

Ofcom Broadcast Bulletin

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Introduction

Under the Communications Act 2003 (“the Act”), Ofcom has a duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives¹. Ofcom must include these standards in a code or codes. These are listed below. Ofcom also has a duty to secure that every provider of a notifiable On Demand Programme Services (“ODPS”) complies with certain standards requirements as set out in the Act².

The Broadcast Bulletin reports on the outcome of investigations into alleged breaches of those Ofcom codes below, as well as licence conditions with which broadcasters regulated by Ofcom are required to comply. We also report on the outcome of ODPS sanctions referrals made by ATVOD and the ASA on the basis of their rules and guidance for ODPS. These Codes, rules and guidance documents include:

- a) [Ofcom’s Broadcasting Code](#) (“the Code”).
- b) the [Code on the Scheduling of Television Advertising](#) (“COSTA”) which contains rules on how much advertising and teleshopping may be scheduled in programmes, how many breaks are allowed and when they may be taken.
- c) certain sections of the [BCAP Code: the UK Code of Broadcast Advertising](#), which relate to those areas of the BCAP Code for which Ofcom retains regulatory responsibility. These include:
 - the prohibition on ‘political’ advertising;
 - sponsorship and product placement on television (see Rules 9.13, 9.16 and 9.17 of the Code) and all commercial communications in radio programming (see Rules 10.6 to 10.8 of the Code);
 - ‘participation TV’ advertising. This includes long-form advertising predicated on premium rate telephone services – most notably chat (including ‘adult’ chat), ‘psychic’ readings and dedicated quiz TV (Call TV quiz services). Ofcom is also responsible for regulating gambling, dating and ‘message board’ material where these are broadcast as advertising³.
- d) other licence conditions which broadcasters must comply with, such as requirements to pay fees and submit information which enables Ofcom to carry out its statutory duties. Further information can be found on Ofcom’s website for [television](#) and [radio](#) licences.
- e) rules and guidance for both [editorial content and advertising content on ODPS](#). Ofcom considers sanctions in relation to ODPS on referral by the Authority for Television On-Demand (“ATVOD”) or the Advertising Standards Authority (“ASA”), co-regulators of ODPS for editorial content and advertising respectively, or may do so as a concurrent regulator.

[Other codes and requirements](#) may also apply to broadcasters and ODPS, depending on their circumstances. These include the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant

¹ The relevant legislation is set out in detail in Annex 1 of the Code.

² The relevant legislation can be found at Part 4A of the Act.

³ BCAP and ASA continue to regulate conventional teleshopping content and spot advertising for these types of services where it is permitted. Ofcom remains responsible for statutory sanctions in all advertising cases.

licensees must provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

It is Ofcom's policy to describe fully the content in television, radio and on demand content. Some of the language and descriptions used in Ofcom's Broadcast Bulletin may therefore cause offence.

Standards cases

In Breach

Wanted

Resonance FM, 16 September 2014, 14:00 and 18 September 2014, 10:00

Introduction

Resonance FM is a community radio station serving central London. The licence for Resonance FM is held by London Musicians' Collective Limited ("LMCL" or "the Licensee").

A complainant alerted Ofcom to the broadcast of this music programme on 18 September 2014. The complainant objected to the presenter stating his support for Scottish independence while polls were open¹ for the Scottish Independence Referendum.

On assessing this content, we noted that this programme was originally broadcast on 16 September 2014 and then repeated two days later. We also noted that the presenter introduced the programme as follows:

"Today the subject is Scotland. Is Scotland wanted? Are we better together? Will Scotland decide to go independent on Thursday evening, Friday, I believe the results will be in at 10 o'clock. So today, we're going to play an hour of great Scottish rock".

During the remainder of this 60 minute programme, the presenter played a number of music tracks by Scottish artists. We noted that in the gaps between songs, the presenter made a number of statements, including the following:

"'Wanted' today is playing Scottish songs. Scottish songs. An hour of Scottish songs in the wake of the election coming up. I think it's going to go 'Yes', and we're going to celebrate this great, glorious fact that Scotland will be part of a great, federal Europe. We will all be together, as we live in a global economy. We're all interdependent on one another. It's just Scotland saying: 'Look, this is what we've got to offer'. What Scotland has to offer is a hell of a lot of damn good music. It always has".

"It's looking like, I think, that Scotland will go independent. Independent within a wider Europe. We'll all stay friends and we'll continue to make great music, whisky and cheese and culture and art, and come to Scotland, it's a great country".

"If you're listening on Thursday, it is the day of the election. What will it be? Will it be 'Yes', or will it be Better Together? Apparently last night in Trafalgar Square, there was a big campaign under the guise called 'Better Together'. Eddie Izzard, Al Murray Pub Landlord and Sir Bob Geldof got up on stage to persuade Londoners that Scotland was better as part of the United Kingdom. Well that'll do

¹ On 18 September 2014, polling stations were open between 07:00 and 22:00.

it, won't it? Not! A bit like sending 58 Scottish MPs to Glasgow thinking that that might make Scotland vote 'No'. You know, it's a bit like when you're a child and somebody puts some sweets in front of you and says, 'Don't eat them, don't touch them'. And the opposite effect is true. That is what is gonna happen: Cameron going up to Scotland is having the opposite effect. He has forgotten there hasn't been a Scottish Tory MP in Scotland for a very long time. Although, I think there might be one now, that's one in the whole country. Therein lies a thought".

"People have been asking me, 'Henry, how do you think it's going to be if Scotland goes independent?' And my reply is, 'I think it will be perfect'".

Rule 6.1 of the Code requires that programmes dealing with referendums must comply with the due impartiality rules set out in Section Five of the Code. In addition, Rules 6.3 to 6.7 of the Code apply to programmes broadcast during the designated period running up to the date of referendums in the UK known as the 'referendum period'². Section Six of the Code under the heading 'Meaning of "referendum"' makes clear that for the purpose of this section: "a referendum include...includes a UK-wide, national or regional referendum but does not extend to a local referendum".

Ofcom considered that these two broadcasts of this edition of *Wanted* raised issues warranting investigation under the following rules of the Code:

Rule 6.1: "The rules in Section Five...apply to the coverage of elections and referendums".

Section Five of the Code in turn makes clear that Rule 5.13 applies to "local radio services (including community radio services)".

Rule 5.13: "Broadcasters should not give undue prominence to the views and opinions of particular persons or bodies on matters of political or industrial controversy and matters relating to current public policy in all the programmes included in any service...taken as a whole".

In addition we considered that the broadcast of this edition of *Wanted* on 18 September 2014 raised issues warranting investigation under Rule 6.4 of the Code:

"Discussion and analysis of election and referendum issues must finish when the poll opens. (This refers to the opening of actual polling stations. This rule does not apply to any poll conducted entirely by post)."

We therefore also asked LMCL how that broadcast had complied with the above rules.

Response

The Licensee apologised for what it accepted was a breach of Rule 6.4 of the Code, and expressed its regret and "dismay" for the broadcast of the programme on 18 September 2014, when polls were open for the Scottish Independence Referendum. It considered that this broadcast was: "a serious mistake". It said that the repeated

² In the case of the 2014 Scottish Independence Referendum, the 'referendum period' ran from 30 May 2014 to the close of polling (i.e. 22:00) on 18 September 2014.

transmission was “due to an oversight which necessarily has no bearing on the problematic and transgressive content of the original transmission”.

LMCL explained that it “had not intended any coverage of this referendum...it being beyond the scope of its localised community broadcasts”. Therefore the *Wanted* programme in this respect “was an anomaly”. The Licensee considered that this edition of *Wanted* was: “light-hearted rather than mocking and celebratory in tone rather than coercive in intention”. It acknowledged that one of the presenter’s statements³ was: “biased, even if it quantitatively acknowledge[d] the No campaign by reference to its celebrity supporters”. However, LMCL said that the presenter’s final statement⁴ had to be seen in context. In its view the presenter was: “clumsily offering what [was] intended as a humorous lead into the well known Scottish pop song ‘Perfect’ by Fairground Attraction, yet reaffirming the presenter’s bias”. In summary, though, the Licensee accepted that “jocularity is no excuse for partial and one-sided discourse”.

In relation to Rule 5.13, LMCL stated its belief that it had not breached this rule by arguing that Resonance FM as a whole was “not characterised by any significant imbalance of views”; nor were the two transmissions of the programme *Wanted* in this case “typical of a generalised bias in our output”. It added that: “All programming on our service dealing with the issues under discussion within a period of a week either side of the Scottish Referendum (which period could be taken as representative) was otherwise presented with due accuracy and due impartiality”.

The Licensee said that it “offers a wide range of opinion and perspectives” and that it had broadcast an “hour long political discussion” called *Novara*, on 19 September 2014 “looking at a wide range of positions that fully articulated the ‘Yes’ and ‘No’ views” in the Scottish Independence Referendum, in a “nuanced, intelligent and balanced manner”. Although acknowledging that the edition of *Novara* was broadcast after the end of the referendum period, the Licensee argued that the broadcast of this programme was “indicative of an absence of significant imbalance” of views about the Scottish Independence Referendum.

LMCL argued that *Wanted* was “one of over one hundred broadcasts that week (each broadcast being repeated once), so stands in relation to the bulk of our platform’s content as a singular, modest and fugitive articulation of an idiosyncratic and personal viewpoint...We do not think our service as a whole articulates undue prominence to any single view (either in relation to the Scottish Referendum, or in relation to any other politically significant position)”.

³ The presenter said: “If you’re listening on Thursday, it is the day of the election. What will it be? Will it be ‘Yes’, or will it be Better Together? Apparently last night in Trafalgar Square, there was a big campaign under the guise called ‘Better Together’. Eddie Izzard, Al Murray Pub Landlord and Sir Bob Geldof got up on stage to persuade Londoners that Scotland was better as part of the United Kingdom. Well that’ll do it, won’t it? Not! A bit like sending 58 Scottish MPs to Glasgow thinking that that might make Scotland vote ‘No’. You know, it’s a bit like when you’re a child and somebody puts some sweets in front of you and says, ‘Don’t eat them, don’t touch them’. And the opposite effect is true. That is what is gonna happen: Cameron going up to Scotland is having the opposite effect. He has forgotten there hasn’t been a Scottish Tory MP in Scotland for a very long time. Although, I think there might be one now, that’s one in the whole country. Therein lies a thought”.

⁴ The presenter said: ““People have been asking me, ‘Henry, how do you think it’s going to be if Scotland goes independent?’ And my reply is, ‘I think it will be perfect’”.

