

Britain's Got Talent

Type of case Broadcast Standards

Outcome Not Pursued

Service ITV

Date & time 5 September 2020, 20:00

Category Protection of children/generally accepted standards/dangerous behaviour/due impartiality

Summary This programme included a performance by the British dance group Diversity which represented the events of 2020, including the Coronavirus pandemic and global anti-racism protests. We concluded that the programme did not raise issues which warranted investigation under the Broadcasting Code.

Ofcom received approximately 24,500¹ complaints about the above programme. Complainants outlined a range of concerns about Diversity's performance, including that the themes of violence and racism were inappropriate for family viewing, that it expressed support for the political organisation 'Black Lives Matter' and that it was racist towards White people. Ofcom also received a number of messages of support and praise for the performance.

Ofcom has assessed this programme against the relevant rules in the Broadcasting Code ("the Code"). Our assessment is that this programme did not raise any issues which warranted investigation. In our view, Diversity's performance was an artistic expression of topical social issues and did not contain any content which was racist, unsuitably violent or otherwise inappropriate in the context of this programme.

Given the significant publicity surrounding this case and the high volume of complaints received, we have decided to publish our reasons for this assessment.

¹ As of 09:00 on 17 September 2020.

Introduction

Britain's Got Talent is a talent programme broadcast on ITV, which aims to find a new act from the general public to perform at the annual Royal Variety Performance and win a prize of £250,000.

At 21:40 this episode included a four-minute dance routine from the British dance troupe Diversity, winners of the 2009 *Britain's Got Talent* series. The leader of Diversity, Ashley Banjo, also appeared on the programme as a guest judge, standing in for Simon Cowell.

Before the performance, presenters Anthony McPartlin and Declan Donnelly ("Ant and Dec") introduced Diversity's dance as a "*very special one-off performance with their take on the extraordinary events of 2020*".

Dancing to a recital of an adapted version of the poem *The Great Realisation* by British poet Tom Roberts or 'Tom Foolery'², the performers began with artistic representations of society prior to the Coronavirus pandemic in 2020. It was framed at the beginning and end as a father telling a story to a young boy; it began with the boy saying "*tell me the one about the virus again*" and the father started the story with "*ok, I'll tell you a story of how the world was before: it was a world of waste and wonder, of poverty and plenty, back before we understood that hindsight is 2020...*". He continued to narrate the story, referencing the growth of multinational companies and online shopping, the rise of social media and smartphones and the difficulty of achieving a work-life balance.

The performance included references to the pandemic such as the lockdown restrictions in the UK and the required use of face coverings. It was followed by a reference to the death of George Floyd³ with a White performer dressed as a US police officer kneeling over Ashley Banjo as he lay on the ground and imitated being handcuffed. This section of the routine was performed to a new verse of *The Great Realisation* poem as adapted for the performance:

"But while we all were hidden under orders of the prime minister,
people dusted off their instincts and noticed something more sinister;
another disease, deep-rooted in our system,
fear, hate and ignorance but racism was the symptom.
As the world watched on, another Black life gone,
leaving what we thought we knew in tatters.
What we thought we knew, some clearly didn't,
Black lives matter."

² The poem, which has had over six million views on YouTube, takes the form of a bedtime story about the Coronavirus pandemic being told to a child in the future. The title, *The Great Realisation* refers to the positive impact of the pandemic on our world.

³ George Floyd was a Black American man who was killed in police custody on 25 May 2020 outside a shop in Minneapolis, Minnesota. Police officer Derek Chauvin has been charged with second-degree murder, third-degree murder and second-degree manslaughter after kneeling on Mr Floyd's neck for approximately nine minutes while he was held to the ground. Mr Floyd was heard repeatedly telling police officers that he could not breathe. Three other officers present at the scene were charged with aiding and abetting second-degree murder and aiding and abetting second-degree manslaughter.

The backing track then changed to a remix of the track *Black Lives Matter* by Dax⁴ as Diversity took the knee.⁵ A Black dancer was depicted with their wrists and ankles bound as they were dragged to the ground before being lifted up by Ashley Banjo. The group then performed a number of moves that appeared to be symbolic of the global anti-racism protests that followed the death of George Floyd, including protestors being handcuffed and police in riot gear lining up in formation.

As smoke appeared, a remix of the track *Pushin' On* by 2WEI featuring Marvin Brooks was played. The dance routine included a depiction of encounters between protesters and riot police with an image of a burning car featured on a video wall in the background. A further extract of *The Great Realisation* poem was played as Diversity portrayed the world finding a cure for the Coronavirus. Ashley Banjo then knocked over a line of police riot shields. This was followed by the kneeling performers representing police officers standing up and removing their helmets, with a number of them dancing alongside other members of Diversity for the rest of the performance.

