



# Guidance Notes

## Section 5:

### **Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions**

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## Guidance

This guidance is non-binding. It is provided to assist broadcasters interpret and apply the Broadcasting Code. Research which is relevant to this section of the Broadcasting Code is indicated below.

Every complaint or case will be dealt with on a case by case basis according to the individual facts of the case.

We draw broadcasters' attention to the legislative background of the Code which explains that:

"Broadcasters are reminded of the legislative background that has informed the rules, of the principles that apply to each section, the meanings given by Ofcom and of the guidance issued by Ofcom, all of which may be relevant in interpreting and applying the Code. No rule should be read in isolation but within the context of the whole Code including the headings, cross references and other linking text."

### Rule 5.1 due accuracy in news

Accuracy entails getting the facts right. In complying with the requirement to report news with 'due accuracy', broadcasters should refer to the clarification of 'due' set out in the meaning of 'due impartiality'.

In terms of this section of the Code (i.e. the requirement for "due impartiality" and "due accuracy"), news in whatever form would include news bulletins, news flashes and daily news magazine programmes.

*Impartiality and the News*, a research study conducted by Ipsos-RSL on behalf of Ofcom/ITC in December 2003 (*Ofcom review of public service television broadcasting phase 1 annex 7.11, 2004*) examined attitudes to news impartiality in the UK. Over three-quarters of the 4000 respondents said impartiality in news was a good thing. Accuracy was viewed as even more important. The survey demonstrated that there are greater expectations for news channels that are perceived to be aimed at a UK audience than there are for channels with a global audience or for retransmitted news services made originally for non-UK audiences.

### Rule 5.3 Politicians

The use of politicians as reporters or presenters in news programmes could be problematic in the context of the requirement for due impartiality. A politician is likely

to include an elected representative e.g. an MP or councillor, a candidate, an applicant to be a candidate or a prospective candidate (that is a candidate for election who knows they have been chosen to represent a party at an election), an employee of a political party or an activist.

### **Special impartiality requirements**

The rules apply to national and international matters although the impartiality due to a non-national matter *may* be less. To give an example, broadcasters are expected to apply impartiality rules to a subject such as the American elections. For those Ofcom licensees who are not broadcasting to the United Kingdom, the impartiality requirements still apply but the amount due *may* be less depending on the subject matter and the original country of reception.

### **Rule 5.4 The person providing the service**

‘The person providing the service’ is a concept used in connection with the legal requirements for the licensing and compliance of broadcasting services. In this rule, it refers to the licensee, the company officers and those persons with an editorial responsibility for the service or part of the service rather than, for example, the programme presenter.

### **Rule 5.5 The meaning of ‘series of programmes taken as a whole’**

The expression ‘aimed at a like audience’ means that the linked programmes that make up a ‘series’ should be broadcast when it is likely that those who watched or listened to the first programme can choose to watch or listen to the second programme. In other words, if the first programme goes out at 2000 it is most unlikely that it would be acceptable for a single linked ‘balancing’ programme to go out at 0300. The broadcaster is not expected, however, to predict the audience make-up and try to achieve a similar audience for the second or subsequent programmes.

### **Rule 5.7 Due weight**

In understanding what is meant by ‘due weight’, it is useful to refer to the discussion of ‘due’ in the meaning of ‘due impartiality’.

### **Rule 5.8 Personal interests**

Ofcom would expect that, when dealing with matters covered by special impartiality requirements, broadcasters have put in place procedures so that reporters and presenters are at least aware of this rule and have an opportunity to make a declaration to the broadcaster. If the broadcaster could not have reasonably known of such an interest, then Ofcom would take that into account in the event of a case or complaint.

It is not expected that presenters or reporters should make known personal and private medical matters to the public.

### **Rule 5.9 Alternative viewpoints**

The representation of alternative viewpoints may be achieved differently in different programmes.

### **Rule 5.10 Signalling personal view or authored programmes or items**

Personal view and authored programmes and items have an important place in a diverse schedule. We recognise that audiences are comfortable with adjusting their expectation of due impartiality when they know that they are watching or listening to such programmes. The signalling of an item or programme as a personal view or authored is a matter for the broadcaster.

### **Rules 5.11 and 5.12 Major matters**

These additional rules are necessary because of the nature of the subject matter concerned: it is of a significant level of importance and is likely to be of the moment.