ITV Interactive Services - Guidelines for Producers

April 2009

Applicable in relation to:
ITV1
ITV2
ITV3
ITV4
Men&Motor
CiTV
time-shifted channels
itv.com
Purpose

ITV sets out below its policy and working procedures, and provides guidelines covering all stages in the preparation and delivery of interactive elements in programming on any platform. All producers are required to comply with these procedures. These guidelines will be included in the Codes and Guidelines listed in:

- the tripartite commissioning agreement signed between ITV Network Limited, the production company and the Compliance Licensee in relation to all ITV1 commissions;
- the network programme licence; and
- the digital channels commissioning agreement,
  (each to be defined as a “Commissioning Agreement”);

and should also be appended to telephony supplier agreements. Adherence to these guidelines is therefore a contractual requirement. However, nothing in these guidelines will affect the parties’ respective responsibilities and liabilities under the Commissioning Agreement. In the event that there is any conflict between the provisions of these guidelines and the Commissioning Agreement, the Commissioning Agreement will prevail.

ITV will have the right to monitor adherence to these policies and procedures (whether through on-site oversight, spot check or formal audit).

Scope

These guidelines refer to all programming containing interactive services intended to be broadcast on the ITV Network by Channel 3 licensees and/or on any ITV digital or satellite channels and to all ITV-branded content containing interactive services on any other platform, in each case whether pay or free. The guidelines also apply to interactive services in ITV plc regional news, non-news programming, and sports programming.

While these guidelines are focused primarily on the most common forms of interactivity in programming (i.e. competitions and voting), the principles below equally apply to all other types of interactions related to programming, e.g. red button, online competitions, user generated material and polls.

ITV’s Interactive Principles

ITV’s Interactive Principles underpin all interactive services delivered by ITV regardless of channel or platform. These principles should be foremost in the considerations of everyone involved in the delivery of interactive elements in programming and should underpin all decision-making. ITV requires:

Honesty and integrity: To act honestly at all times and with integrity and consistency.

Transparency, accuracy and fairness:
  To offer transparency to the viewer of cost and process;
  To be accurate in compiling and reporting results;
  To be fair to our viewers, talent, contestants and to all parties involved in the interactive process.

Editorial relevance:
  To provide interactive services which are entertaining and appealing to our viewers and aim to be relevant to the editorial context.
Interactive Guidelines

Delivering interactive elements of a programme successfully requires teamwork and cooperation between all parties. All interactive services included in programming must have the approval of the ITV Channels’ commissioning team as well as the ITV Interactive team and the Compliance Licensee.

All proposed interactivity will form part of the programme commissioning sign-off process and should therefore be discussed and agreed at the same time as the overall programme commission. Any subsequent changes will also need to be agreed.

The criteria which ITV will use to assess the suitability of an interactive idea will include:

1. Legal and regulatory considerations;
2. Editorial relevance;
3. Operational viability and level of technical support required;
4. The slot and intended audience;
5. Commercial considerations;
6. Sponsor considerations where relevant;
7. The proposed prize and source;
8. Cross platform opportunities.

ITV Interactive will prepare an interactive specification document (the "Interactive Specification") for all significant interactive elements of a programme. The Interactive Specification will define for example:

- Transmission details and key dates;
- Overview of the proposed interactive mechanics including understanding of the running order, timing and schedule;
- Price points for all mechanics (as per standard pricing guidelines);
- Selection process for votes and competitions;
- Sponsor details;
- Promotion and marketing requirements;
- Commercial proposition;
- Build requirements;
- Estimated audience size;
- Estimated conversion rate;
- Risk analysis summary;
- Contact list.

Third Party Verification

ITV is required by Ofcom to employ third party verification for all votes and competitions broadcast on its channels. Producers and any of their service providers must allow access and give all reasonable assistance to any third party verifiers as appointed by ITV.

Service providers

Where third party service providers are engaged to support the delivery of interactive services these relationships must be supported by formal contractual agreements between the production company and such service providers.

- ITV may in some instances specify the use of preferred suppliers.
- The role and remit of the service providers must be transparent to ITV and must be agreed at the commissioning stage. Due diligence of the service provider chosen by the production company may be carried out by ITV.
- Contractual agreements with service providers must be in place well in advance of the transmission and approved by ITV.
- These agreements must incorporate these interactive guidelines and define the level of service and the service delivery requirements including prompt reporting of data to ITV.
- ITV will require oversight of the service provider's operations during live events through an on-site or off-site ITV presence.
- If the service is provided by Interactive Telephony Limited, ITV's in-house service provider, the Producer will contract with ITV Consumer for those services, and these interactive guidelines will form also part of the agreement.

### Cost of Interaction

ITV requires consistency across its programming in the cost to viewers of the most regular interactive features, i.e. competitions and voting.

All interactive services must therefore employ a standard pricing model. This model will apply to all interactive services until further notice:

- The charge levied for entry to premium rate competitions will be £1 or £1.50;
- The charge levied for entry to premium rate votes will be 35p;
- The charge levied for entry to premium rate votes with a charity donation will be 50p.

