feel safe and free to make creative and entertaining content.

Please ask your SKY compliance contact if you need to see a copy of SKY's On-Set Intimacy Guidelines, and please refer to your Intimacy Coordinator regarding the protocols that should be followed when filming scenes featuring nudity, or which are of a sexual nature.

## **M. Evaluating the Impact of a Contribution on a Contributor**

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### **Duty of Care:**

Different genres and formats present different challenges regarding our shared duty of care to contributors. Even when informed consent and/ or informed parental consent from a contributor has been secured, the impact and possible consequences must be considered carefully, both during the production process and once the material has been broadcast.

In essence, consideration should be given to the mechanics of telling the story in a way that is not detrimental to the contributor(s) either at the time, or afterwards. Consideration should also be given about what is appropriate to be shown on-screen. An example of this would be personal information such as an individual's contact details appearing without any justification or consent.

### **Featuring Under 18s as Contributors**

As per the definition in Section A, in the United Kingdom the term 'young person' is defined as anyone who has not yet reached their 18th birthday. These definitions vary slightly for Scotland, Wales and NI, but for the purposes of SKY UK's Duty of Care, everyone should assume that we need to apply these processes to anyone under the age of 18.

Particular attention should be given to the expectations of privacy for people under the age of 18, and those who may be considered vulnerable. Each contributor's health (emotional and physical), their background and their educational circumstances should also be taken into consideration.

With particular focus on young people, these contributors are unlikely to recognise the potential consequences of sensitive or controversial information about them being broadcast. They may share quite intimate revelations during the process of being filmed and may not be aware of any possible repercussions if this information became public.

Informed consent (please refer to Section F for more details on 'Informed Consent') from parents and young people (where applicable) should normally be obtained if a contributor is to be featured in our output in a way that would infringe their privacy.

**If you need any further guidance in terms of what would constitute an infringement of privacy onscreen, please talk to your SKY compliance contact.**

Productions must also consider whether it would be helpful to seek advice from an appropriately qualified professional - such as a Counsellor, Psychologist or Child Psychologist, depending on the nature of the programme and the individual's contribution or role (this applies to scripted entertainment as well as factual; for example, a particularly harrowing script might be triggering for a young actor and may need a professional to assess their suitability).

This approach may be appropriate either during the selection process or during production to assess whether an adult or young person has hidden vulnerabilities or is emotionally robust enough to cope with their proposed involvement.

There may also be productions where specific professional guidance is required from organisations or individuals to assist with the language/ terminology used. For example, in relation to sexual orientation, medical, emotional or race-related subject matter.

The employment of such experts should be discussed as part of the **SKY Data Protection Checklist** at the pre-contract stage of production. Note that GDPR Explicit Consent may need to be obtained before any health-related data is shared between any medical professional/ Counsellor and the production company and/ or SKY. See Section K above relating to 'Data Protection'.

Consideration should also be given to the impact on young contributors/ actors when witnessing or participating in activities or scenes that might have a negative psychological effect on them.

In such cases, it might also be an option to speak to the Head Teacher of a child's school for an opinion as to whether their involvement in a production could affect or impact the young person negatively, either during shooting or after the production has concluded and the programme has gone to air.

It is important to strike a balance between not causing distress to a young person, but yet still allow them to make an informed decision. The age of the young person and nature of the content must be considered in terms of what is appropriate for a young person to witness or participate in and what psychological repercussions this could have.

Post-TX, it should be considered what repercussions there may be to a young actor in (for example) a strong drama after it is broadcast.

Children involved in competitions or game shows (such as quiz items or dance performances) may become stressed or upset if they do not progress in the competitions. In each case, appropriate after-care should be provided to minimise stress and support the contestants through their initial disappointment and beyond. (Please see 'Aftercare' section below)

For particularly high-profile competitions it may be appropriate to follow up with the child's parents/ guardians and school contacts.

There may be instances where, despite the fact a contributor has given informed consent, it becomes apparent that it is not advisable for them to participate. Serious consideration and discussion should be undertaken with your SKY compliance contact to assess the suitability and risk of harm regarding all contributors.