In conclusion, LMCL said that during the week in which the two transmissions of *Wanted* had taken place, it was “short of two members of staff and training a newly appointed assistant”, and therefore it was taking steps to ensure such incidents do not happen again. As a result of this case, the Licensee said that it had reiterated to its presenters, in writing and through “formal meetings”, the importance of observing the Code rules, particularly with regard to due impartiality and electoral matters.

Decision

Under the Communications Act 2003 (“the Act”), Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, one of which is that the special impartiality requirements set out in section 320 of the Act are complied with. This objective is reflected in Section Five of the Code. Section Six of the Code sets out the particular rules that apply at the time of referendums.

When applying the requirement to preserve due impartiality, Ofcom recognises the importance of the right to freedom of expression, as contained in Article 10 of the European Convention on Human Rights. 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 undue interference by public authority. However, UK legislation requires broadcasters to preserve due impartiality on major matters of political controversy. This requirement is considered to be particularly important at the time of referendums and elections. Broadcasters in covering referendum and election issues must ensure that, during referendum and election periods, they preserve due impartiality.

Ofcom’s Guidance to Section Six (Elections and Referendums) of the Code (“the Guidance”)⁵ states that there is no obligation on broadcasters to provide any referendum coverage. However, if broadcasters choose to cover referendum campaigns, they must comply with the rules set out in Section Six of the Code. These rules apply, even if as in this case a broadcaster has not intended to cover the Scottish Independence Referendum.

Rules 6.1 (with reference to Rule 5.13)

Rule 6.1 states: “The rules in Section Five, in particular the rules relating to matters of major political or industrial controversy and major matters relating to current public policy, apply to the coverage of elections and referendums”.

Section Five makes clear that the relevant “due impartiality” rule as regards referendums is Rule 5.13. This states that local radio services, including community radio stations: “...should not give undue prominence to the views and opinions of particular persons or bodies on matters of political or industrial controversy and matters relating to current public policy in all the programmes included in any service...taken as a whole”.

In this case, a programme was broadcast on 16 September 2014, two days before the end of the referendum period (as defined by Section Six of the Code) for the Scottish Independence Referendum. Although the programme was a music programme where the presenter played a number of music tracks by Scottish artists, we noted that in the gaps between songs, he made a number of statements which

⁵ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section6.pdf>

either predicted the result of the referendum, expressed support for the 'Yes' campaign in that referendum, or criticised the 'No' campaign. For example, the presenter said "*I think, that Scotland will go independent. Independent within a wider Europe*", and he also criticised the tactics of the 'No' campaign, such as "[David] Cameron going up to Scotland" to campaign for a 'No' vote.

We noted the Licensee's statements that the programme was "light-hearted rather than mocking and celebratory in tone rather than coercive in intention" but that "jocularity is no excuse for partial and one-sided discourse". However, we considered that, even though this was a radio music programme, the various statements made by the presenter were clearly intended as serious statements that took a particular and partial position on the Scottish Independence Referendum, during the referendum period. We took into account LMCL's argument that even though one of the presenter's statements⁶ was "biased" this statement "quantitatively acknowledge[d] the No campaign by reference to its celebrity supporters". We disagreed. Although the presenter made reference to high-profile 'No' campaigners, he immediately cast doubt on the efficacy of those campaigners' efforts:

"Apparently last night in Trafalgar Square, there was a big campaign under the guise called 'Better Together'. Eddie Izzard, Al Murray Pub Landlord and Sir Bob Geldof got up on stage to persuade Londoners that Scotland was better as part of the United Kingdom. Well that'll do it, won't it? Not!..."

We considered that by dismissing or denigrating the views of leading 'No' campaigners in the way that he did, the presenter was including them in this programme simply as a means of putting forward his own views.

Under Rule 6.1, the Licensee was obliged to comply with the relevant rules in Section Five in relation to any broadcast statements about the referendum. Unlike many other licensees, which are required to demonstrate due impartiality in their coverage of controversial matters either within a programme or over a series of programmes⁷, community radio services like Resonance FM and other non-national radio stations are afforded greater flexibility under Rule 5.13. What constitutes "undue prominence" under Rule 5.13 will depend on all the circumstances, including whether a programme is broadcast during a referendum or election period.

The Code and relevant Guidance⁸ makes clear that, for Rule 5.13 to be breached, Ofcom must be satisfied that:

- there has been a *significant* imbalance of views and opinions on a matter of political or industrial controversy and/or a matter relating to current public policy;
- the relevant views and opinions given prominence in this way are those of particular persons or bodies; and

⁶ See footnote 3.

⁷ For example, Rule 5.5 states that "due impartiality on matters of political and 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".

⁸ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section5.pdf>

- the relevant timeframe for a service to show compliance with Rule 5.13 is “all programming on a service dealing with the same or related issues within an appropriate period”.

We therefore went on to consider whether undue prominence to the views and opinions of the presenter in this case had been permitted by the Licensee. As the Code and the Guidance makes clear, “undue prominence” does not mean that, across all programming, 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 undue prominence of views on matters of political or industrial controversy and matters relating to current public policy depends on all the relevant circumstances, including the significance of the matter of political controversy or current public policy on which the person or body is giving a view or opinion. Clearly an election or referendum is likely to be a matter of political controversy on which opinion is divided, and therefore local radio broadcasters need to take appropriate care to ensure they comply with Rule 5.13 when covering it in non-news programming.

“Undue prominence” of views and opinions may be avoided in a number of ways. It is an editorial decision for the broadcaster as to how it prevents the views and opinions of particular organisations from becoming unduly prominent. The context in which programme material appears, including the particular characteristics of the programmes in which opinions are expressed, are important to judgements of what may appear unduly prominent. The fact that views are being expressed during a referendum or election period, when the rules in Section Six apply, will be an important consideration to take into account, when determining whether viewpoints are unduly prominent.

In this case the Licensee broadcast a programme twice which included a number of statements which either expressed support for the ‘Yes’ campaign in the Scottish Independence Referendum, or criticised the ‘No’ campaign in that referendum. However, we noted that the remainder of the programme did not include any other viewpoints which in our view could be reasonably described as, for example either defending the ‘No’ campaign, and/or challenging the criticisms being made of the ‘No’ campaign. As such, we considered that the two transmissions of *Wanted*, when considered on their own were clearly one-sided treatments of the Scottish Independence Referendum.

To determine whether there had been undue prominence of the views and opinions included in *Wanted*, we then assessed the output of Resonance FM as a whole. Ofcom’s published Guidance⁹ to Rule 5.13 states that just because a broadcaster to which Rule 5.13 applies broadcasts only a single viewpoint on a matter of political or industrial controversy and matter relating to current public policy does not mean that there has been undue prominence given to that viewpoint on such matters. However, in our view, the application of Rule 5.13 should take into account the particular significance of referendums or elections as matters of political controversy. As a precautionary approach a broadcaster should ensure that, if a viewpoint by one particular person or body on an election or referendum during the election or referendum period is reflected in its service, the broadcaster should also seek to reflect other alternative viewpoints as appropriate across the service as a whole.

In this context, LMCL said that it had broadcast *Novara*, an “hour long political discussion” about the Scottish Independence Referendum on 19 September 2014 i.e. the day after the referendum had taken place. Although the Licensee acknowledged

⁹ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section5.pdf>

that this programme was broadcast after the end of the referendum period, it argued that the broadcast of this programme was still “indicative of an absence of significant imbalance” of views about the Scottish Independence Referendum. We disagreed. Rule 6.1, which applied Rule 5.13 in this case, was applicable during the referendum period. Therefore, we considered that the edition of *Novara* broadcast on 19 September, the day after the end of the referendum period, could not be relied upon by the Licensee as means of ensuring that there was no undue prominence of views and opinions before polling day. In addition, LMCL did not provide any evidence of how it had reflected the viewpoint of the ‘No’ campaign across the output of Resonance FM as a whole during the referendum period, to counter the criticisms being made of the ‘No’ campaign during the two broadcasts of the programme *Wanted* on 16 September 2014 and 18 September 2014.

We also considered the Licensee’s arguments that Resonance FM as a whole was “not characterised by any significant imbalance of views; nor were the two transmissions of the programme *Wanted* in this case “typical of a generalised bias in our output”. It added that *Wanted* was “one of over one hundred broadcasts that week (each broadcast being repeated once), so stands in relation to the bulk of our platform’s content as a singular, modest and fugitive articulation of an idiosyncratic and personal viewpoint”. It added that: “We do not think our service as a whole articulates undue prominence to any single view (either in relation to the Scottish Referendum, or in relation to any other politically significant position)”. We disagreed. Although *Wanted* was broadcast twice, these broadcasts were the only examples of programming broadcast on Resonance FM, dealing with the Scottish Independence Referendum during the referendum period ending on 18 September 2014. We took into account the importance, as recognised by Section Six of the Code of reflecting both sides of a referendum debate during the referendum period, and that the Licensee provided no other evidence of programming reflecting the ‘No’ viewpoint during the referendum period. We considered that the broadcast of a number of clearly one-sided views and opinions in these two programmes, by the presenter in this case, constituted a significant imbalance of views and opinions on a significant matter of political controversy.

In reaching its Decision, Ofcom took into account the Licensee’s apology for this incident, which it considered to be “a serious mistake”, and the fact that the Licensee had taken steps to improve compliance in this area. However, given all the above, we recorded a breach of Rule 6.1 (with reference to Rule 5.13).

Rule 6.4

Rule 6.4 requires that discussion of referendum issues must finish when the polls open (at 07:00 in the case of the Scottish Independence Referendum). This programme however was broadcast after the polls had opened and prior to the polls closing at 22:00.

As explained above, we noted that this edition of *Wanted* was repeated on 18 September 2014, the polling day for the Scottish Independence Referendum, and included a number of statements that either expressed support for the ‘Yes’ campaign in that referendum, or heavily criticised the ‘No’ campaign. In reaching our Decision, we took into account: LMCL’s apology for this incident, which it considered to be “a serious mistake”; and the fact that the Licensee had taken steps to improve compliance in this area. However, the purpose of Rule 6.4 is to ensure that broadcast coverage on the day of a referendum does not directly affect voters’ decisions. This rule applied in the case of the Scottish Independence Referendum for all Ofcom licensees, including those located outside of Scotland.

Therefore, given all the above, we considered this was also a clear breach of Rule 6.4.

Breaches of Rule 6.1 (with reference to Rule 5.13) and Rule 6.4

In Breach

Oh Messy Life

Sheffield Live TV, 14 October 2014, 20:30

Introduction

Sheffield Live TV is a local television service providing a mix of locally produced current affairs, music, entertainment, arts and information programming for the community in the Sheffield area. The licence for Sheffield Live TV is held by Sheffield Local Television Limited (“the Licensee”).