- The pricing of other interactive activities including, but not limited to, polls, comment lines and recruitment trawls will be as advised by ITV.

- Where complete transparency of transaction costs is not possible (e.g. where the costs of network operators vary), viewers must always be made aware that additional costs may be incurred in a transaction through on-screen graphics and scripts, e.g. "Calls cost £1 from BT landlines. Calls from other networks may be higher and from mobiles will be considerably more."

- All calls to action in a programme must state the key cost information in script and graphic.

### Charity

Where a component of the entry cost will go to charity, this must be approved by the Compliance Licensee, the ITV Commissioners and ITV Interactive as follows:

a) **Charitable events**

These are programmes organised to support a specific charity event where various parties are donating their time/profits to a nominated cause. In these instances ITV would consider donating all net interactive revenues generated through the programme to charity. In each case, any associated costs must be recovered from revenues before a donation is made.

b) **Programmes with a key charitable element**

These are programmes where charity is seen to be a fundamental editorial element of the programme, and likely to be a key reason that celebritiescontestants have agreed to take part. On agreement in advance, ITV would consider donating a proportion of vote revenues to charity. This will normally be 15p on a 50p vote.

c) **Programmes with no (or minimal) charitable element**
These are programmes where charity is not considered a key editorial element. In these cases there would be no donation to charity. In some exceptional cases, a fixed or capped payment to charity may be agreed in advance by ITV.

In all cases, the charitable beneficiary must be made clear to viewers, having regard to Ofcom's rules on undue prominence. If there are a number of charitable beneficiaries, presenters should refer viewers to itv.com for details, which should be posted before calls to action commence. The proportion of the entry cost being donated to charity and the amount of the charity donations should be stated in scripts and on-screen.

Production On Screen

All programmes broadcast on ITV channels that include interactivity will have an ITV Interactive Producer assigned to oversee the set up and integration of the project and work with the production company and the Compliance Licensee.

Script and Graphics

Interactive elements will be scripted by the production company and all scripts relating to interactivity must be agreed with the Compliance Licensee and ITV Interactive: ITV Commissioners should also be kept informed of significant script development.

Presenters should be instructed prior to transmission and trained by the production company to deliver the clearest on-air calls to action and to help viewers understand the mechanic of the interactive element of the programme. Presenters must not misinform or mislead viewers. The production company must ensure that presenters adhere strictly to the compiled script where this supports an interactive component.

All presenter scripts must be approved by the relevant Compliance Licensee. It is the responsibility of the production company to ensure that this approval is obtained. Notification of this approval should be forwarded by the production company to the ITV Interactive Producer in a timely manner before transmission.

In relation to each interactive event the following should be stated verbally:

- The cost of participation;
- The choice of a free entry route in competitions (where free entry is deemed necessary by ITV);
- The service mechanic, i.e. when lines open and/or close; numbers to call or keywords and short codes and other key competition or vote details;
- Reference to the fact that entries/votes may still be charged before lines have opened and after lines have closed;
- Specific entry requirements where these apply (e.g. entrants to be 18 or over); and
- Other key information (e.g. if winner selection depends partly on viewers’ votes and partly on a panel’s choice).

On-screen graphics must provide the following information:

- The cost of participation;
- The choice of a free entry route in competitions (where free entry is deemed necessary by ITV);
- The service mechanic i.e. when lines open and close; numbers to call or keywords and short codes and other key competition or vote details;
- Reference to the fact that entries/votes may still be charged before lines have opened and after lines have closed;
- Where to find terms and conditions (i.e. itv.com);
• How to avoid marketing messages by bounce-back text (if there is an SMS route available);
• Specific entry requirements where these apply (e.g. entrants to be 18 or over); and
• Other key information (e.g. if winner selection depends partly on viewers’ votes and partly on a panel’s choice).

In relation to pre-recorded programmes, scripts must be as generic as possible in terms of opening and closing dates and times, to allow the programme to be scheduled at any time. For example in relation to a daily programme which has a weekly prize draw, the graphics should state: “lines close before next week’s programme” rather than state: “lines close on Monday 17 February at 11am”.

All on-screen graphics must be approved by the relevant Compliance Licensee. It is the responsibility of the production company to ensure that this approval has been obtained. Notification of this approval should be forwarded by the production company to the ITV Interactive Producer before transmission.

**Typical examples**

**Voting**

**PRESENTER SCRIPT**

Phone XXXXX 32 32...
01 for XXXX
02 for XXXX
03 for XXXX
04 for XXXX
05 for XXXX
06 for XXXX
07 for XXXX
08 for XXXX
09 for XXXX
10 for XXXX

Calls cost 50p from a BT landline. Calls from other networks may be higher and from mobiles will be considerably more. 15p from each call goes to charity, details can be found at itv.com/xxxxx.

Lines open [now/time] and close [in tomorrow’s show / later in the show / after the break / in a few minutes]. Votes cast before lines open and after lines close will not be counted but may still be charged.