**A contributor's welfare should always take priority over the editorial/ creative requirements of the programme.**

## **Documentation**

It is good practice, and in sensitive or controversial cases strongly advisable, to document how children and young people are cared for on a production. For example, records of schedules and briefing letters, correspondence, concerns raised and addressed, and ALL procedures put in place (in accordance with Data Protection protocols).

## **Aftercare**

Depending on the contributor's involvement in the production, it may be appropriate for a member of the production team to keep in touch with the contributor and their family to monitor any specific after-effects that might have resulted from their participation.

Whilst this aftercare period needs be ultimately limited, the extent and necessity of that aftercare will vary between each production, and therefore the amount of aftercare and support needs to be agreed in the first instance between production and SKY compliance.



Any material that portrays a contributor/ child negatively should be discussed thoroughly with SKY Commissioning, Compliance, Production and (if relevant) the psychologist working on the show to assess whether there is editorial justification for retaining this material and what possible impact that may have on the contributor, or whether the material should be edited out.

**Contributors should never be promised editorial control over what material is used within a programme.** However, if there is specific material that a contributor does not want aired, careful consideration should be given to this request and discussed with SKY as to whether the material should remain or be edited out.

In addition, the contributor (and if applicable, their parent/s/ guardian/s) should be made aware that third party websites may reproduce SKY content globally without our knowledge or consent, so no guarantee can be given that a contribution will not be available in particular territories or on other non-SKY affiliated platforms.

## N. Filming in Foreign Territories – Protocols & Best Practices

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When filming outside the UK it is often difficult to implement the same compliance protocols as when filming domestically. Whilst every endeavour should be made to replicate the codes of practice as set out in this document, it is appreciated and understood that not all can be implemented in countries with differing infrastructures. However, it is your responsibility to ensure the production is made in compliance with all local laws.

If children are involved in the filming process (either as supporting artists or featured prominently it is important to establish what the local child protection protocols are in terms of chaperones, working hour limits and general care when travelling to and from the set (as well as on it).

In the case of **ALL** people working with minors (such as chaperones, tutors etc.) it is important to establish if any background checks have been done/ are pending to ensure the children are in safe hands. There may be an equivalent of a DBS Check for that territory, or some official certification to verify the chaperone's suitability.

With all contributors, it is important to establish if there is a Safety Officer attached to the production to ensure that nobody is working under unsafe conditions.

**In all cases, please inform SKY's Compliance team and Commissioning Editor of any local limitations of the usual Duty of Care processes, and what best endeavours are being put in place in lieu of standard UK protocols.**

## O. Online & Social Media Issues

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Online & social media activity for all programmes should mirror SKY's editorial values.

Whether it's a website, social media page, group or channel, your Production Executive should engage with SKY's Online Compliance team to run proposals through the required processes. Details of any proposed online presence associated with a production can then be discussed before any such activity is undertaken or domains selected.

In turn, your SKY compliance contact will then link up your production to run those proposals through the internal '**iComply process**' and ultimately sign-off.

If a show intends to include programme hashtags, this must be cleared with your SKY compliance contact before use.

### **Programme Interaction**

Where an element of the programme includes calls-to-action such as entries, votes, user generated content, or other interaction via online channels, please provide details to your compliance contact at the earliest opportunity, before commencing online activity.

Any programme-related accounts should mention if any online engagement may form part of the broadcast programme. This can be achieved with a note in the biography section and by periodically posting during activity to indicate this intention to users.

### **Contributions From Under 18s**

In accordance with the ICO Children's Code, reasonable steps must be taken to ensure that under 18s are not contacted and contributions are not sought or used from under 18s without the requisite parental/ legal guardian consent.

Interactions should be via parent/ legal guardian social media accounts only.

Posts from under 18s should be anonymised or with only first names visible, blurring any handles or profile images.

Any associated online activity should be appropriately moderated, and particularly where such activity will form part of the broadcast programme.

Appropriate safeguarding and escalation strategies should be observed. Your SKY Production contact & the SKY Compliance team will be able to advise using SKY's Safeguarding and User Generated Content (UGC) policies.

When publishing online content in broadcast programmes, producers should be mindful of the possibility that even where a user interacts with a hashtag or @tags the account, they may be engaging with the online chatter without being familiar with the wider programme. (See also the 'User Generated Content' section below).