Oh Messy Life is an original locally produced short drama, broadcast by Sheffield Live TV at 20:30. A complainant alerted Ofcom to offensive language in this broadcast.

Ofcom noted the following language at the times indicated:

20:33 “*What the fuck, Tom*” (repeated) “... *fucking saying to you...*”.

20:34 “*I’ve already made your fucking tea you lazy git*”.

20:37 “*Fuck sake, Tom*”.

20:38 “*Are you watching me piss? You’re looking at my fucking dick aren’t you?*”

20:39 “*Fuck off*”.

Ofcom considered the broadcast of the word “fuck” and variations of this word raised issues warranting investigation under Rule 1.14 of the Code, which states:

“The most offensive language must not be broadcast before the watershed...”.

Ofcom therefore requested comments from the Licensee on how the programme material complied with this rule.

Response

The Licensee said it takes compliance with the Code very seriously and regretted the broadcast of offensive language on this occasion.

It explained that Sheffield Live TV carries a high proportion of local content, including short films produced by local independent producers. The Licensee added that some of the films offered for broadcast can “include...offensive language”, but that all such content is assessed for compliance with the Code before broadcast.

This Messy Life had been assessed as not suitable for broadcast before the watershed, but as a result of human error was scheduled for broadcast in a pre-watershed slot. The Licensee said that as a result of this incident it had reviewed its compliance procedures.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, one of which is that “persons under the age of eighteen are protected”. This objective is reflected in Section One of the Code.

Rule 1.14 states that the most offensive language must not be broadcast before the watershed. Ofcom research on offensive language¹ clearly notes that the word “fuck” and other variations of this word are considered by audiences to be among the most offensive language. Such language is unacceptable before the watershed.

The broadcast of the word “fuck” and other variations of this word were clearly audible in this programme shown at 20:30. This broadcast therefore breached Rule 1.14.

Breach of Rule 1.14

¹ Audience attitudes towards offensive language on television and radio, August 2010 (<http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>).

Resolved

BBC News

BBC News Channel, 17 July 2014, 17:40

Introduction

A complainant alerted Ofcom to what they considered to be upsetting images in BBC News Channel coverage of the crash of Malaysian Airlines' flight MH17¹. The complainant considered that the broadcast of the photograph page of the passport of one of the victims of the crash, which had been found at the crash site, was inappropriate for broadcast.

Ofcom noted that at about 17:40 there was a studio discussion concerning the number of casualties sustained by Ukrainian forces during the on-going conflict with separatist groups in eastern Ukraine. During this discussion the broadcaster started to show a sequence of still images labelled as: *"Breaking News: Ukraine Plane Crash. Eyewitnesses report seeing bodies next to plane"*. The sequence of ten still images showed debris from the crashed plane.

This sequence, lasting 43 seconds in duration, commenced with three still images. These images (like the seven that followed) were not full-screen. They were set in and framed by a black box and there was a strap line across the bottom of the screen. The three images appeared to be of parts of the plane from the vicinity of the crash site. The news presenter then interrupted the discussion and commented on the images being broadcast:

"What we're showing now, I should point out, is from Russian Television, pictures from the scene on the ground. This is the first time, I'm told that Russian Television has aired these and certainly the first time [a still image of the passport photograph page was shown at this point] that we here at the BBC have had access to them. The suggestion being that as you've been seeing as they [the sequence continued] scroll through various shots, including that one from a distance of the, more likely, the crash site..."

Our concerns focused on the still image in relative close up of the photograph page of a victim's passport included in this sequence. This picture, lasting five seconds in duration, depicted the open page of the passport being held up to the camera. The image clearly showed the photograph of the woman to whom the passport belonged, but the writing on the page would not in Ofcom's opinion have been legible to members of the audience viewing the channel normally. When the sequence had concluded, the studio presenter commented:

"...and now close-ups which have included debris on the ground, you saw a passport being flicked through, other elements of what may well have been on board that plane, now apparently lying on the ground in eastern Ukraine".

Ofcom considered the material showing the victim's passport photograph raised issues warranting investigation under Rule 2.3 which states:

¹ On 17 July 2014, Malaysian Airlines' flight MH17 crashed in eastern Ukraine, killing all 298 people on board.

“In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context. Such material may include, but is not limited to...violation of human dignity.... Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

We therefore sought comments from the BBC as to how this content complied with this rule.

Response

The BBC apologised for the inclusion of the passport image and any offence or distress it may have caused.

The BBC said the MH17 plane crash was “a major breaking news story...with a high level of public interest given the immediate suggestion that the plane has been shot down”. The BBC News Channel therefore reported on emerging events throughout the day “with an emphasis on providing immediate and comprehensible information” to viewers.

The BBC explained that just before the broadcast it had learned that footage of the crash site, sourced “off-air from a Russian TV station”, was available. Because the material had already been edited, and was not “unedited rushes”, and was provided by a “trusted agency provider”, the BBC decided to “take the material straight to air”.

The BBC said that the images in the sequence were: not graphic; had “clearly been prepared for broadcast”; and, included “one five second shot of a passport in which the photograph of the person it belonged to was visible”. It added that the presenter had “made it clear that the material was being shown for the first time”.

The BBC said that it “immediately recognised that this image carried the potential for distress” following transmission. It therefore explained the measures it took immediately after the broadcast to ensure the image was not shown again. These included alerting staff to the issue through the BBC’s “internal video system”, and reminding staff that “in addition to paying close attention to graphic images on incoming feeds... care should also be taken with foreign TV footage where there is a risk of individuals being identified”. The BBC added that it had also spoken to its “trusted agency provider” about “the potential for offence in the UK with images of this nature”.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for the content of programmes as appear to it best calculated to secure the standards objectives. One of these is that “generally accepted standards” are applied so as to provide adequate protection for members of the public from the inclusion of offensive and harmful material. This objective is reflected in Section Two of the Code.

In reaching a Decision in this case, Ofcom took into account that broadcasters and audiences have a right to freedom of expression which gives the broadcaster a right to transmit and the audience a right to receive creative material, information and ideas without the interference from a public body, but subject to restrictions prescribed by law and necessary in a democratic society. This is set out in Article 10 of the European Convention on Human Rights.

We acknowledge that broadcasters are free to report the reality of air crashes and their consequences in line with the right to freedom of expression. Ofcom believes it is important for news programmes to be able to choose how to report freely on events which they consider to be in the public interest. In doing so, however, broadcasters must comply with the Code, and in particular Rule 2.3.

Rule 2.3 of the Code requires broadcasters to ensure that the broadcast of potentially offensive material must be justified by the context.

We first considered whether the material had the potential to cause offence.

As detailed in the Introduction, this news programme included an image in relative close up of the photograph page of a passport, found at the MH17 crash site. As confirmed by the studio presenter, this passport clearly belonged to a victim of the disaster. Although the text in the passport was not legible, the photo of the passport holder was distinctly visible. This image clearly displayed a picture of one of the victims of the MH17 crash, and was shown less than five hours after all the people travelling in the plane died in an horrific crash. Given how soon this image was shown after the crash, the victim shown in the passport photograph could not have been formally identified by this time, nor the next of kin of the victim informed. For these reasons, in Ofcom's view this image was capable of causing offence.

Ofcom went on to consider whether the offence was justified by the context.

Ofcom recognises that decisions to broadcast material of this nature during rolling news programming are often made at times of intense pressure in a newsroom and often require extremely fine editorial judgements. It is important that, in line with the right to freedom of expression, news broadcasters are able fully to inform the audience of newsworthy events around the world without unduly sanitising the content they broadcast to illustrate the stories they are reporting on. This report was clearly a matter of significant public interest (especially in the context of the hostilities in eastern Ukraine and speculation at the time of broadcast that the plane had been deliberately shot down).

No explicit warning was given to this audience before, or while, this content was shown to viewers. Although the offence to viewers may have been lessened to some extent by not broadcasting the image of the passport full screen, its ability to cause distress was not reduced materially by this measure: the problem was that the incoming content had not been sufficiently edited prior to transmission. In addition, although the BBC said its News Channel "immediately recognised that this image carried the potential for distress", we noted that the channel did not broadcast any apology soon after the image of the passport was broadcast.

For all these reasons we therefore considered, on balance, that the offence was not justified by the context in this case.

However, we noted that the BBC apologised and acknowledged that this news report contained an unsuitable image which should have been (but which was not) recognised before transmission. Further, the BBC took immediate steps to alert staff to the content to ensure it was not broadcast again and to remind staff to take care with TV footage "where there is a risk of individuals being identified".

In these circumstances, we considered this matter resolved.

Resolved

Broadcast Licence Conditions cases

In Breach

Production of recordings

DM News Plus, various dates and times

Introduction

DM News Plus is a satellite television service primarily aimed at the Asian community in the UK. The licence for DM News Plus is held by DM Global Media Limited (“the Licensee”).

Between March and June 2014, Ofcom received five complaints about programmes broadcast on DM News Plus:

Gloria TV, 7 March 2014, 15:00

Iseeria Online, 10 April 2014, 11:00

Rohani Alam Online, 20 May 2014, 10:00

Sentinelle TV, 1 June 2014, 00:00

Sentinelle TV, 8 June 2014, 00:00

Upon receipt of each complaint, Ofcom requested a recording of the relevant programme from the Licensee in order to assess the material. Each of these requests was sent to the email address that the Licensee provided for email correspondence in its licence application.

Gloria TV, 7 March 2014, 15:00

Ofcom requested a recording of the above material via email on 18 March 2014. In this case, a considerable period of time had elapsed after the deadline specified by Ofcom before the Licensee provided a recording of the programme to Ofcom. By way of explanation for the delay, the Licensee said that Ofcom’s original request, which had been sent by email, had erroneously gone into its junk mail folder.

Iseeria Online, 10 April 2014, 11:00

Ofcom requested a recording of the above material via email on 24 April 2014. Despite reminders sent to the same email address, the Licensee did not provide Ofcom with a recording of the programme.

Rohani Alam Online, 20 May 2014, 10:00

Ofcom requested a recording of the above material via email on 20 May 2014. Despite reminders sent to the same email address, the Licensee did not provide Ofcom with a recording of the programme.

Sentinelle TV, 1 June 2014, 00:00

Sentinelle TV, 8 June 2014, 00:00

Ofcom requested a recording of the above material via email on 18 June 2014. The Licensee provided the recordings for these two programmes after receiving Ofcom’s Preliminary View (see below). A considerable period of time had elapsed after the

deadline specified by Ofcom in its email correspondence of 18 June 2014 for the provision of the recordings..

Ofcom considered these matters raised issues warranting investigation under Licence Condition 11(2)(b) of the Licensee's Television Licensable Content Service ("TLCS") licence, which states that:

"11(2) ...the Licensee shall:

...(b) at the request of Ofcom forthwith produce to Ofcom any such recording for examination or reproduction..."