**GRAPHIC**

Phone XXXXX 32 32...
01 for XXXX
02 for XXXX
03 for XXXX
04 for XXXX
05 for XXXX
06 for XXXX
07 for XXXX
08 for XXXX
09 for XXXX
10 for XXXX
Competition

**PRESENTER SCRIPT**

**STATE QUESTION DETAILS**

Call XXXXX 33 33.

Calls cost one pound from BT landlines. Calls from other networks may be higher and from mobiles will be considerably more.

Text the word XXX and your answer A, B or C to XXXXX

Texts cost one pound plus one standard network rate message.

Digital satellite and cable viewers can enter by pressing their red button now.

You can also enter for free at itv dot com

Entrants must be 18 or over, and lines close [at end of programme/next xxx day/before next week’s programme] so best of luck. Entries made after closing time will not be counted but may still be charged.

**GRAPHIC**

**STATE QUESTION DETAILS**

Call: XXXXX 93 33 33

Text: XXX then A, B or C to XXXXX

Visit itv.com

Press your red button

(Smaller text beneath - must be at least 16 television lines high and in vision throughout the number read)

Calls cost £1 from BT landlines. Calls from other networks may be higher and from mobiles will be considerably more.

Texts cost £1 + 1 standard network rate message. Red button cost £1. To decline marketing texts end SMS with NO INFO. Entrants must be 18 or over. Lines close [at end of programme/next xxx day/before next week’s programme]. Free Web entry at itv.com is open for at least 3 working days. Entries made after closing time will not be counted but may still be charged. Terms and conditions at itv.com/terms

**Terms & conditions**

All Interactivity must be supported with clear terms and conditions for that specific element.

For competitions, the terms and conditions should contain details of:

- cost of participation for each platform;
- how the competition operates and an indication of any tie-breakers;
- any information which is likely to affect a decision to participate, in particular:
  - any restriction on the number of entries or prizes which may be won;
- an adequate description of prizes including the number of major prizes and details of any restriction on their availability or use;
- where a prize is vouchers, the value of a single voucher as well as any total value;
  - when the competition opens and closes;
  - how and when winners will be informed;
  - how winner information may be obtained;
  - any criteria for judging entries if selection is other than random;
  - any alternative prize that is available;
  - any contingency plans for e.g. what happens in the event that the free web entry is not available;
  - any intended post-event publicity;
  - identity of the promoter; and
  - any supplementary rules which may apply.

For votes, the terms and conditions should contain details of:
  - cost of participation for each platform;
  - how the vote operates and an indication of any tie-breakers;
  - when the vote opens and closes;
  - any contingency plans; and
  - any supplementary rules which may apply.

To help production companies draft terms and conditions, ITV Interactive will provide them with a template. But care must be taken to ensure the terms and conditions do reflect the specific mechanics of the competition, vote or other interactive event. The production company must send draft terms and conditions to ITV Interactive and the Compliance Licensee for approval no later than five business days before transmission of the programme. No changes may be subsequently made without the approval of ITV Interactive and the Compliance Licensee. ITV Interactive will upload the approved terms and conditions on itv.com but it is the responsibility of the Producer to ensure that the terms and conditions have been correctly uploaded before any call to action is made. No service may go live without approved terms and conditions having been posted at itv.com/terms. A link back to the itv.com/terms page may also appear on the programme website.

**Running order**

All programming that contains interactive components must have a running order agreed prior to broadcast with the relevant Compliance Licensee and ITV Interactive. The running order must define the time required between the last call to action and the lines closing. This must take account of the expected volumes participating and the platforms used. This is necessary to ensure viewers have the greatest chance of interacting and their experience is not frustrated by congested technology platforms.

All changes to the running order must be communicated urgently to the ITV Interactive Producer and the operations team of ITV Interactive so that any potential risks arising from the change can be assessed and mitigated. ITV Interactive reserves the right to refuse that any change is made to the running order, and ITV Interactive's decision will be final.
Contingency Planning

All programmes must develop well in advance of transmission a contingency plan, whether the programme is live or not, to apply in the event that there are technical difficulties or other events outside the producer’s or ITV’s control. This plan must be approved by ITV Commissioners, ITV Interactive and the Compliance Licensee, and should be documented (including where viewers need to be aware of any elements of such contingency plans within any terms and conditions).

Change control

All changes to the interactive service require formal approval and sign-off by ITV Interactive and the Compliance Licensee.

Any changes to the interactive mechanic or interactive media (voice files etc) must be tested once the change has taken place and the results circulated to relevant parties promptly.

Repeats

It is important to consider possible repeat broadcasts, time-delayed broadcasts and VOD catch-up services when including any interactivity in programming. Viewers of such repeat broadcasts/time-delayed broadcasts/catch-up services must have clear information when telephone lines are closed and interaction is no longer available.

Where requested by ITV Commissioners, programming containing interactivity should be produced in two versions (one containing the interactive event and a clean version without it). The clean version will be available for programme repeats/VOD catch-up or in the event of a significant problem prior to transmission.