Producers must consider the possibility that programmes may be viewed outside of the initial broadcast period and take reasonable steps to ensure that audiences are aware of the period during which they may interact with the programme.

Please consider whether it would be appropriate to geo-block online activity associated with a programme outside of the relevant territories. This is particularly relevant where there is a competition element that is only for the UK & ROI.

### **User Generated Content**

Producers should obtain 'informed consent' from the rights' owner, credit contributions, and ensure that any elements are adequately cleared for use in the broadcast programme.

Comments can identify an individual, so care should be taken if they are allowed to be published as Data Protection (DP) obligations will commence as soon as someone can be identified.

Consideration must also be given to other legal issues such as defamation and contempt.

Producers should consider that broadcast of UGC may reach a wider audience than the initial post and the potential impact of re-use.

### **Prize promotions (competitions, prize draws and giveaways)**

Promotion, competitions, prize draws and giveaways must be conducted fairly and in-line with all relevant laws and regulations including data protection requirements. Any associated with SKY should also be free to enter.

If you wish to run some form of promotion, competition, prize draw or giveaway, please discuss this with your SKY Compliance Executive. Please also see Section 9 'Competitions (Prize Promotions)' below.

### **Prominence of Online Brands**

Broadcast references to brands including websites and social media platforms must not be unduly prominent.

### **Contact by journalists**

If you are contacted by a journalist, or any member of the press tries to get in touch with you about a programme you are working on (or have worked on), please do not speak to them before discussing this with your production contact.

If it is via a message, pass it to your production contact and the SKY Compliance team can help you decide on how to handle the situation.

## **P. Appropriate Behaviour with Contributors**

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We want the experience of working with SKY to be a positive one for all contributors.

In all dealings with contributors and actors, especially young people and children, there should be complete clarity that the contributor, parents /guardians and/ or child understand what is expected and what the overall editorial objectives are (see Section F 'Informed Consent').

The potential long-term consequences of participation should be fully explained, and nothing should be promised that cannot be delivered. Being clear about intentions is especially important on a long-term project when building up a relationship with a contributor, family, or child, especially if any of the contributors are vulnerable.

## **Q. Appropriate Behaviour with Children & Young People**

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It is important that all production staff, crew and on-screen talent are briefed appropriately and have read any child welfare policy documents. This applies whether their role involves direct contact with young people or not. It is important that crew members do not abuse their position of authority, ensure they act within professional boundaries and never take sole responsibility for a young person if they are not the guardian or chaperone.

Staff should not share their personal contact information with young people or their families; instead, all communication should go through official work channels. It is also advisable not to friend or follow them on social media. Young people should not be filmed or posted about online unless it is previously agreed upon regarding social media activity.

Young peoples' privacy should be respected, especially in changing room areas. If it is essential to enter, make sure another adult is present.

Crew should not initiate physical contact except for reasons of health and safety. If physical contact is necessary (attaching a lapel mic for example), the crew member should explain what they are going to be doing and confirm that the young person is comfortable with that.

Staff should remember not to use inappropriate language or behaviour in front of a young person.

Consider ways in which you can make a young person feel more comfortable. This could include giving them a tour of the studio, allowing them to speak to former contributors about their experiences or encouraging a studio audience to be supportive of them.

If a member of staff is concerned about the welfare of a child, it is important that they share it with the Safeguarding Lead. If the child is in immediate danger or requires medical attention, then emergency services must be contacted as a priority.

Where relevant, consider having medical staff, including specialist nurses and counsellors, present during programme making and on-call at other relevant times.

## **R. Supervision & Chaperones**

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All young people should have a chaperone allocated to them. This is to ensure the wellbeing of the child, to monitor compliance with performance regulations and adherence to the terms of any child licences. It is worth considering when a chaperone should be present, for example, including phone interviews.

If young people are performing under a child license, a registered or LEA-approved chaperone is often a condition of their licence. Chaperones are often required to submit Extended DBS Checks, and many local authorities stipulate a minimum level of training that a chaperone requires.