It therefore asked the Licensee for its comments with regard the incidents listed above. In each case, Ofcom's request for comments was sent to the email address that the Licensee provided for email correspondence in its licence application, and to the postal address of the Licensee's registered office.

Gloria TV, 7 March 2014, 15:00

Ofcom notified the Licensee of its decision to investigate the failure to provide a recording of the above material forthwith and requested comments under Condition 11(2) of its TLCS licence on 7 May 2014.

Iseeria Online, 10 April 2014, 11:00

Ofcom notified the Licensee of its decision to investigate the failure to provide a recording of the above material and requested comments under Condition 11(2) of its TLCS licence on 15 May 2014.

Rohani Alam Online, 20 May 2014, 10:00

Ofcom notified the Licensee of its decision to investigate the failure to provide a recording of the above material and requested comments under Condition 11(2) of its TLCS licence on 6 August 2014.

Sentinelle TV, 1 June 2014, 00:00

Sentinelle TV, 8 June 2014, 00:00

Ofcom notified the Licensee of its decision to investigate the failure to provide a recording of the above material and requested comments under Condition 11(2) of its TLCS licence on 6 August 2014.

The Licensee did not respond to any of the correspondence listed above, informing the Licensee of Ofcom's decision to investigate.

Ofcom's Preliminary View and the Licensee's response

On 27 October 2014, Ofcom notified the Licensee that its Preliminary View on each of the five cases was that the Licensee had breached Condition 11(2)(b) of its TLCS licence on the basis that it had failed to provide recordings in four of the five cases and in the fifth (*Gloria TV, 7 March 2014, 15:00*) had provided the recording only after a considerable amount of time had elapsed after the expiry of the deadline specified by Ofcom.

The Licensee responded to Ofcom's Preliminary View on 9 November 2014. In its response, the Licensee said it had not deliberately failed to provide Ofcom with information. By way of explanation, the Licensee said that the email account it had provided to Ofcom for correspondence had been hacked and consequently it had not received the original or reminder emails sent by Ofcom. The Licensee also said that the individual responsible for arranging recordings to be sent to Ofcom had been on long-term sick leave.

Decision

Under the Communications Act 2003, Ofcom has a duty to ensure that in each broadcaster's licence there are conditions requiring the licensee to retain recordings of each programme broadcast, in a specified form and for a specific period after broadcast, and to comply with any request to produce such recordings issued by Ofcom. A TLCS licence enshrines these obligations in Licence Condition 11.

Licence Condition 11(2)(b) requires the licensee to produce such recordings to Ofcom forthwith upon request.

Gloria TV, 7 March 2014, 15:00
Sentinelle TV, 1 June 2014, 00:00
Sentinelle TV, 8 June 2014, 00:00

In these cases, a considerable amount of time had elapsed after the deadline specified by Ofcom before the Licensee provided the recordings to Ofcom. The Licensee had therefore failed to provide the recordings forthwith, as required by Licence Condition 11(2)(b).

Iseeria Online, 10 April 2014, 11:00
Rohani Alam Online, 20 May 2014, 10:00

Ofcom noted that in each of these cases, the Licensee did not provide a recording.

Ofcom noted the Licensee's explanation for its failure to provide recordings (either at all or forthwith) in accordance with Licence Condition 11(2)(b) in the five cases. According to that account, the Licensee's email account would have been hacked for a period of over six months, apparently without the Licensee's knowledge. Ofcom noted that the Licensee also failed to respond to correspondence sent by post during this period.

Ofcom noted that the Licensee did not provide details of an alternative contact while the member of staff responsible for corresponding with Ofcom was on long-term sick leave.

In all the circumstances, Ofcom did not consider that the reasons put forward by the Licensee provided a sufficient justification for its failure to provide the recordings in these cases forthwith, in accordance with its obligation under Licence Condition 11(2)(b). Ofcom reminds the Licensee that it should have systems in place to ensure it is able to respond to Ofcom's requests in a timely manner.

Accordingly, Ofcom is recording a breach of Licence Condition 11(2)(b) in each of the five cases which are the subject of this decision.

Breaches of Licence Condition 11(2)(b) are significant because they impede Ofcom's ability to assess whether a particular broadcast raises potential issues under the

relevant codes. This affects Ofcom's ability to carry out its statutory duties in regulating broadcast content.

Ofcom considers these repeated and successive breaches of Licence Condition 11(2)(b) to be serious and therefore puts the Licensee on notice that it is considering these cases for the imposition of a statutory sanction.

Breaches of Licence Condition 11(2)(b)

Fairness and Privacy cases

Upheld

Complaint by Miss Samina Bilal

Khara Sach, ARY News, 13 November 2013;

ARY News Bulletins and News Programmes 18:00 to 23:00, ARY News, 13 November 2013; and

On Screen Captions, ARY News, 13 November 2013

Summary

Ofcom has upheld Miss Samina Bilal's complaint of unjust or unfair treatment, and of unwarranted infringement of privacy in connection with the obtaining of material included in the programmes and in the programmes as broadcast.

The programmes complained about were an edition of *Khara Sach*, a talk show programme presented by Mr Mubashir Luqman, and various news items on *ARY News*. Mr Luqman spoke about, amongst other topics, a video which had emerged on the internet featuring Miss Bilal purportedly saying that she had had an affair with Lord Nazir Ahmed¹. The news reports reported on the video and included part of a recording of a telephone interview between an ARY News reporter and Miss Bilal and also with some of her relatives, in which Miss Bilal's mental health and Lord Nazir Ahmed were discussed.

Ofcom found that:

- The nature of the discussions and the comments made about Miss Bilal in the programmes disclosed private and sensitive information about her in a way that was unfair. The broadcaster had therefore failed in its obligation to avoid unjust or unfair treatment of Miss Bilal in the programmes as broadcast.
- Miss Bilal's privacy was unwarrantably infringed in connection with the obtaining of material included in the programmes and in the broadcast of the contents of the telephone conversation between her and the programme makers.

Introduction and programme summaries

ARY News is a television station providing news coverage and information programming to the Pakistani community in the UK.

On 13 November 2013, ARY News broadcast an edition of *Khara Sach* (translated from Urdu into English as "the Plain Truth"), a talk show programme presented by Mr Mubashir Luqman. On the same day, ARY News also broadcast editions of its news programmes which were accompanied by on-screen captions summarising the news stories.

A transcript in English (translated from the original Urdu) of the whole *Khara Sach* programme and of all the relevant news items broadcast on 13 November 2013 were prepared by an independent translation company for Ofcom. Both parties to the complaint confirmed that the translated transcript fairly represented the content in the

¹ Lord Nazir Ahmed, one of the five Muslim peers currently in the House of Lords.

programmes relevant to the complaint and that they were satisfied that Ofcom could use the translated transcript for the purpose investigating the complaint.²

A transcript in English (translated from the original Urdu) of unedited telephone conversations between an ARY News reporter and Miss Bilal, Mr Rana Basharat (Miss Bilal's relative), and Mr Tahir Mansoor (Miss Bilal's brother) were also prepared by an independent translation company for Ofcom. Both parties to the complaint confirmed that the translated transcript fairly represented the content of the unedited telephone conversation and that they were satisfied for Ofcom to rely on the translated transcript for the purpose of investigating the complaint.

- Khara Sach

In this edition of *Khara Sach*, Mr Luqman introduced the programme by stating that nothing said in the programme was intended to be defamatory. He also stated that he wanted Mr Mir Shakil Ur Rahman, the founder of GEO TV Network and owner of Jang Group³, to join him in the studio to give his point of view on certain topics. The presenter then stated that Lord Nazir Ahmed also would be joining him on the programme (interviewed live via telephone) because: *"someone has done [a] mischievous – ugly – thing to him. Who did it? Lord Nazir is going to reveal this in the short while"*.

The presenter briefly spoke about Mr Mir Shakil Ur Rahman's company expenses. Immediately following this, the presenter welcomed Lord Nazir Ahmed and the following discussion took place:

Presenter: *"We have been hearing horrible news about you. What is all this about and what are the facts?"*

Lord Nazir: *Mr Luqman ever since I appeared on your programme and you asked me some questions about the Department for International Development and Mir Khalil Ur Rahman Foundation ["MKRF"]⁴, and I raised these questions in the [UK] Parliament, a strange event has happened; a Twitter account was opened in my name to create a[n]*

² The translation for 13 November 2013 programme used for the Entertainment Decision was provided by another complainant about the same programme and verified by an independent translator. Both parties confirmed that Ofcom could use these translations for the purpose of entertaining the complaint. The broadcaster, in response to the Entertainment Decision on a different complaint, said that the translations were, in fact, "misleading and biased". To resolve this issue, Ofcom obtained a new independent translation for the programme broadcast on 13 November 2013 and asked both parties to confirm their agreement to these new translations which they did for the purposes of investigating this complaint. As a result, the quotes from the translations used for the Entertainment Decision quoted in the heads of complaint may be different to the new translations included in the "programme summaries" section. Ofcom obtained independent translations of the news programmes broadcast on 13 November 2013 and the unedited telephone conversations from the outset.

³ Jang Group of Newspapers (known as Jang Group) is a subsidiary of the Independent Media Corporation. Its headquarters is in Karachi. It is Pakistan's largest group of newspapers and Geo TV broadcasts Geo News, an Urdu news channel, which is closely affiliated with the group.

⁴ According to its website, the Mir Khalil Ur Rahman Foundation is a "Pakistani based non-profit organisation formed in 2004...dedicated to using media as a tool for social betterment for empowering people to engage with their communities".

image of mine. It was tweeted from this account that I wanted the Pakistan Government to enter into negotiations with the Taliban. This was not my view and I did not know about it. I have today told Twitter to cancel this account. Then a video was uploaded on Facebook and on a site, a website, a dirty one. I have been told that this video is being circulated. Actually there is a woman [i.e. Miss Bilal] who denies it basically, and personally, she is ill, mentally ill. Some time ago she used to write for the magazine of the Jang Group, but for the last four months she has legally been sectioned to a mental hospital. In her interview, she had levelled some allegations with reference to me. First, I did not know about this, but now, when I contacted her family, she and her relatives told me that all this has been coming from the Geo Group ever since I raised those questions in the Parliament and wrote a letter to the Chairman of the Select Committee for the Department for International Development, asking why these funds have been given [to MKRF]; I had asked if competitive bids were called and I had asked the [UK] Government why they were not able to identify the connection between the Geo Group and Mir Khalil Ur Rahman Foundation”.