Where ITV Commissioners have not requested a clean version, and the programme is repeated, a strap disclaimer (e.g. “the competition in this programme is closed”, or “Do not call – lines are now closed”) must be added and the correct re-version delivered by the production company. The strap should obscure telephone numbers and competition questions.

Production companies must therefore work with ITV Interactive and the Compliance Licensee to agree one of the following courses of action:

- Removal of the interactive element and repeat of a “clean” programme;
- Replacing a competition with a new competition where relevant;
- Strapping the competition so that viewers are provided with accurate and clear information on what level of interaction is possible.

Competition questions and free entry route

Producers should also refer to ITV’s Policy on Competition Questions at Annex 1 (attached).

ITV takes the view that most competition mechanics will require a valid free entry route following the introduction of the Gambling Act 2005. Any exceptions must be discussed and agreed in advance with ITV Interactive, the ITV Commissioners and the Compliance Licensee. At present ITV’s policy is that free web entry will be open for at least 3 working days after the last transmitted call to action for the competition in question.

The Producer, ITV Interactive and the Compliance Licensee should agree contingency plans in the event that the free web entry is not available, or that terms and conditions for a competition are not accessible as itv.com is down. This may include preparing scripts for
presenters or continuity to inform viewers of the non-availability of the web and keeping the web entry open for longer than 3 working days.

In addition to having a free entry route, all ITV competitions offering a multiple choice question must follow the principles summarised below:

- There must be at least 3 options to select from;
- Each of the 3 options must be a plausible answer;
- The question should be editorially relevant to the programme and there should only be a "joke" answer if this is added as a fourth answer to the question;
- All competition questions must be approved by the relevant Compliance Licensee. It is the producer's responsibility to fact-check all answers prior to submission to the Compliance Licensee.

The promoter of a competition shown on air will at all times be ITV, and the terms and conditions for each competition will state which entity is the promoter.

**SMS bounce back**

All SMS bounce back services, especially those incorporating marketing messages, and other SMS messages require the approval of ITV.

**Operations**

**Testing**

Two distinct types of testing must be performed on every interactive service. These are:

a) **Pre-event testing**

- All interactive platforms (PRTS, SMS, red button, web and any other routes of entry) must be fully tested prior to an interactive event being broadcast or transmitted to the public;
- Production companies, technology suppliers and ITV Interactive will put through test entries on each applicable platform and ITV Interactive will check that those entries have been recorded and can be reconciled.
- The conduct and results of these tests must be documented and retained for auditing purposes by the production company for at least two years from the date of transmission, and copies sent to ITV Interactive promptly.
- No service may be transmitted to the public without ITV Interactive's approval that the pre-event tests have been successfully completed.

b) **Live testing**

- ITV Interactive will perform daily indicative testing of each interactive event using all available entry platforms to confirm the correct operation of these entry methods once the service is live to the public;
- The conduct and results of these tests must be documented and retained for auditing purposes by the production company for at least two years from the date of transmission, and copies sent to ITV Interactive promptly.

**Live management**

The following processes need to be followed during a live interactive event:
• The opening and closing of all interactivity will be overseen by ITV Interactive in line with the agreed running order. Once the vote or competition has closed, lines should be set to 'closed' immediately;
• The production company will provide access to ITV Interactive and to the Compliance Licensee who will have the right to have on-site presence for all live interactive events;
• The lines of referral indicated in Annex 2 to these guidelines will apply to live interactive events for ITV Studios programmes. For other producers, similar lines of referral must be discussed and agreed between the producer, the Compliance Licensee and ITV Interactive, and will be documented in the agreement between the producer and ITV Interactive;
• No decision will be made in relation to the operation of any elements of the interactive event, and no change will be made to the agreed running order, without approval by the Compliance Licensee or its nominee;
• In instances where the running order is impacted by live events, any decisions to amend the opening / closing time can only be made by the production company in agreement with the ITV Interactive operations representative;
• Resolution procedures in the event of a tie must be agreed in advance and followed in such an occurrence.

**Incident management**

The underlying principle of the incident management guidelines is to ensure that viewers are clearly informed of and suffer no detriment from an incident. ITV Interactive will engage with production companies to define and agree incident management plans for specific programmes. Key points should include:

- Defining key contacts, decision-makers and escalation procedures;
- Contingency plans for incidents including the production of viewer information messages and graphics for each show.

ITV Interactive will act as a single point of contact for technology suppliers, production companies and customer care teams. ITV Interactive will inform the Compliance Licensee of any significant incident and discuss and agree with them any action to be taken.

**Winner selection**

Winner selection procedures must be fair, documented and approved by the Compliance Licensee and ITV Interactive prior to the first run of the competition. Any subsequent changes are subject to re-approval.

Winner selection must be carried out in accordance with the terms and conditions of the competition and must never be influenced by editorial preference (save where expressly stated in the competition terms and conditions and in the call to action). Where the terms and conditions state that the winner will be selected randomly, that random selection must be carried out from the pool of all eligible entrants, and the mechanic and process to carry out such random selection must be approved by the ITV Interactive operations team.