Towards the end of the routine, the video wall displayed images that reflected events of 2020, such as people painting rainbows and clapping in appreciation of the NHS. It also included images that reflected what life may look like after the Coronavirus pandemic, such as children of different ethnicities holding hands and a family embracing each other. The young boy in a voiceover asked the group, *"But why did it take a virus to bring the people back together?"*. The father responded *"Because sometimes you have to get sick, my boy, before you start feeling better"*. The performance ended with a dance routine set against an image of sunlight shining over a city.

Following the dance routine, Ashley Banjo stated in an interview with presenters Ant and Dec that:

"It's been a crazy year. Our [Diversity's] thing has always been 'Dream Believe Achieve' and we think you can genuinely find all of the positives in it. Feeling good, feeling positive, and just sending love out to everyone out there, cos yeah, it's been a tough one".

He added that Diversity, *"took the poem that went viral, and I almost wanted to do like the official remix right, so this was kind of like our version"*.

Ofcom received approximately 24,500 complaints about this performance on *Britain's Got Talent*. We also received a number of messages of support and praise for the performance.

In summary, the complaints about the performance raised a range of concerns, including that it:

- was unsuitable for a family audience due to themes of violence and racism;
- encouraged societal division and was racist towards White people;
- negatively portrayed White police officers, including in a depiction of the death of George Floyd, and encouraged violence against the police; and,
- expressed support for the political organisation 'Black Lives Matter'.

⁴ The lyrics of the track, released after the death of George Floyd, includes a call for a united effort from all citizens and races to end police brutality against Black people.

⁵ 'Taking the knee' is a symbolic protest against police brutality and racism, first used by American footballer Colin Kaepernick during the US national anthem before an American football game in 2016.

Our assessment

We considered whether the programme raised potentially substantive issues under the following Code rules which would warrant investigation:

- Rule 1.3 *“Children must also be protected by appropriate scheduling from material that is unsuitable for them”.*
- Rule 2.3: *“In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context...Such material may include, but it is not limited to, offensive language, violence...humiliation, distress, violation of human dignity, discriminatory treatment or language...Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.*
- Rule 2.4: *“Programmes must not include material...which, taking into account the context, condones or glamorises violent, dangerous or seriously antisocial behaviour and is likely to encourage others to copy such behaviour”.*
- Rule 5.5: *“Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service...This may be achieved within a programme or over a series of programmes taken as a whole”.*

Ofcom’s Code is drafted, and applied, in accordance with Article 10 of the European Convention of Human Rights (“ECHR”). This provides for the broadcaster’s and audience’s right to freedom of expression, which encompasses the right to hold opinions and to receive and impart information and ideas without unnecessary interference by public authority. The right to freedom of expression is not absolute. Ofcom must exercise its duties in light of the broadcaster’s and audience’s Article 10 rights and not restrict that right unless it is satisfied that it is necessary and proportionate to do so. This means that each and every time Ofcom applies the Code to broadcast content, we give careful consideration to the broadcaster’s and the audience’s Article 10 rights.

In this case, we considered that the content was clearly artistic expression representing Diversity’s response to the events of 2020. Ofcom considers that freedom of expression is particularly important in the context of artistic works.

Rule 1.3

A number of complaints suggested that the programme was unsuitable for a family audience due to themes of violence and racism. *Britain’s Got Talent* is a family show broadcast on a Saturday evening and we appreciate that children may have been in the audience even though this performance was broadcast after the 9pm watershed at 21:40.

In Ofcom's view, this subject matter and the way it was portrayed in the programme was suitable for a family audience. We took into account that the performance, which was an artistic and symbolic response to significant contemporary events, did not include graphic images and offensive language. We considered any references to violence in the routine were inexplicit and highly stylised.

We therefore did not consider that the programme raised concerns about the protection of children, or that it raised issues that warranted investigation under Rule 1.3.

Rule 2.3

Some complainants said that the performance was offensive as they considered it contained racism towards White people and encouraged societal division.

In considering these complaints we took into account that *Britain's Got Talent* is a variety talent programme showcasing a range of performance genres. We considered the programme's audience would expect, in line with freedom of expression in a creative context, some acts to reference contemporary issues relevant to their lives. We note that other acts featured on this series of *Britain's Got Talent* have made references to the importance of environmentalism and responding to climate change, the impact of plastic waste on sea life and to animal welfare. Given the heightened awareness and discussion of issues related to race and racism following the recent worldwide anti-racism protests, Ofcom considered that featuring these subjects in the programme would have been in line with audience expectations.

Although the performance did make reference to challenging and potentially controversial subjects such as police brutality and racial inequality, in our view, the central message of the routine was specifically one of social cohesion and unity. This was repeatedly reflected in the voiceover and the lyrics of the songs and poems that the dance was performed to. For example:

"I think it's time that we repair
All of the bridges we've burned
And let love out of our hearts
onto cheeks we turn
Spread love, show love, let's get rid of this curse,
Don't wait for anyone to act man you go first.
400 years wasted let's get rid of this hurt
'cause that's the only way we'll ever see peace on earth".