We generally recommend the use of a chaperone over a young person's parent or family member. This is because a chaperone with no personal relationship to the young person will have a more objective approach to their safeguarding and support. For this reason, young people should also not be left alone under the supervision of other young peoples' parents.

16 and 17-year-olds should still require a chaperone but their needs should be looked at on a case-by-case basis to ascertain what is appropriate for them. For example, it may be suitable for them to travel unsupervised via an approved taxi company or to stay unaccompanied overnight in accommodation. Written parental/ guardian consent should be sought when establishing their level of supervision.

## **S. Vulnerable Contributors**

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SKY will always seek to be inclusive of all sectors of the community which may include working with people with disabilities and vulnerable people.

Child contributors or actors who have disabilities and vulnerable contributors may have additional welfare requirements.

It is important to contact relevant experts and organisations for advice and follow relevant protocols to ensure the right level of safeguarding and additional welfare needs are put in place prior to filming.

Advice should also be sought on the use of appropriate language when referring to a particular disability.

Further guidance can be found by searching 'Disability Unit' on the gov.uk website.

## **T. Smoking On-Screen**

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Smoking on-screen may be editorially justified depending on the nature of the programme. It is important that smoking is not glamourised or encouraged in programmes where children are likely to be watching unless there are exceptional circumstances.

It is worth noting that cigarettes and smoking should be avoided in promotional photography and images as these are likely to be rejected when creating stills, key art and promos.

Where possible it is preferable to use prop cigarettes, fake vapes or CGI cigarettes to avoid having smoke on set.

Where it is required, cigarettes should only be lit for performance and extinguished in between. You must follow the rules of the venue or location you are filming in. Crew should be made aware that smoking is taking place to give them the opportunity to avoid second-hand smoke if necessary. Smoking should be suitably risk-assessed and fire precautions put in place as required.

## **6. Non-Scripted Entertainment Shows & Factual Content**

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The below points are not necessarily relevant to celebrity guests; however, it may be warranted to carry out some form of checks, where relevant, on guests who are in the public eye.

Any proposal to pay any contributor should be discussed and cleared with SKY.

- Verifiable addresses and contact telephone numbers should be sought for all participants in advance.
- Expenses for guests/ contributors will vary depending on individual circumstances. Producers should in the first instance offer to pay reasonable travelling expenses and offer payment, when requested, for loss of earnings.
- Such payment should be discussed and agreed with your Commissioning Editor/ Production Executive and compliance contact and should be a minimal fee. It is however recognised that for certain guests, for example experts or celebrities, this sum may be greater.
- No payment may be made to convicted or confessed criminals for contributions about their crimes, including reimbursement of expenses (NB. this would include celebrities).
- No payments of any kind should be paid to any third party, except to agents where applicable.
- No payments of any kind should be made in cash on the day of recording.

- Guests must provide details of any other shows on which they have appeared at any time. The consent form must contain a declaration that the guest has either (a) never appeared on another show, or (b) has appeared on another show, providing details of the programme title, the capacity in which the guest appeared and the year of the appearance. This is likely to be less relevant for celebrities who are already in the public eye.

All contributor details including biogs, personal details etc. must be kept secure; for example, on an encrypted and password protected document/ file and only circulated to specific staff who require this information. Please see Section K above ('Data Protection') for more information.

If a programme is to be broadcast during a period of election/referendum and will deal with issues connected to these elections, then additional rules regarding fairness and impartiality come into force. Note that personal data revealing an individual's political opinion is classed as 'special category' data needing additional protection and legal basis to process, under UK data protection laws.

Details of the rules can be found on the Ofcom website.

Please ensure you familiarise yourself with Section 7 regarding contributor welfare when producing factual content.

## 7. Crime Related Factual Content

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When making Crime Related Factual programmes it is important to ensure the privacy and safety of our contributors, any victims of crime, their families, witnesses, and where necessary serving members of the emergency services. The following guidance outlines some safeguards that should be put in place when filming factual content.