Lord Nazir Ahmed explained in more detail the connection between Geo Group and Mr Mir Shakil Ur Rahman and the purpose of MKRF. He also alleged that the Geo Group reporters and employees were not paid the minimum wage. Mr Luqman briefly explained an incident which occurred between himself and the Chairman of ARY News.

After a commercial break, the discussion between Lord Nazir Ahmed and the presenter continued:

Presenter: *“Well Lord Nazir. Very serious allegations have been levelled against you. Sexual harassment allegations were put against you. And you are saying that these allegations were particularly put against you due to Mir Shakil Ur Rahman, is that what you are saying?”*

Lord Nazir: *No, I am saying that it is a strange thing that when I raised questions earlier [i.e. in Parliament] even at that time my ‘cut and paste’ videos were brought forward. And now again, when I raised questions a video was brought forward again. And this video does not contain matter[s] concerning sexual harassment. It shows that Lord Nazir has a love affair or he is going out with someone though the truth is that the said woman [i.e. Miss Bilal] belongs to a much respected family and I do not want to involve them at all because she is suffering mentally and has remained admitted in a hospital for four months. Even earlier, she was not mentally fit. I will come to your programme with National Health Service details about which hospital and where she is sick and where she is. It is such a disgraceful and immoral thing – because I understand when [the sentence drops away]. I do not want to involve any group in this matter but it’s a strange thing, a strange coincidence that when I am doing my parliamentary work here, these tweets start appearing. I receive phone calls from all around the world saying “Mate, did you tweet this?” I say that there is only one Lord Nazir Ahmed but it’s not me. Then on the other side this film [the sentence drops away]. Now when this film was made, I got the evidence - lo and behold - that this is the senior reporter of the Jang/Geo Group sitting in London who did this interview”.*

Lord Nazir Ahmed briefly explained how he had found out about the video.

The presenter said that he tried to contact Mr Mir Shakil Ur Rahman to obtain his point of view on the matters he had discussed in the programme. The presenter and Lord Nazir Ahmed also briefly discussed the funding received by MKRF by the UK Department for International Development ["DfID"] and the MKRF itself. The telephone line between the presenter and Lord Nazir Ahmed disconnected and while they attempted to reconnect the call, the presenter began a discussion with another contributor to the programme about a different subject.

When Mr Luqman thought that the phone line between himself and Lord Nazir Ahmed had been reconnected, the presenter said the following:

"Lord Nazir, tell me, because of a huge population and a large number of lawsuits, court[s] of law in India and Pakistan perhaps take a long time in dealing with cases, but in [the] UK, cases are dealt with quickly. Do you intend to approach higher courts there for your defamation case? After all, you are a member of the House of Lords and a serious allegation has been levelled against you".

Mr Luqman realised the phone line had not been reconnected and he went to a commercial break. After the commercial break, Mr Luqman briefly talked about Mr Mir Shakil Ur Rahman.

The telephone line between the presenter and Lord Nazir Ahmed was reconnected and the following discussion took place:

Presenter: *"Lord Nazir, if you are telling the truth, you should in principle file a defamation lawsuit in London.*

Lord Nazir: *Mr Mubashir [I cannot file a defamation lawsuit] because I do not have this evidence and I do not have any connection, until I find out who uploaded it [i.e. the video interview with Miss Bilal alleging she had an affair with Lord Ahmed]".*

Lord Nazir Ahmed explained how he believed the video had been uploaded. He added that he would be pursuing the issue regarding the allocation of money to MKRF by DfID. He then said:

"...all media groups, large or small, should remain within the bounds of respect and decency. They should refrain from these childish acts like uploading such disrespectful videos on Facebook etc. They should refrain from such 'badmashi'⁵".

The presenter and Lord Nazir Ahmed then discussed the Desire for Peace campaign⁶ and then there was a more detailed discussion about the Geo/Jang Group. The presenter said:

⁵ The independent translator explained to Ofcom that "badmashi" means hooliganism i.e. to use thuggish methods, for example, dishonesty, harassment and bullying.

⁶ According to its website, "Desire for peace campaign (i.e. Aman Ki Asha) is a campaign for peace between India and Pakistan, jointly initiated by the Jang Group of Pakistan and The Times of India Group".

“Lord Nazir, you might remember that an edited video of a programme against me [i.e. Mr Luqman] was first circulated on the internet, and afterwards a Group Editor of the Jang Group itself gave an interview to an internet channel to expose a conspiracy a day before this; two days before this a [newspaper] column was also published stating that a conspiracy was brewing [against me]. Yet using that edited internet thing sanctions were placed against me. But Justice Nasir Khosa stood by justice and truth: in the Court he gave the example of Caliph Umar Farooq and he said that he was withdrawing from this case so that someone else, who could understand it, may deal with it. Lord Nazir we know how and why things are uploaded on the internet, but I know you are telling the truth. You are being punished because you have always worked for the welfare of Pakistan in the House of Lords and I will say loudly. Even though I may have political differences with you, I salute the love you have in your heart for Pakistan”.

The discussion between the presenter and Lord Nazir Ahmed ended. The programme continued. However, the discussions concerned Mr Mir Shakil Ur Rahman and Geo/Jang Group and nothing further of relevance to the complaint was broadcast.

- ARY News bulletins, news programmes and on-screen captions

During the evening news bulletins and news programmes, ARY News broadcast a news story about a video interview in which a woman (Miss Bilal, although initially she was not named as the woman in the video) purportedly said that she had had an affair with Lord Nazir Ahmed. These news bulletins and news programmes were accompanied by on-screen captions.

In the news bulletins at 18:00, 19:00, 20:00, and 21:00, the newsreader stated:

“Lord Nazir, after he has raised questions [in the UK Parliament] about Geo and MKRF, faces bogus scandals. A bogus Twitter account was made in his name and a bogus video was released about him. Lord Ahmed says that all the clues point to one direction. He has exposed this in the programme Khara Sach”.

The 22:00 news programme included a similar introduction to the news story.

The 18:00 and 20:00 news programmes included the following on-screen captions which were directly relevant to the complaint:

- *“Lord Nazir faces bogus scandals;*
- *Lord Nazir: A SIM was purchased to send threatening SMS text messages to me: “Why did you raise questions in British Parliament about Geo and MKRF?”;*
- *A fake twitter account was made [in Lord Nazir’s name] and a bogus video was released [about him];*
- *Lord Nazir: The woman with whom they said I was having an affair has been ill for a long time;*
- *Lord Nazir: Through bogus twitter accounts in my name, it was showed that I was having an affair;*
- *Lord Nazir: A bogus video about me was released after I had raised questions about Geo Group;*
- *British MP Lord Nazir: B bogus twitter accounts were made in my name; and*
- *Lord Nazir: After I raised questions about MKRF, bogus twitter accounts were made in my name”.*

The 22:00 news programme included the following on screen captions:

- *“Lord Nazir faces bogus scandals: “Why did you raise questions about Geo and MKRF?;*
- *Lord Nazir: The woman with whom they said I was having an affair has been ill for a long time; and*
- *Lord Nazir faces bogus scandals after he raised questions [in the UK Parliament] about MKRF”.*

Later in the 20:00 and 22:00 news programmes, there was another news story about the video interview featuring Miss Bilal purportedly saying that she had had an affair with Lord Nazir Ahmed. The 20:00 news programme was the first time Miss Bilal had been identified as the woman who featured in the video. During both news programmes, the newsreader began by stating:

“Samina Bilal, who was a character in the video released about Lord Nazir, has said that she was not interviewed by anyone and that the video is bogus”.

Footage from the *Khara Sach* programme was shown and a reporter stated:

“Samina Bilal, who was a character in the video released about Lord Nazir’s character assassination, says that the video is bogus. She was not interviewed by anyone”.

The on-screen caption which accompanied this statement said: *“Samina Bilal: The video released about Lord Nazir is bogus. I did not give any interview to anyone.”*

The footage from *Khara Sach* continued to be shown and was accompanied by an edited⁷ audio recording from a telephone interview with Miss Bilal, in which she said:

“The video has been linked to me. I have not even seen the video, but I have been told about it. I have not given any such interview to anyone. If you are sitting in someone’s home and talking, and someone dubs [a] voice over it and places the video on YouTube, you cannot do anything. I deny this. I have not given any such interview to anyone. The video that has been played shows my children running behind me. Shortly afterwards, the police forcibly snatched my children from me and handed them over to the social services. Today, a university fellow of mine phoned me. It is about the time when my children were with me. I am sitting here and I have been told that my children are running behind me”.

On-screen captions accompanied this and were repeated several times and included the following statements:

- *“Samina Bilal: Lord Nazir is serving the Pakistani Community;*

⁷ Ofcom compared the translations of the audio recordings included in the news programmes with the translations of the full audio recording of the telephone conversations with Miss Bilal, Mr Basharat and Mr Mansoor. We noted that the recordings included in the news programmes had been heavily edited and the comments made were not sequential as suggested in the programme. We also noted that the translation of the audio recordings included in the news programmes and the full audio recording of the telephone conversations had some inconsistencies. The summary included here is the translated transcript of the news programmes.

- *Rana Basharat, relative of Samina Bilal: Samina Bilal is a mental patient; and Samina Bilal: The video released about Lord Nazir is bogus, I did not give an interview”.*

The edited audio recording from the interview with Miss Bilal continued:

“You know that it is a legal matter that for three years my children have not been with me. When I used to meet them, I would meet them at the contact centre. This video belongs to that time. I am sitting in someone’s house and they made a video of me. Over the video, dubbing has been done, someone [else’s] voice has been placed over it. I do not know what the reason behind it is and for what it was done – whether someone wanted to disrepute me or disrepute Lord Nazir”.

The reporter stated that: *“Samina Bilal says that Lord Nazir is of good character and he is serving the Pakistani community”.* An edited extract from the interview with Miss Bilal was then broadcast in which she said about Lord Ahmed:

“He is a community leader and he helps people. May Allah help him develop in his work. As a person, he has a jolly nature, a good sense of humour, and I have never heard him saying anything bad about the community”.

The *Khara Sach* footage continued to be broadcast and the reporter introduced a telephone interview with Mr Rana Basharat, who is a relative of Miss Bilal. The reporter said that: *“Rana Basharat a relative of Samina Bilal says that this video has been made by a certain media group to stop Lord Nazir from telling the truth”.* An edited extract from the interview with Mr Basharat was broadcast in which he said:

“About Lord Nazir, we may say that a certain media group based in Pakistan and Britain is assassinating his character to stop him from taking steps about the funding that has been provided to them [the media group]. The video you speak about is fabricated and an insane person [Miss Bilal] has been used. The video is still available and it is not the video of that woman; she has declared it”.