In all competitions winner selection methodology must give equal weighting to entries received via multiple entry channels.

Winners must be selected only after the competition has formally closed and only from all valid entries received. The production company must check that the winner is eligible pursuant to the terms and conditions.

Where winners cannot be selected within the required timeframe using the agreed methodology, the announcement of the winner will be postponed and the pre-agreed contingency plan will be followed. In the event that the Compliance Licensee decides that the
contingency plan is not applicable, an alternative course of action will be agreed by all parties and communicated to viewers.

For all competitions, the introduction of a free entry route has reduced the time criticality of picking a winner in time for broadcast. However, some prizes are time critical and a winner needs to be found before the prize has ‘expired’.

For time critical prizes (i.e. the prize is two tickets for this weekend’s Britain’s Got Talent show), the following guidelines will apply:

- A date for contacting winners (the resolve date) should be given in the terms and conditions and presenters should make sure that entrants have been told that they should be contactable on the resolve date.
- One potential winner will be randomly selected using the winner selector tool (or similar selection tool of the relevant service provider).
- The potential winner should be called at least three times on the resolve date (over a 2 hour period). If the winner cannot be contacted after at least three calls, a second potential winner will be randomly selected. The second potential winner will be called at least 3 times within a 2 hour period on the resolve date. This process will continue until a winner is contacted and complied.
- A message will appear on the website saying that “a winner is in the process of being contacted”.

For non-time critical prizes (i.e. prizes not tied to a particular date), the following guidelines will apply:

- One potential winner will be randomly selected (as above).
- The potential winner should be called at least three times (at three different times) per day for the 1st week including a weekend, once per day (Mon to Fri at different times) for the following 2 weeks and 3 times (Mon to Fri at different times) during the final week. If the potential winner cannot be contacted after at least twenty-eight days, a second potential winner will be selected and called at least three times (at three different times) per day for the 1st week including a weekend, once per day (Mon to Fri at different times) for the following 2 weeks and 3 times (Mon to Fri at different times) during the final week; if the second potential winner cannot be contacted, a third potential winner will be selected and called at least three times (at three different times) per day for the 1st week including a weekend, once per day (Mon to Fri at different times) for the following 2 weeks and 3 times (Mon to Fri at different times) during the final week; and so on until a winner is contacted and complied.
- A message will appear on the website saying that “a winner is in the process of being contacted”.

Winner announcement & publication

The announcement of winners of previous competitions during the transmission of long running series will be at the editorial discretion of the production company.

The production company will disclose to ITV Interactive and ITV Interactive will publish the winner’s details on the ITV website at www.itv.com/terms after the close of the competition following confirmation of the winner’s eligibility. The winners’ page will list all winners across all competitions for the last month.
Refunds

ITV Interactive will project manage refunds to viewers in the event of a problem that is the direct result of an ITV or production company error. Production companies must ensure that their agreements with service providers have refund policies in place, in the event of a technology failure, to ensure consumers are refunded the cost of their interaction within 28 days.

Customer care

ITV Interactive should be the primary contact point for all viewer complaints regarding interactive programming. In the event that the production company receives a complaint, it will pass it on to ITV Interactive. The information collated by ITV Interactive will be shared with production companies and in turn with the Compliance Licensee in a timely fashion and the parties will work together to resolve the viewer’s complaint and agree a response.

The key points for customer care include:

- The provision of a dedicated customer care team during key events to manage issues in a timely fashion;
- The parties agreeing the service levels to be provided to viewers with regard to communication and problem resolution.

Reporting

Indicative performance reports will be made available by the production company to ITV Interactive no later than one working day after each interactive event (unless otherwise agreed). Distribution lists and details of such reporting will be agreed in advance and set out in the Interactive Specification. These reports will normally be expected to include responses for each relevant platform (IVR, SMS, red button, web) together with an estimation of resulting revenues generated.

Additional data and information may be requested by ITV Interactive from time to time to ensure that these guidelines and the requirements of regulatory bodies such as OFCOM and PhonepayPlus have been followed appropriately, and in order to respond to questions from viewers, regulators and other interested parties.

Prizes and Prize fulfilment

Producers, ITV Commissioners, the Compliance Licensee and ITV Interactive must agree that prizes are suitable, editorially relevant and of an appropriate standard and value.

Preferred prize supplier

ITV may in some instances specify the use of preferred prize suppliers. This is to give confidence to both ITV and the production company that any prizes selected for inclusion in a competition will meet the required specification and be delivered to the winner in a timely manner. Where ITV does not specify a preferred supplier, the supplier to be used must be agreed in advance with ITV Interactive. It is the responsibility of the production company to ensure that binding arrangements have been entered into to fund the provision of the prize, such arrangements to be agreed by ITV Interactive and the Compliance Licensee.
**Prize description and validation**

The production company must ensure that the prize description in the competition is accurate and not misleading to viewers. Where a prize sponsor is mentioned, the production company must ensure that the prize sponsor is not given undue prominence. Any references to brands within competitions must be brief and secondary.