### **Blurring:**

- It would be better to avoid specific location information if possible (street and road names etc.)
- Unless there is a specific reason for inclusion, blur 3rd party phone numbers/ URLs directly linked to the editorial (see section on 'Shop Signage' below).
- Blurring or masking individuals in non-scripted content is common and usually carried out for reasons of fairness, privacy and data protection.
- More information can be found around these subject areas in Sections 7 & 8 of the Ofcom Broadcasting Code and the ICO's website.
- Making the decision to blur individuals or not comes down to the expectations of privacy of the individual(s) in question, and the factors to be considered can be complex. Expectations of privacy and notions of fairness around a contributor need to be thought through carefully and should be discussed in the first instance with your own legal and business affairs advisors and your compliance contact as necessary.
- If emergency services personnel feature in your programme, please reach out to your compliance contact for advice concerning their consent/ contribution.
- If featuring schools, colleges, universities, hospitals or any other public/ private institution, permission is not generally required to film external shots (as there is generally no expectation of privacy).

As a courtesy, the institution should be informed that they will feature in the show. Obtaining permission to film the institution is only required if filming inside the actual grounds or premises. NB. Long lens shots that feature footage showing the interiors of public

institutions (even when shot from the street outside) still require permission from the institution.

Please ensure you familiarise yourself with Section 7 of the Ofcom Broadcasting Code regarding 'Contributor Welfare' when producing crime related factual content.

Note that processing data relating to someone's past criminal convictions or offences needs additional protection and legal basis to process, under UK data protection laws. Please also take into account the ICO's Journalism Code of Practice which is likely to apply to all non-scripted content.

## **Shop Signage**

Incidental inclusion of brands, products and services is generally considered to be OK.

Shop front signage and branding coming onscreen as a person is being filmed walking down a street is not problematic. However, do consider the length of time a shop sign is onscreen for, and how much prominence it is being given within the context of the programme.

There needs to be genuine editorial justification for featuring any brand or logo in shot for a length of time that cannot be defended as 'incidental'. Also, if a shop front or specific institution is significantly featured, then a courtesy contact should be made informing them of the inclusion in the programme.

## **Vehicle Registration Plates**

Generally speaking, there is no expectation of privacy in a public space. Therefore, vehicle registration plates seen in public spaces or in the open do not need to be blurred or masked unless there are specific reasons to do so. Likewise, it is not necessary to blur emergency service vehicles, although there are exceptions to this.

Where there is an expectation of privacy or a need for anonymity however, the blurring of registration plates should be considered (a celebrity getting out of a vehicle that might appear to be privately owned by them, for example).

It may also be pertinent to blur vehicles parked outside a location where a serious crime has taken place. If unsure, discuss further with your SKY compliance contact.

# **8. Live & As Live Programming**

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## **Duty Of Care and Contestant Provisions**

For Live (or 'as live') programming, brief reminders include:

- parent/ guardian accompaniment for under 18s
- health and background checks for all contributors/ contestants, as appropriate
- psychologist assessment if appropriate
- all contributor/ contestant information to be processed in compliance with UK data protection laws, including keeping such data safe and deleting it in accordance with your data retention policies. See Section K 'Data Protection' above for more information.



## **Specific Provisions for Contestants Under the Age Of 18**

**Child Performance Licences** will need to be obtained for all performances involving 16-year-olds and under through their LEA. LEA licensing applies to children of statutory school age until the end of the school year or until they have turned 16 years old.

Separate changing area and toilet facilities should be present for under 11s.

Professional chaperones should be provided to help with child welfare.

Rest breaks and meal breaks must be adhered to and documented, for all children involved during the auditions and filming processes.

## **Commercial References**

The presenters should make no references to any products or services that might be considered unduly prominent, unless there is strong editorial justification.

Branded clothes for presenters, guests, or visible members of the audience that are peripheral and not unduly prominent (e.g. small sports/ fashion brand logos on shirts) are generally permissible. However, larger branding may be an issue if there is a situation where such logos would be visible on-screen for an extended amount of time. If this seems likely, please discuss this with your compliance contact before going to air.

When discussing merchandise such as albums, books etc. a brief verbal and/ or visual mention is ok, but more than this could result in undue prominence issues. Mentions of other products or services must only be made if it is editorially justified. Please discuss with Compliance beforehand (See Section 9 of The Ofcom Broadcasting Code).