"But in amongst this crazy world
we found love within the madness.
We clapped the heroes of the NHS
and found love within the sadness.
And when we finally found the cure,
and were allowed to go outside,
we preferred the world we found
to the one we left behind".

"Why did it take a virus,
to bring the people back together?"

Cos sometimes, you have to get sick my boy,
before you start feeling better”.

This message was also reflected in the images on the video wall towards the end of the performance, such as those of children of different ethnicities holding hands. We did not consider that the performance was racist.

After the performance, Ant and Dec, interviewed performer Ashley Banjo. Ashley said:

“It’s been a crazy year. Our [*Diversity’s*] thing has always been ‘Dream Believe Achieve’ and we think you can genuinely find all of the positives in it. Feeling good, feeling positive, and just sending love out to everyone out there, cos yeah, it’s been a tough one”.

While racism can be a challenging and emotive subject, in our view broadcasters can broadcast content which explores the issues of race and racism, provided such material complies with the Code. We also considered it is legitimate for artists and performers to respond and reflect on these issues as part of their artistic expression, and audiences have a right to receive such expression in accordance with their Article 10 rights. In our view, the clear overarching narrative of the performance was to reflect the events of 2020 and to call for social cohesion and unity.

We did not consider that the content raised issues under Rule 2.3 that warranted investigation.

Rule 2.4

Regarding complaints that the performance encouraged violence towards police officers, we considered whether the material raised issues warranting assessment under Rule 2.4. This states that “Programmes must not include material...which, taking into account the context, condones or glamorises violent, dangerous or seriously antisocial behaviour and is likely to encourage others to copy such behaviour”.

The performance included artistic portrayals, in the form of dance, of encounters between anti-racism protesters and the police. This was represented by some dancers wearing riot police gear and others being handcuffed.

Ofcom’s [published guidance](#) on Rule 2.4 states that “broadcasters should have the creative freedom to explore areas which may raise serious social issues”. In this case, we considered that allegations of police brutality and racial bias are serious social issues, and that the subsequent global anti-racism protests provided sufficient context to the performers’ exploration of these issues.

We considered that the portrayals of encounters between anti-racism protests and the police in the performance were limited and symbolic in nature. The performance included a dancer kicking one riot shield, which then knocked over the line of riot shields one after the other. This was followed by the performers representing police officers removing their helmets and some dancing alongside other dancers for the remainder of the performance. In our view the depiction of recent anti-racism protests in the routine did not in any way condone or glamorise violent behaviour.

The image of a burning car on the video wall, was followed by positive images from 2020, such as people clapping in thanks to the NHS, as the voiceover recited lines from *The Great Realisation* poem which highlighted some positive consequences of the Coronavirus pandemic on society.

Further, the messages in support of social cohesion in the lyrics of the backing track, as mentioned above, in our view reinforced that the message of the performance was one of unity against racial inequality, and not to encourage people to behave violently towards the police.

Ofcom did not consider that the content raised issues under Rule 2.4 that warranted investigation.

Rule 5.5

Some complainants were concerned that the performance expressed support for the political organisation 'Black Lives Matter'. We have considered whether this content engaged Section Five of Code.

Section Five defines due impartiality as follows: “‘Due’ is an important qualification to the concept of impartiality. Impartiality itself means not favouring one side over another. ‘Due’ means adequate or appropriate to the subject and nature of the programme. So ‘due impartiality’ does not mean an equal division of time has to be given to every view, or that every argument and every facet of every argument has to be represented. The approach to due impartiality may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience. Context, as defined in Section Two: Harm and Offence of the Code, is important”.

The Rules in Section Five of the Code are principally designed to ensure that due impartiality is maintained in news and current affairs programming. As our [Guidance](#) to Section Five makes clear “Depending on the facts in each case, due impartiality may need to be applied in all programming genres, including cinema films shown on television, comedy programmes, or televised dramas. However, in reaching a decision whether due impartiality needs to be preserved in a particular case, broadcasters should have regard to the likely expectation of the audience as to the content, and all other relevant contextual factors. For example, audience expectations would not normally expect the same approach to due impartiality to be taken in an historical drama compared with a serious documentary on a controversial and contemporary issue”.

We took into account that the performance did not explicitly reference or support any particular political aims of the “Black Lives Matter” movement or various decentralised “Black Lives Matter” organisations. Rather, in Ofcom’s view, the routine expressed Diversity’s message that the lives of Black people matter. This was demonstrated in the voiceover which stated:

“As the world watched on, another Black life gone,
leaving what we thought we knew in tatters.
What we thought we knew, some clearly didn’t,
Black lives matter”.

Taking into account both the limited extent that the performance engaged with specific political issues and viewers expectations for a programme such as *Britain’s Got Talent*, we did not consider that the programme raised issues engaging Section Five of the Code.

Conclusion

For all the reasons set out above, our assessment is that this programme did not raise any issues under the Code which warranted investigation.

Assessment Outcome: Not Pursued