The production company must check, and confirm to ITV Interactive and the Compliance Licensee, that the prize delivered by the supplier meets the description, is fit for purpose, and is in excellent condition both prior to the prize being dispatched to the winner and when it reaches the winner. This check will include ensuring that there are no hidden costs to be borne by the winner in accepting the prize.

**Fulfilment & replacement**

- The production company will contact winners in writing to confirm their prize and the delivery arrangements, and will ensure that the prize is delivered within 28 days from the winner being informed, matches the prize description and is of satisfactory quality.
- The production company will submit details of winners to ITV Interactive. ITV Interactive will track fulfilment of prizes and contact all winners of competitions to ensure that prizes have been received and to deal with any complaints or queries that may arise. In the event of a problem, ITV Interactive will liaise with the prize supplier, production companies and the customer care team to resolve the problem to the satisfaction of the winner and ITV.

**Interactive post show review**

All interactive activities will be subject to a “Post Show Review”. ITV Interactive will initiate this process with representation required from all parties involved in the show and subject to the review. The format of this review may vary, but will usually include a meeting of the various parties (including ITV Interactive, the Compliance Licensee, the production company and the telephony companies) to review and discuss operation and performance. This will be followed up by a written summary of key lessons, prepared by ITV Interactive and distributed to all parties.
Interactive roles and responsibilities

Various teams are responsible for the delivery of ITV's interactive services. Their roles and responsibilities are summarised below.

The ITV team

**ITV Business Affairs team**

The Business Affairs team supports ITV's programme Commissioners and is responsible for the negotiation of the terms of the programme commission and the contracting of the Commissioning Agreement of which these Guidelines form part. The Business Affairs team works with the ITV Interactive team to define the format and commercial aspects of interactive applications.

**ITV Interactive team**

ITV Interactive Commissioning and Commercial – identifies opportunities within upcoming programmes and works with the programme Commissioner and producers to develop interactivity that will be commercially and operationally viable, and relevant to the programme editorial.

ITV Interactive Production – works with production companies to deliver the interactive opportunities to the specification created by the ITV Interactive Commissioning team.

ITV Interactive Operations – manages the testing, operation and the customer care supporting the interactive services.

The Production Company

The production company will deliver programme interactivity in accordance with:

- The Commissioning Agreement;
- The Interactive Specification;
- All relevant laws, regulations and codes of practice (including the Oftcom Broadcasting Code, the PhonepayPlus Code of Practice, and any guidance issued from time to time by the Gambling Commission); and
- These policies and guidelines, in consultation with ITV and Compliance Licensees.

Compliance Licensees

The role of the Compliance Licensee is to ensure that the programmes broadcast on the ITV Network or other ITV Channels/platforms comply with all applicable laws, regulations and codes of practice (including the OFCOM Broadcasting code, the PhonepayPlus Code of Practice and any guidance issued from time to time by the Gambling Commission).

The responsibilities of the Compliance Licensee include:

- Ensuring that the programme is compliant;
- Review and approval of the overall format of the interactive service for purposes of compliance with;
- all relevant laws, regulations and codes of practice (including the Ofcom Broadcasting Code, the PhonepayPlus Code of Practice, and any guidance issued from time to time by the Gambling Commission); and
  - these policies and guidelines.
- Review and approval in conjunction with ITV Interactive of questions, graphics, scripts and terms and conditions.
- Review and approval in conjunction with ITV Interactive of any red button applications linked to the programme.

**Telephony and other service providers**

The role of the telephony supplier and other service providers is to manage and deliver technical platforms to achieve delivery of interactive services in accordance with regulatory guidelines, the principles and guidelines described in this document, and any contractual service levels agreed for the interactive services.

**Third Party Verification**

The role of the third party verifier is to check that votes and competitions broadcast on air are compliant with the Ofcom codes and guidances, to document such verification, and to report back to ITV (and to Ofcom at Ofcom’s request).
Annex 1

ITV Policy on Prize Competition questions

Overview of legal position


There are three regulators with an interest in the operation of TV prize competitions:

Ofcom – regulates broadcasters who are obliged to ensure that competitions are conducted fairly, prizes described accurately and rules are clear and appropriately made known to viewers;

PhonepayPlus – regulates telephony operators who must ensure that the promotion of premium rate services complies with their Code;

The Gambling Commission – regulates any activities which fall within the definitions of gambling in the new Act and police the boundary between prize competitions, free draws and lotteries. The distinction between them is not straightforward, hence ITV’s development of policy in this area.

Lotteries cannot be run in the UK unless a licence is obtained from the Gambling Commission, save where specifically permitted by statute - examples of permitted lotteries are the National Lottery and licensed local charity lotteries. Broadcasters whose competitions fall into the statutory definition of an unlicensed lottery will therefore be liable to criminal prosecution.