If a production intends to signpost details of hashtags, Facebook/ Instagram/ TikTok etc or general web pages, this will only be acceptable if they are programme-related and previously agreed with SKY Compliance.

## **9. Competitions (Prize Promotions)**

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Under UK rules a 'promotion' is the umbrella term used to describe free to enter prize draws (those with no skill element) and competitions (which involve an element of skill, judgement, or knowledge to enter). It does not include promotions where there is a payment to enter; these are known as lotteries which require a lottery license that SKY does not have.

It may be possible for a programme to include a competition/ prize draw, however this must always be agreed in advance with SKY and must include discussion with Compliance.

**NB. Competitions must always be run via SKY's website and not a 3rd party website.**

Any form of competition encouraging children to enter is very complex to run and would also need to be discussed with the Compliance team. Parents would be required to enter on behalf of their children and various data protection policies will need to be in place; therefore it is especially important to liaise with Compliance as soon as possible if you are considering this.

Competitions involve a lot of important administrative work. We will need to evaluate factors such as the Terms & Conditions and entry/ judging mechanics to ensure these are robust.

We also would ask to see any landing pages viewers are directed to in order to enter.

All contracts and paperwork will be required to be in place, such as third-party prize fulfilment contracts and data sharing agreements, enabling us to pass the winner's details on so they can be issued with their prize.

When competitions are promoted on-air there are rules that dictate how these appear and what information is included, such as key barriers to entry being outlined in the supers and text being large enough to be read and held on-screen for an appropriate length of time.

If you intend to include any form of online or social media elements as a route to entry, you will also need to run this through SKY's Online Brand Protection team **'iComply'**.

Any plans to feature online competitions in your production should be discussed with your compliance contact at your earliest convenience.

## 10. Commercial Considerations

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The relevant commercial rules are listed in Section 9 of the Ofcom Broadcasting Code ('Commercial References in Television Programming'), along with supporting guidance. These are available on the Ofcom website.

Below is a short summary of what the Code rules allow and prohibit.

- Ofcom rules state that products/ brands/ services should not be explicitly promoted within programmes and should not be shown or referred to in such a way as to be deemed unduly prominent. The former of these rules is generally more straightforward and prohibits programmes including promotional statements or things that could be deemed to be as advertising lines intended to sell a product.
- There are some circumstances where brief references, e.g. "plugs", may be an acceptable exception to the rules, for example if you have a guest on a talk show and they mention that they have a new book coming out.
- The latter concept, i.e. undue prominence, is not prescriptive and will differ greatly depending on context. It therefore requires a case-by-case review of how products are being featured within a programme.
- It is important to note that the rules do not prevent real products from being used in programmes, especially in a naturalistic way (often referred to as incidental inclusion). However, advice should always be sought from Compliance to ensure they are featured correctly.
- Product placement is the inclusion in a programme of a product, service, or trademark for a commercial purpose in return for payment (or valuable consideration). Product placement is permitted in certain types of programme genres: namely, series made for television, films (including single dramas and documentaries made for TV), light entertainment programming and sports programming.
- Placement in certain programme genres is prohibited. These are: **News, Current Affairs, Children's Programmes, Religious Programming, and Consumer Advice Programmes.**

- Placement of certain products is also prohibited: cigarettes and tobacco products (including electronic or smokeless cigarettes), all medicinal products, alcohol, gambling, HFSS (high in fat, salt or sugar) food and drink, infant formula, follow-on formula and any product not allowed to advertise on television.
- Programmes containing product placement must feature a specific logo which is dictated by Ofcom and referred to as the 'universal neutral logo'. The production company should supply the TX master with the logo embedded for broadcast and On-Demand content.
- The rules prohibiting promotion and undue prominence still apply to product placement, however the thresholds of what is acceptable will likely alter to ensure a brand gets value for their payment. The nature of how a product will feature should be discussed with SKY Compliance.
- All product placement commercial discussions or agreements must be made in conjunction with SKY. Please discuss this with your compliance contact.

Prop placement is where a product, service or trademark is used but there has been **no payment or valuable consideration** made to the programme makers/ broadcasters. Costs saved by including the product can usually be disregarded (unless they were to be so high as to be considered a valuable consideration).