The reporter stated that: *“Rana Basharat says that Lord Nazir excels in serving the Pakistani community and Samina Bilal is a mental patient”.* The edited extract from the interview with Mr Basharat continued:

“She has been a mental patient for the last seven years and she has been receiving mental treatment from time to time. Presently, she is in the ‘training procedure’ [spoken in English] of a mental hospital. She is receiving medicines for her mental health. She has been mentally sectioned under the UK law categorising her as mentally ill. She is currently admitted to a London borough mental hospital. You can evaluate her mental illness from the fact that because of her mental illness, the local government did not consider it safe to leave her children in her custody”.

The reporter then stated that: *“Samina Bilal’s brother Tahir Mansoor says that Samina Bilal has been declared insane in Britain and that is why her children have been taken away from her”.* The *Khara Sach* footage continued to be broadcast and an edited extract from a telephone interview with Mr Tahir Mansoor was broadcast in which he said:

“She has been mentally ill for around ten or eleven years; she has lost [custody of] her two children and for this reason she is very anxious. She had two houses but she has lost them too. When she bothers us beyond limits, and we complain

to the police, the police state that they cannot take any action against her because she has been declared as “mental”. Presently, she must be in the hospital; if you see her “cards” in the hospital, she has been declared “mental” [spoken in English]. He [Lord Nazir Ahmed] is a distinguished person and holds a position of respectability in the Pakistani community. Everyone respects him. The poor woman [i.e. Ms Bilal] is mental; she is insane [the sentence drops away]. Everyone knows it. All our relatives know that she is insane”.

During the 22:00 news programme, the newsreader said:

“British MP Lord Nazir has told that after he raised questions [in the UK Parliament] about MKRF, bogus scandals were made about him. Bogus twitter accounts were made in his name and bogus videos have been released about him”.

Footage from *Khara Sach* without the audio was shown on screen and a reporter said:

“Speaking in the ARY programme Khara Sach British MP Lord Nazir told that after he raised questions [in the UK Parliament] about Geo and MKRF, he had to face bogus scandals. Bogus twitter accounts were made in his name”.

Brief footage from *Khara Sach* was then included in the programme in which Lord Nazir Ahmed discussed the twitter account which had been set up in his name. He said: *“a twitter account was opened in my name to create a[n] image of mine...”*

The reporter then stated that:

“Lord Nazir said that a reporter working for Geo has not been paid for many years. For raising questions about MKRF, bogus videos were made about him”.

Brief footage from *Khara Sach* was then included in the programme in which Lord Nazir Ahmed discussed the video. He said: *“Then a video was uploaded on Facebook and on a site, a website, a dirty one. I have been told that this video is being circulated. Actually there is a woman who denies it basically, and personally, she is ill, mentally ill. Some time ago she used to write for the Magazine of the Jang Group but, for the last four months, she has been legally sectioned to a mental hospital. In her interview, she had levelled some allegations with reference to me. First, I did not know about this, but now, when I contacted her family, she and her relatives told me that all this has been coming from the Geo Group ever since I raised those questions in the Parliament and wrote a letter to the Chairman of the Select Committee for the Department for International Development, asking why these funds have been given [to MKRF]...”*

An on-screen caption was included which said:

“Lord Nazir: The woman with whom they said I was having an affair has been ill for a long time”.

The reporter continued and stated:

“Lord Nazir said that the [UK] parliament will inquire how the funds were given [to MKRF] and he has provided all the evidence about the “Desire for Peace” campaign. He told that a SIM was purchased overnight so that threatening text messages could be sent to him. The SIM was used to send text messages only to

him. In the programme Khara Sach, Jang Group's tax returns were displayed which showed that Geo TV advertises its programmes in the newspapers which it owns".

Further brief footage from *Khara Sach* was shown in which Jang Group, MKRF, and Mr Mir Shakil Ur Rahman were discussed.

This news programme also included the same material as had already been shown in the 20:00 news programme as detailed above, which included extracts from interviews with Miss Bilal, Mr Basharat and Mr Mansoor.

Summary of the complaint and the broadcaster's response

Unjust or unfair treatment

In summary, Miss Bilal complained that she was treated unjustly and unfairly in the programmes as broadcast because⁸:

- a) Derogatory comments, such as referring to Miss Bilal as "*mental*" and "*insane*", made by Miss Bilal's relatives in a recorded telephone interview, were included during the news bulletins, news programmes and the accompanying on-screen captions on 13 November 2013. As a result, Miss Bilal said that various people had contacted her and said that she was being defamed and called "a mad person"⁹ during the programmes. Miss Bilal said she had been "demonised on this channel without any challenge".
- b) Lord Nazir Ahmed alleged during the *Khara Sach* programme that: "*there is a woman [i.e. Miss Bilal] who denies...she has been suffering mentally...but for four months she has been legally sectioned in a mental hospital*" and "*she is suffering mentally and has remained admitted in a hospital for the last four months*". Miss Bilal said that the presenter of the programme also appeared to support Lord Nazir Ahmed's comments, because he said: "*Lord Nazir we know how and why things are injected in the internet system. But I know you are speaking truth*".

Miss Bilal said that she had not been admitted to a psychiatric hospital, sectioned for mental health issues, or declared a "mad person" as alleged.

By way of background to her complaint, Miss Bilal said that she was a respected journalist, author and reporter. However, the programmes had destroyed her reputation, humiliated her and had caused her to be ostracised from society. She said that, as a result of the programmes, she now suffers from serious depression and stress.

In response to both heads a) and b) of Miss Bilal's complaint, ARY News said that it did not agree that Miss Bilal had been treated unjustly or unfairly in the programmes. ARY News said that there were medical records which confirmed that Miss Bilal was being treated for a mental illness. Further, Miss Bilal had said in the telephone interview with the ARY News reporter that she was receiving medical treatment for a mental illness. This was also confirmed by her relatives.

⁸ The following sets out Miss Bilal's complaint as entertained by Ofcom. See footnote 2 in relation to the translation used for Ofcom's Entertainment Decision.

⁹ We noted that Miss Bilal's relatives did not refer to her as a "mad person" in the programme as broadcast, however other terms were used to describe her mental health.

ARY News concluded that the comments made about Miss Bilal were therefore: “fair and devoid of any malice”.

ARY News said that they had approached Miss Bilal and invited her to come to the studio and give her views on the programme.

Unwarranted infringement of privacy

- c) In summary, Miss Bilal complained that her privacy was unwarrantably infringed in connection with the obtaining of the material included in the news bulletins, news programmes and the accompanying on-screen captions. Miss Bilal said she was contacted by an ARY News reporter who informed her that his Channel Director wanted to speak to her “off the record” in a conference call about Lord Nazir Ahmed because a video had been uploaded to a social media site which featured Miss Bilal discussing an affair she was alleged to have had with Lord Nazir Ahmed. The reporter told Miss Bilal that they wanted confirmation from her that Lord Nazir Ahmed was a man of good character.

Miss Bilal said that she only agreed to discuss the topic with the reporter because she thought she was taking part in a conference call and did not know the conversation was being recorded with the intention of it being broadcast.

- d) In summary, Miss Bilal complained that her privacy was unwarrantably infringed in the broadcast of the news bulletins, news programmes and the accompanying on-screen captions because an “off the record” telephone conversation between Miss Bilal and a reporter from ARY News was broadcast without her consent.

In response to both heads c) and d) of Miss Bilal’s complaint, ARY News said that in the telephone interview between Miss Bilal and an ARY News reporter, some of which was included in the news programmes, she confirmed that: “Lord Nazir Ahmed is a man of good character and the video clips uploaded on the internet suggesting a love affair between Lord Nazir Ahmed and herself is totally baseless and untrue. Also, the cousins of Miss Bilal admit in their telephone interview that Lord Nazir Ahmed is a community leader and has good moral conduct”.

Decision

Ofcom’s statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unjust or unfair treatment and unwarranted infringement of privacy in, or in connection with, the obtaining of material included in programmes in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In reaching this Decision, Ofcom carefully considered all the relevant material provided by both parties. This included recordings of the programmes as broadcast, translated transcripts of them and both parties’ written submissions and supporting material. Ofcom provided the parties with the opportunity to make representations on Ofcom’s Preliminary View (which was to uphold the complaint). Neither party made any representations on the Preliminary View.

Unjust or unfair treatment

When considering complaints of unjust or unfair treatment, Ofcom has regard to whether the broadcaster's actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of Ofcom's Broadcasting Code ("the Code"). Ofcom had particular regard to this rule when reaching its decision.

Ofcom decided that it would consider heads a) and b) together since they were concerned with essentially the same issue: whether the broadcast by ARY News of various comments about Miss Bilal's mental health and alleged medical treatment was unfair to her.

- a) Ofcom first considered Miss Bilal's complaint that derogatory and unfair comments by Miss Bilal's relatives in a recorded telephone interview, such as referring to Miss Bilal as "*mental*" and "*insane*" were included during the news bulletins, news programmes and the accompanying on-screen captions on 13 November 2013.
- b) Ofcom also considered the complaint that Lord Nazir Ahmed alleged during his live interview with the *Khara Sach* programme broadcast on 13 November 2013 that Miss Bilal had been "*legally sectioned in a mental hospital*" and had "*remained admitted in a hospital for the last four months*".

By way of background, Miss Bilal said she had not been admitted to a psychiatric hospital, sectioned for mental health issues, or declared a "mad person" as alleged.

Concerning head a), we reviewed the programme and translated transcripts and noted the comments made by Miss Bilal's relatives about her being "mental" and "insane", in particular: "*an insane person has been used*"; "*she has been a mental patient*"; "*Samina has been declared insane*"; "*the poor woman is mental, she is insane*"; "*all our relatives know that she is insane*". Ofcom noted that there were various other references made to Miss Bilal's mental health in the programmes broadcast on 13 November 2013. Please see the "Introduction and programme summaries" section above for more detail.

Concerning head b), Ofcom reviewed the programmes and examined the translations of the programmes as broadcast and noted that Lord Nazir Ahmed said:

"...a video was uploaded on Facebook and on a site, a website, a dirty one. I have been told that this video is being circulated. Actually there is a woman who denies it basically, and personally, she is ill, mentally ill. Some time ago she used to write for the magazine of the Jang Group, but for the last four months, she has been legally sectioned to a mental hospital. In her interview, she had levelled some allegations with reference to me. First I did not know about this but now, when I contacted her family, she and her relatives told me that all this has been coming from Geo Group ever since I raised those questions in the parliament and wrote a letter to the Chairman of the Select Committee for the Department for International Development, asking why these funds had been given [to MKRF]."