A lottery has three main elements:

a. requires payment to participate;
  b. allocates a prize or prizes;
  c. wholly by chance (this is “a simple lottery”); or
  
by a series of processes, the first of which relies wholly on chance (this is a “complex lottery”).

If one of the three elements above is missing the competition will not qualify as a lottery. Competitions in ITV programmes always result in a prize and generally involve payment by the viewer (i.e. PRTS, text or interactive charges).

Free entry route

If a competition has a valid free entry route as well as a paid route, it will be deemed not to require payment to enter – and will then fall outside the definition of a lottery.

There is a four point test:

a) The entrants have a choice to enter by paying or by using a free route of entry;
b) The free entry route is post or another method neither more expensive (no more than the normal rate for that method of communication) nor less convenient;
c) The choice is publicised so as to be likely to come to entrants’ attention;
d) The system for allocating prizes does not differentiate between free and paid entries.

ITV’s policy is that its PRTS multiple choice competitions in mainstream programming will usually include a valid free entry route after 1 September 2007.
Chance and the skill test

The government stated during the passing of the Act that its aim is not to prevent all prize competitions, but those where the element of skill or knowledge is so "derisory" that they are in effect lotteries.

The difficulty of any question is always subjective. The government has suggested that the suitable level of difficulty may vary according to the nature of the audience. But the Act provides that the skill required must "reasonably be expected" to either:

a) prevent a significant proportion of people from entering; OR
b) prevent a significant proportion of people from winning (i.e. by getting the answer wrong).

"Significant" is not defined, but clearly a question that is so easy that almost anyone would know the right answer instantly will not be compliant.

Multiple choice competitions (without any subsequent on air participation by viewers who get the entry answer right and are then selected randomly to win) are the most borderline scheme as regards proving that a sufficient level of skill has been incorporated within the competition.

All ITV competitions offering a multiple choice question must therefore follow the guidelines below:

(a) generally ITV competitions will offer a multiple choice entry question with three possible answers
(b) producers must ensure that each of the three possible answers are plausible i.e. could be deemed to be possible answers to the question, and therefore require knowledge or skill;
(c) producers must ensure that the question is relevant editorially to the programme in which the competition is featured and its likely audience;
(d) producers will not use obvious "joke" answers – which detract from the impression that this is a genuine question requiring some skill or knowledge – unless they are offered in addition to three standard answers as above

Examples

For Saturday Night Divas - the following question would not be acceptable:

The road bridge connecting England and Wales is called the:
1. Severn Bridge
2. Seventy-five Bridge
3. Thirty Thousand Bridge

The question has a single obvious answer and two obviously silly answers, and is not relevant to the show editorial.

A question on pop music would, however, be acceptable e.g.

Who had a hit with the song "Beautiful"?
1. Britney Spears
2. Christina Aguilera
3. Kylie Minogue

For coverage of a UEFA Champions League match the following would not be acceptable:

Which team won the UEFA Champions League Final in 2005?
1. Liverpool
2. Swimming pool
3. Paddling pool

The question is relevant to the show but again features only one possible answer and two "joke" answers.

An acceptable football related question would be:

Which team won the UEFA Champions League Final in 2005?
1. Liverpool
2. Real Madrid
3. Glasgow Celtic

This question is relevant to the programme and has three plausible answers which require the viewer to exercise some knowledge or to research the answer.

The demographic of the audience and the nature of the prize being offered should be considered when pitching the level of difficulty of the question. A children's show, or a general entertainment show offering a prize which may be attractive to children, might require a different skill threshold than a show offering a large cash prize or a car.

The correct answer to the question should not be given within the editorial content of the programme close to the call to action of the competition.

**Why still have a skill question if we have a free entry route?**

Firstly – viewers enjoy competitions, which encourage engagement and interaction with the programme, rather than simply entering their names into what would effectively be a "free draw".

Secondly – ITV is keen to avoid alienating viewers and being accused of "dumbing down" television. Our research suggests that viewers are more reluctant to enter competitions that they consider to be either an insult to their intelligence or to be so easy as to suggest that the majority of viewers would know the answer and therefore the chances of winning are remote. An appropriate question should encourage viewers to feel that it is worth entering as their knowledge of a particular subject gives them a reasonable chance to win the prize. This does not mean that the question needs to be of a "Mastermind" level of obscurity, simply that it does present a genuine test of skill or knowledge.

Thirdly – we wish to rebuild and encourage trust by our viewers in the PRTS competitions that they have enjoyed on ITV for over a decade and which has recently been damaged by adverse regulatory findings and hostile press publicity.

This policy therefore seeks to revise and tighten the editorial requirements of these competitions rather than wholly change the format that viewers are used to seeing on their screens and elsewhere in ITV's offering.

Compliance with the guidelines in this note is therefore compulsory and will be a requirement of the programme commissioning agreement. Any programme seeking to include a competition without employing a recognized free entry route must discuss in advance and obtain approval from ITV Consumer and the appropriate compliance representative, only on the basis of providing verifiable evidence of the likelihood of a significant proportion of entrants answering wrongly.