Props must not be retained by anyone involved in the production where they hold significant value as this could be considered valuable consideration.

Please note that when entering a Prop Placement deal there should be no guarantees made around the inclusion/ exposure that the product will receive. In some instances, a 'with thanks' credit may be acceptable for the prop provider subject to agreement from your Commissioning Exec and compliance contact.

Advertiser-Funded programming (AFP) is, for the purposes of the rules, a form of sponsorship: i.e., it is a situation in which a brand is paying money (either some or all) towards funding the production with a view to enabling at least some form of promotion of their brand. Therefore, it is a requirement that AFPs adhere to rules requiring the signalling of sponsorship.

There are various methods in which a sponsorship can be credited; it can take the form of standalone credits/ idents which are scheduled adjacent to the programme, or within the actual programme itself (e.g. on titles and part bumpers).

The latter is more common for AFPs, where the brand is sometimes incorporated into the show title, however this form of crediting is subject to further rules. If making an AFP, you should discuss with SKY Compliance the various options for programming, naming and signalling to decide which works best for your programme.

It should also be noted that where a brand sponsors or funds a programme it will usually be assumed that if this brand features in the programme itself, this will have occurred because of the commercial arrangement and this inclusion will therefore amount to product placement.

This means that the above guidance on product placement also needs to be followed on almost all AFP programming (notably the requirement for the universal logo). Again, how the funding brand will feature should be discussed with SKY Compliance.

## Product Placement Logo guidelines

As noted above the universal logo must be applied to programmes containing product placement. The production company should supply the TX master with the logo embedded for broadcast and On-Demand content. The logo must be shown at the start of the programme (i.e. within the first 5 seconds of the show so it appears **before** any shot of the placed product(s)), the start of returning parts and on the final endboard along with the production company logo and copyright credits.

The 'P' logo should be static on-screen for a duration of no less than 3 seconds. If you fade up/ down, the fade should not be included in the required 3 seconds.

The logo should be clearly visible throughout its duration on-screen and placed in the bottom left corner within the 4:3 safe area (but not conflicting with other on-screen graphics, logos or text).

Full technical information and specifications can be found on the Ofcom website under the Section 9 Guidance Notes.

## Charity Appeals

If there is a request to include a charity appeal in a programme, please discuss this with your Commissioning Editor and compliance contact as early as possible. SKY cannot editorially endorse a charity, but it can provide some information about a charity and where to go to find more information about donating.

**Charities are still commercial entities.** Ofcom rules about due impartiality and undue prominence still apply.

As such, charity appeals must be broadcast free of charge and care must be taken not to provide cumulative undue prominence to any one charity.

Ultimately, we still have a responsibility to protect our viewers from financial harm and exploitation. Production should be confident in the charitable status and ethical makeup of the charity in question.

## 11. Use of AI Technologies in Commissioned Programming

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**Please contact your SKY Commissioning Editor, Production Executive or compliance contact at the earliest opportunity if you are considering using AI.**

Artificial Intelligence (AI) is a rapidly evolving technology that has the capability to offer efficiencies and solutions to the production process. As with any evolving technology, there are inherent risks. SKY is committed to the responsible and secure use of AI. We need to embrace the opportunity safely and effectively, so to support this, we have set out below some basic guardrails outlining SKY's expectations when using AI and how it can be adopted and used in the production process in the right way.

### Use in Production

If you are planning on featuring any type of AI-generated audio or visual elements in your production, you should **risk assess the use on a case-by-case basis**, including consideration of the following risk factors:

- **Rights/ permissions.** Having the requisite rights or permissions to use AI, including from actors/ voice actors or licence-holders (where the input is creative works owned by a third party). You should consider guidance or binding requirements issued by actors' guilds, unions and other relevant bodies.
- **Contractual protection.** Ensuring that you have appropriate contractual protections in place with the provider of the AI technology including securing confidentiality, privacy rights, intellectual property rights and not allowing the AI to train on any input or output. Where possible, we will make available to you our security-assessed and SKY-onboarded AI technologies.
- **Ownership.** Potential rights issues with the output – do you own it?
- **Human-in-the-loop.** All AI-generated output must be reviewed by a human before it is included in a production. This is to ensure the quality of the production is maintained (including spotting unintended biases or hallucinations that are inherent with AI technologies), as well as limiting the risk of intellectual property issues if the output inadvertently includes IP owned by a third party.
- **Compliance with laws.** Consider the regulatory landscape and whether you are required to adhere to local or national laws including the EU AI Act. You should also adhere to Government-published guidance including the UK's AI Principles, and guidance or binding requirements issued by actors' guilds, unions and other relevant bodies.
- **Moral and ethical considerations.** You should consider the impact on the creative industry as a whole and on individuals that may be affected by your use of AI. Keep an eye on market practice and be conscious of any reputational impact.