And:

“I am saying that it is a strange thing that when I raised questions earlier, even at that time my ‘cut and paste’ videos were brought forward. And now again, when I raised questions a video was brought forward again. And this video does not contain matter[s] concerning sexual harassment. It shows that Lord Nazir has a love affair or he is going out with someone though the truth is that the said woman belongs to a much respected family and I do not want to involve them at all because she is suffering mentally and has remained admitted in a hospital for four months. Even earlier she was not mentally fit. I will come to your programme with National Health Service details about which hospital and where she is sick and where she is”.

We noted that Lord Nazir Ahmed referred to “a woman” and did not name Miss Bilal when he was discussing her in the context of the interview in which allegations about an affair were made about him. *Khara Sach* was first broadcast at 17:00 hours and was subsequently repeated at 21:00 hours. The news programme at 22:00 hours, broadcast immediately after the repeat of *Khara Sach*, named Miss Bilal as the person who had alleged that she had had an affair with Lord Nazir Ahmed. Further, this news programme included footage from the *Khara Sach* programme where Lord Nazir Ahmed was discussing the video. Taking this into account, we considered that Miss Bilal was identifiable as the person who Lord Nazir Ahmed was discussing in *Khara Sach*.

Having noted these various comments, and established that Miss Bilal was identifiable as the person being discussed by Lord Nazir Ahmed, Ofcom considered whether the inclusion of these comments made by Miss Bilal’s relatives and Lord Nazir Ahmed in the programmes was unfair to Miss Bilal.

We first considered the context of the comments made by Miss Bilal’s relatives in the news reports. Overall, the news reports were about Lord Nazir Ahmed and the various comments he had made in the *Khara Sach* programme broadcast on 13 November 2013. The news reports included the telephone interviews with Miss Bilal and Miss Bilal’s relatives and focused on the video which had been released about Lord Nazir Ahmed allegedly having an affair with Miss Bilal. Lord Nazir Ahmed denied that he had had an affair and Miss Bilal said that the video was “*bogus*”. One of Miss Bilal’s relatives, Mr Basharat, said that: “*the video is still available and it is not the video of that woman [i.e. Miss Bilal]; she declared it*”.

We noted also that in the news programmes at 18:00, 20:00, and 21:00 hours (a similar comment was made during the 22:00 hours news programme), it was stated that:

“Lord Nazir, after he has raised questions [in the UK Parliament] about Geo and MKRF, faces bogus scandals. A bogus twitter account was made in his name and a bogus video was released about him”.

Therefore, in this context, it was our view that the comments made by Miss Bilal’s relatives formed part of a news report about a wider news story i.e. whether Lord Nazir Ahmed had had an affair, and his claim that there may have been some other reason as to why the video featuring Miss Bilal had surfaced.

We next considered how the comments by Miss Bilal’s relatives about Miss Bilal’s mental health were presented in the programme. In our view, through

broadcasting these remarks, the programme presented as fact that Miss Bilal had mental health problems, even though it appears to Ofcom (for the reasons discussed more fully below) that there is some disagreement over this matter. Significantly, during the later news programme at 20:00 and 22:00 hours, Ofcom noted that the comments made by the relatives in the telephone interview about Miss Bilal's mental health were given prominence in the reports. We considered that the remarks made by Miss Bilal's relatives, regardless of whether or not Miss Bilal did suffer from mental health issues, clearly had the potential to be insulting and offensive to her because of the derogatory nature of these remarks. The comments also had the potential to materially and adversely affect viewers' perception of Miss Bilal. To broadcast comments regarding a person's mental health (particularly describing it in the way that they did) - a highly private and sensitive matter - is a serious matter requiring that the broadcaster takes appropriate care.

Next, under head b), we considered the context of the comments made by Lord Nazir Ahmed in *Khara Sach*. Overall, the relevant part of the programme was about Lord Nazir Ahmed and a video which had been released about him which alleged that he had an affair with Miss Bilal. Lord Nazir Ahmed denied that he had had an affair and claimed that the video was made in response to him raising questions about the funding given to DfID to the MKRF.

We noted that Lord Nazir Ahmed stated as fact that Miss Bilal was "*mentally ill*"; had been "*legally sectioned to a mental hospital*"; and "*remained admitted in a hospital for the last four months*". He said he had hospital records which detailed the hospital where Miss Bilal was receiving treatment. As with the comments made by Miss Bilal's relatives, we considered that these remarks had the potential to materially and adversely affect viewers' perceptions of Miss Bilal.

Ofcom noted that ARY News and Miss Bilal disagreed about whether Miss Bilal had been admitted to a psychiatric hospital or sectioned for mental health issues. Miss Bilal said she had not been admitted to a psychiatric hospital, sectioned for mental health issues, or declared a "mad person" as alleged. We noted however that in her unedited (and not broadcast) conversation with the ARY News reporter, Miss Bilal said that she suffered from "paranoid schizophrenia", was "under treatment of the hospital" and "was recently admitted to the hospital...but the treatment had been going on for three or four years". Ofcom also noted the broadcaster's submission in response to the complaint that it believed that the comments made about Miss Bilal were "fair and devoid of malice".

We are not required for the purpose of considering and reaching a decision to express a view on whether the comments made by Miss Bilal's relatives, or by Lord Nazir Ahmed, in relation to Miss Bilal's mental health or admission to a psychiatric hospital were factually correct or not. It is our role to establish whether the remarks made about Miss Bilal by her relatives or Lord Nazir Ahmed in the programme resulted in unfairness to Miss Bilal.

Ofcom acknowledges broadcasters' right to freedom of expression and that they must be able to investigate and report on news events and matters of interest to viewers freely and without undue constraints. However, this freedom comes with responsibility and an obligation for broadcasters to comply with the Code and, with particular reference to this case, to avoid unjust or unfair treatment of individuals or organisations in programmes.

Given the potentially serious consequences of the comments for Miss Bilal, and the potential for them to be unfair, we assessed whether the broadcaster had taken any measures to ensure that the inclusion of the comments did not result in unfairness to Miss Bilal - for example, by placing the comments in context in an appropriate way or providing some suitable justification for revealing the sensitive information about Miss Bilal. This is clearly more challenging when reporting the news, particularly because it is important that broadcasters are able to report the news as it develops quickly and comprehensively, or with material broadcast live (like Lord Nazir Ahmed's interview in *Khara Sach*).

We therefore assessed what steps (if any) ARY News took to ensure Miss Bilal was treated fairly. Ofcom considered first the comments made by the relatives in the pre-recorded interview. We recognised that television news broadcasters work in a fast-moving environment, where editorial decisions about whether and to what extent information about an individual is revealed must be taken swiftly. We noted that the telephone interviews between the ARY News reporter and Miss Bilal's relatives were pre-recorded. It was our view that ARY News had a degree of time to consider the comments made by Miss Bilal's relatives about her mental health and whether it would be appropriate to include them in the programme in the context of a story about Lord Nazir Ahmed. In particular, we noted that the telephone conversations between Mr Basharat and Mr Mansoor had been heavily edited for inclusion in the news programmes. ARY News however provided no evidence that, before the broadcast of the relevant news programmes on 13 November 2014, it had taken steps to consider the comments which Miss Bilal's relatives had made, the potential unfair impact the inclusion of the comments could have on Miss Bilal and viewers' opinion of her and whether or not it would be appropriate to include the comments about a person's mental health in the context of a story about a video which had emerged in which a woman alleged that she had an affair with Lord Nazir Ahmed.

Issues about an individual's mental health are normally private. The news reports gave prominence to the discussions about Miss Bilal's mental health. The broadcaster provided no reasons as to why it had disclosed, or needed to disclose, this information about Miss Bilal's health. We considered that Miss Bilal's mental health had no bearing on the matters being discussed in the news items i.e. the allegation that Lord Nazir Ahmed had had an affair and the suggestion that this was in some way part of an orchestrated campaign against him. In particular, we noted that during the unedited telephone interview Mr Basharat confirmed Miss Bilal's viewpoint that her voice had been dubbed in the video and this, more relevant, information was not included in the news programmes as broadcast. It was our view that there was no possible public interest justification or other sufficient reason for the disclosure of information about Miss Bilal's mental health (whether true or not) in the news bulletins and items, particularly given that Miss Bilal had herself in the off the record interview said that the video was "*bogus*" and that Lord Nazir Ahmed and Mr Basharat had also confirmed that the video was "*fabricated*".

We then considered Lord Nazir Ahmed's comments under head b). Despite the broadcaster's response in which it said that its motives in transmitting the comments made by Lord Nazir Ahmed were "devoid of malice", we considered that the comments made by Lord Nazir Ahmed about Miss Bilal's mental health which were included in the *Khara Sach* programme revealed information which was highly private and sensitive to her.

We therefore assessed what steps, if any, ARY News took to ensure that when broadcasting these potentially damaging comments in *Khara Sach* Miss Bilal was treated fairly. To take appropriate measures is clearly more challenging with live broadcasting (such as with *Khara Sach*). In these circumstances, broadcasters need to consider taking appropriate steps before live broadcasts to warn live guests to not make unfair comments against individuals or organisations without having a sufficient basis for doing so. And during the live broadcasts themselves they also should consider taking appropriate steps to avoid unfairness.

We noted that ARY News provided no evidence that before this live broadcast of *Khara Sach* it had taken steps to advise Lord Nazir Ahmed to take care about any allegations he might make. More significantly, during the programme itself, Ofcom noted that the presenter did not challenge Lord Nazir Ahmed's statements about Miss Bilal, for example place them in context, give any justification for revealing this information or request that Lord Nazir Ahmed did not continue to discuss a matter which related to a person's private and personal life. We understand that the unedited telephone conversation took place on 13 November 2013, however, Ofcom was unaware as to whether the programme makers were aware of the content of the unedited telephone conversation between the ARY News reporter and Miss Bilal prior to or during the live broadcast of *Khara Sach*. If the programme makers were aware of this information prior to broadcast, then the presenter should have challenged Lord Nazir Ahmed and stated that Miss Bilal had herself said that the video was "*bogus*". Instead, Lord Nazir Ahmed was allowed to use the programme as a platform to express his views in relation to private and personal matters to do with Miss Bilal. We considered that regardless of whether or not the comments about Miss Bilal's mental health were true, it was not related to the matter being discussed and the presenter should have challenged Lord Nazir Ahmed to prevent him from discussing Miss Bilal's mental health further. This was because, in our view, the nature of the comments themselves, including private information about a person's mental health, was enough to result in unfairness to Miss Bilal without appropriate justification in the context. Further, the programme makers included footage from the *Khara Sach* programme in the news programmes, which in our view gave prominence to the allegations made by Lord Nazir Ahmed regarding Miss Bilal's mental health.