Should you have any questions regarding the issues described in this note, please contact the Compliance Licensee or ITV Interactive.
Annex 2

INTERACTIVE ELEMENTS OF ITVP PROGRAMMES
LINES OF REFERRAL

PLANNING THE INTERACTIVE ELEMENTS OF A PROGRAMME

- Detailed planning meetings will be arranged by the Interactive Producer and are mandatory for all live programmes with interactive elements. Executive Producers must set aside enough time for these and ensure attendance from everyone required by the Compliance advisor, the Interactive Producer and the Interactive Operations Manager.

- The Compliance advisor, the Interactive Producer and the Interactive Operations Manager have full right of access to any part of the production or pre-production process including correspondence/email, from initial planning meetings to the live gallery on TX and post-programme clear up and prize fulfilment.

- During the planning of a programme, if the Exec Producer can’t agree a specific issue with the Compliance advisor or the Interactive Team, they still have their traditional route of referral up. That route of referral is to Controllers, then to their Genre Director who will try and resolve the issue with their counterpart at Compliance or Interactive. Programme commissioners may also become involved in this process but discussion with commissioners does not mean agreement with Interactive and Compliance is not required.

- As part of the planning process contingency plans will always be agreed well in advance of TX. Also, certain ‘cut-off’ points will be agreed, including a) the latest time that editorial changes which might affect the Interactive elements can be made and b) the point at which compliance responsibility shifts to the Interactive Operations Manager. For example, once terms and conditions have been published stating how viewers or programme participants will be selected in the interactive event it would not be open to producers (or commissioners) to make editorial changes to that selection process.

AFTER THE CUT-OFF POINT/DURING THE LIVE PROGRAMME

- After the cut-off point and during the running of a live show, compliance responsibility for all interactive elements rests with the Interactive Operations Manager who has had this authority delegated to them by Compliance. This applies to ALL interactive elements of a show e.g. competitions or voting, whether paid or free, or run on the web or other platform, comment or application lines, and any other call to action.

- Exec Producers have to respect and abide by the time lines agreed with the Compliance advisor, the Interactive Producer and the Interactive Operations Manager in the initial planning of any interactive elements. However important, late changes to the editorial of the programme cannot override cut-off points for changes to the interactive content of the show. The default position, if such editorial changes are unavoidable and not covered in the contingency plan, is that the interactive element is simply withdrawn.

- The traditional route of referral does not apply beyond agreed cut off/sign off points. Exec Producers must abide by the decision of the Interactive Operations Manager in all situations beyond cut-off points and also in situations where there is no reasonable time to refer up or where to do so would put the interactive elements in jeopardy. It is up to the Compliance advisor or, after cut-off, the Interactive Operations Manager to define whether or not there is sufficient time to resolve an issue by upward referral.
AFTER THE PROGRAMME

- It may be that after a show has transmitted the Exec Producer still wants to refer up a decision perhaps because it will affect subsequent shows. They absolutely have the right to do that, but only AFTER the event.

JOB ROLES & RESPONSIBILITIES

Compliance advisor

The designated Compliance advisor has overall compliance responsibility for the interactive elements of a programme. They act in consultation with the Exec Producer, the Interactive Producer and the Interactive Operations Manager. Their line of referral is to the Director of Programme Compliance. The only exception to this is after the agreed cut-off point (e.g. in the run up to and during the live running of a show) when the compliance responsibility is delegated by Compliance to the Interactive Operations Manager.

Interactive Producer

The Interactive Producer is responsible for the planning of all interactive elements. They do this in consultation with the Compliance advisor, the Interactive Operations Manager and the Exec Producer. Their line of referral is to Controller of Interactive, ITV Consumer.

Interactive Operations Manager

All shows involving interactive elements will have a designated Interactive Operations Manager. After agreed cut-off points and in the run up to and during a live show, compliance responsibility rests with the Interactive Operations Manager. They report into the Controller of Interactive, ITV Consumer but, in discharging the compliance function delegated to them, Interactive Operations Managers report to the Director of Programme Compliance (or other designated senior Compliance advisor agreed prior to the cut off point/the live programme).

Exec Producer

Exec Producers have responsibility for all non-interactive elements of their programme, taking advice from Compliance. On the interactive elements of the show they need to work closely with both the Compliance advisor and the Interactive Operations Manager to ensure the interactive elements work with the editorial of the show. However, compliance responsibility for these elements rests with the Compliance advisor or the Interactive Operations Manager when performing delegated compliance responsibilities. It is worth stressing that compliance is a shared goal and everyone on the programme team, the interactive team and the compliance team must play their part in delivering it.

SUMMARY

- All interactive elements whether paid or free must be planned and agreed in advance of TX between Production, Interactive and Compliance
- This will include agreement of contingency plans and cut off points
- The Compliance advisor, the Interactive Producer and the Interactive Operations Manager (IOM) should be copied on all editorial discussions relating to the interactive elements
- Compliance responsibility after cut off points and during live events is delegated to the IOM

- The IOM's decision is final in relation to all interactive elements after cut off points and during live events