## AI Governance

SKY commits to doing the right thing with regard to AI in the production process.

To help us achieve this, we ask that production company management do the following.

- Ensure all personnel are aware of your approach to AI, and establish policies and processes required locally to ensure compliance with laws and SKY's AI principles of being: (1) Fair and Responsible; (2) Accountable; (3) Safe and Reliable; (4) Transparent and Explainable; and (5) Respect Privacy and Security.
- In development/ productions where **SKY is the commissioner**, follow all instructions and guidance relating to the use of AI provided by your Production Executive/ Commissioning Editor.
- In development/ productions where **SKY is not the commissioner**:
  - Notify SKY of the proposed use of AI in any productions or scenarios that could be considered 'high-risk'.
  - If the Commissioner does not provide a preferred suppliers list for any proposed use of AI, contact SKY to check whether we have a suitable supplier or AI tool onboarded at SKY that you can leverage.
  - Where SKY cannot offer you access to our suppliers or AI tools, only use suppliers and AI tools that you have risk assessed, taking into account the risk factors listed above.

## Appendix

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### I. Intimacy On Set Guide – Nudity & Sex Scenes

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Best Practice When Working with Intimacy, Simulated Sex Scenes & Nudity

Producers to identify whether a production may include scenes of intimacy and sexual content as part of their risk assessment; ensure that relevant departments are informed and necessary measures put in place:

- Put in place wardrobe-appropriate covering for genitalia
- Only essential crew should be present for a closed set
- Consideration of, and budget for, an Intimacy Coordinator
- No initial auditions or screen tests are to include sex scenes or to involve nudity. Where, in exceptional circumstances, nudity or semi-nudity is required in a recall, the actor must be informed in advance and provided with the script. All material recorded must be protected and destroyed once the role has been cast.
- The actor should sign a written agreement with the Casting Director that any recording of a nude or semi-nude audition will be confidential.
- The actor may be asked to audition in specific clothing (e.g. swimwear) required for a commercial but will be informed in advance.
- If an actor is nude or semi-nude in a recall, consider if they might feel more comfortable with a support person with them throughout the shoot.
- Other appropriate people allowed in the audition room might include the Casting Director and/ or Director/ Producer, and the Reader.

At point of contract all scenes involving nudity, intimacy, or simulated sex should be discussed with the actor and representative/ agent, so that an agreement is made with full disclosure and in accordance with all talent agreements.

## **II. Online & Social Media Guide for Contributors/ Talent**

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### **Advice For Talent & Contributors**

Whilst SKY can offer advice, guidance, and support, individuals are responsible for their own conduct on social media. There is specific guidance created to brief young talent which is available via [internetmatters.org](http://internetmatters.org).

Talent and contributors should be aware that social media communities are public forums and should not undertake activity that brings either the programme or SKY into disrepute.

Contributors need to be aware that around the time of broadcast there will be comments and conversations about them which might not always be positive. If they choose to continue with social media activity during this time this may expose them to unwanted scrutiny and criticism.

As a precaution, privacy settings can be adjusted to control who can see their posts and who can contact them. Advice on adjusting these settings can be found on [internetmatters.org](http://internetmatters.org).

Please advise contributors that if an interaction turns negative, they should not engage any further in the conversation. All platforms have blocking and reporting functions which should be used in the first instance. If they feel victimised, bullied, or think a criminal offence may have been committed, please escalate it to your SKY Production Executive immediately.

If a threat has been made to their personal safety, they should take a screenshot of the message and notify your SKY Production Executive and the police.