Therefore, for all the reasons given above, we found that that (under head a)) the broadcast of the comments of Miss Bilal's relatives in various news items saying for example that she was "*mental*" and "*insane*", and (under head b)) Lord Nazir Ahmed's references to Miss Bilal being "*legally sectioned*" or that she "*remained admitted*" to a psychiatric hospital, were unfair to Miss Bilal in the programmes as broadcast.

Unwarranted infringement of privacy

In Ofcom's view, the individual's right to privacy has to be balanced against the competing right of the broadcaster to freedom of expression. Neither right as such has precedence over the other and where there is a conflict between the two, it is necessary to focus intensely on the comparative importance of the specific rights. Any justification for interfering with or restricting each right must be taken into account and any interference or restriction must be proportionate.

This is reflected in how Ofcom applies Rule 8.1 which states that any infringement of privacy in programmes, or in connection with obtaining material included in programmes, must be warranted.

- c) Taking these considerations into account, we next assessed Miss Bilal's complaint that her privacy was unwarrantably infringed in connection with the obtaining of the material included in the news bulletins, news programmes and the accompanying on-screen captions.

In considering this head of complaint, Ofcom had regard to Practices 8.5 and 8.12. Practice 8.5 states that any infringement of privacy in the making of a programme should be with the person's and/or organisation's consent or be otherwise warranted. Practice 8.12 states that "broadcasters can record telephone calls between the broadcaster and the other party if they have from the outset of the call, identified themselves, explained the purpose of the call and that the call is being recorded for possible broadcast unless it is warranted not to do one or more of these practices" and: "if at a later stage it becomes clear that a call that has been recorded will be broadcast (but this is not explained to the other party at the time of the call) then the broadcaster must obtain consent before broadcast from the other party, unless it is warranted not to do so".

Before assessing the extent to which Miss Bilal had a legitimate expectation of privacy in connection with the obtaining of the material included in the programme, we considered whether the reporter had followed the practices as set out in Practice 8.12.

First, Ofcom examined the translated transcript of the entire telephone conversation between the ARY News reporter and Miss Bilal. We noted that the reporter, who interviewed her, Mr Ahmad Ali Syed, identified himself from the outset as a reporter for ARY News. However, Mr Syed then asked Miss Bilal several personal questions relating to her mental health and Lord Nazir Ahmed. At no point did the reporter inform Miss Bilal that the telephone conversation was being recorded for possible broadcast, nor did he explain the purpose of the call. We therefore considered whether Miss Bilal would have been aware that the conversation was recorded. We observed a contradiction between Miss Bilal's complaint and the transcript of the unedited telephone conversation. We noted that there was nothing in the unedited telephone conversation provided to Ofcom to support Miss Bilal's assertion that a reporter had contacted her and informed her that the Channel Director wanted to speak to her "off the record". Therefore, we were only able to base our view on the content of the translated transcript of the unedited telephone conversation and the information which has been made available to Ofcom. We noted that Miss Bilal said that she had believed the telephone conversation was "off the record". Given the absence of any response on this particular point by the broadcaster, we took the view that Miss Bilal was not aware that the telephone conversation was being recorded. As a result, Ofcom concluded that ARY News had not followed all the practices as set out in Practice 8.12.

We then assessed the extent to which Miss Bilal had a legitimate expectation of privacy in the circumstances in which the telephone conversation was recorded. Ofcom noted that the recording of the telephone conversation with Miss Bilal took place while she was at her home and she was unaware that the telephone conversation was being recorded. Miss Bilal was asked about and recorded openly and freely discussing sensitive matters in relation to her mental health and her personal situation, including the fact that her children had been taken by social services. Ofcom recognised that Miss Bilal chose to divulge this information to the caller who had identified himself as a reporter and who, it appeared to Ofcom, was not known to the complainant. As such, we considered that Miss Bilal could not expect the same level of confidentiality as she would if

she had been speaking to someone she knew and trusted or had a relationship of confidentiality with, for instance, her doctor. However, given the very personal and sensitive nature of the information divulged relating to Miss Bilal's private life, Ofcom considered that it attracted a high expectation of privacy.

Taking all these factors into account, Ofcom considered that Miss Bilal had a legitimate expectation of privacy in relation to the obtaining of the material, and this expectation of privacy was infringed by the reporter not explaining the purpose of the call or that the call had been recorded for possible broadcast.

We then went on to consider whether it was warranted to infringe Miss Bilal's privacy in this way. The Code states that "warranted" has a particular meaning. It means that, where broadcasters wish to justify an infringement of privacy as warranted, they should be able to demonstrate why, in the particular circumstances of the case, it is warranted.

We noted that the broadcaster provided no explicit reason for why it considered it was warranted to infringe Miss Bilal's privacy. Although Lord Nazir Ahmed and Miss Bilal were implicated in the allegations about the affair because a video had emerged on the internet, we noted that one of the first questions asked by the reporter to Miss Bilal was in relation to her mental health. Therefore, in our view, the recorded telephone conversation obtained by the broadcaster revealed information about Miss Bilal's personal and private life on matters which were not directly relevant to the allegations about Lord Nazir Ahmed. In our view, the broadcaster had not explained why, in the particular circumstances of the case, it was warranted to not follow all of the practices as set out in Practice 8.12.

Given all the factors set out above, Ofcom considered the broadcaster's right to freedom of expression in obtaining the material did not outweigh Miss Bilal's legitimate expectation of privacy in relation to matters about her personal and private life.

- d) We considered Miss Bilal's complaint that her privacy was unwarrantably infringed in the broadcast of the news bulletins, news programmes and the accompanying on-screen captions because an "off the record" telephone conversation between Miss Bilal and a reporter from ARY News was broadcast without her consent.

In considering this head of complaint, we had regard to Practice 8.6 and 8.12 of the Code. Practice 8.6 states that, if the broadcast of a programme would infringe the privacy of a person, consent should be obtained before the relevant material is broadcast, unless the infringement of privacy is warranted.

For the reasons set out above, we considered that the broadcaster had not complied with Practice 8.12 because the reporter had not from the outset stated the purpose of the telephone call and that it was being recorded for possible broadcast. We therefore considered whether the broadcaster, having decided that it was going to broadcast the material, had obtained Miss Bilal's consent prior to the broadcast of the telephone interview and if not, whether it was warranted not to do so.

Before assessing whether or not it was warranted to not obtain Miss Bilal's consent, we considered whether Miss Bilal had a legitimate expectation of privacy in the broadcast of the material obtained from the telephone interview. For the same reasons as under head c) above, we considered that Miss Bilal did have a

legitimate expectation of privacy and this expectation was in turn infringed because information of a private and confidential nature was disclosed in these broadcasts.

From the submission of the parties to this complaint, it was not disputed that the broadcaster did not contact Miss Bilal to obtain her consent to use the material obtained from the telephone conversation prior to the programme being broadcast. Therefore, Ofcom considered that Miss Bilal's consent was not given for the material to be used.

Ofcom next took a view as to whether broadcasting this material without Miss Bilal's consent was warranted. In our view, it was not warranted in the public interest or for any other sufficient reason, to include material about Miss Bilal's mental health and other private matters in the programme as broadcast without her consent. The broadcaster has provided no satisfactory explanation as to why it considered it was warranted to include the information obtained which related solely to Miss Bilal's mental health without following the practices as set out in Practice 8.12.

Therefore, taking all the factors set out above into account, Ofcom considered that the Miss Bilal's legitimate expectation of privacy outweighed the broadcaster's right to freedom of expression.

Therefore, Ofcom has upheld Miss Bilal's complaint of unjust or unfair treatment, and of unwarranted infringement of privacy in connection with the obtaining of the material included in the programmes and in the programmes as broadcast.

Not Upheld

Complaint by Mrs Diane Ash-Smith

ITV News Meridian, ITV, 12 September 2013

Summary

Ofcom has not upheld Mrs Diane Ash-Smith's complaint of unwarranted infringement of privacy in the programme as broadcast.

The programme reported on new developments in 2013 of the police investigation into the unsolved murder in 1993 of Ms Claire Tiltman¹. As part of the investigation, Mrs Ash-Smith's house and her car were searched by the police. The report included footage of Mrs Ash-Smith's house in north Kent, which was referred to as the former home of her son, Mr Colin Ash-Smith. The full address of the property was also disclosed and footage of Mrs Ash-Smith's car registration number was shown.

Ofcom found that, in the particular circumstances of this case, Mrs Ash-Smith did not have a legitimate expectation of privacy in connection with the obtaining, or the subsequent broadcast, of footage of her house and car, and the disclosure of her full address in the report as broadcast. Ofcom therefore considered that Mrs Ash-Smith's privacy was not unwarrantably infringed in connection with the obtaining of material included in the programme, or in the programme as broadcast.

Introduction and programme summary

On 12 September 2013, ITV (Meridian, covering south east and southern England) broadcast an edition of its regional news programme which included a report on the investigation into the unsolved murder of Claire Tiltman more than 20 years ago. The studio presenters stated that the police were searching a house in north Kent which was the "former home of Colin Ash-Smith who was questioned for Claire's murder shortly after the killing in 1993" and the report showed a map which pinpointed the location of the house with nearby landmarks.

The reporter was then shown live from outside Mrs Ash-Smith's house. He stated that the house was the former home of Mr Colin Ash-Smith and that his parents still lived there. In the background behind the reporter three vehicles were visible, including a car which belonged to Mrs Ash-Smith. The registration number of the car was visible.

A pre-recorded report was then shown. This included a close-up shot of Mrs Ash-Smith's house number. The reporter stated:

"20 years after the murder of Claire Tiltman, police search [house number and road name disclosed] in Stone, two miles from the alleyway where the school girl was stabbed more than 40 times. It's the home of Diane and Aubrey Ash-Smith. Their son, Colin, knew Claire and was questioned about her murder, but was released after his mother provided an alibi".

¹ Claire Tiltman, a 15 year old schoolgirl, was murdered in 1993. At the time of broadcast in September 2013, no one had been convicted of her murder. Ofcom's Adjudication was ready to publish in March 2014 but we have delayed publication as criminal proceedings were then active against Mr Colin Ash-Smith. On 12 December 2014, Mr Colin Ash-Smith was found guilty of her murder and sentenced to a minimum of 21 years in prison.

The reporter concluded that it was *“not clear what brought police here today, they’re giving no interviews...it’s the third search of the property since Claire was murdered four days before her 16th birthday”*.

Both the live report and pre-recorded report included footage of the front of Mrs Ash-Smith’s house and her car registration number was clearly visible on a number of occasions. The footage also showed police officers entering and exiting the house by the front door and searching the inside of Mrs Ash-Smith’s car parked on the driveway.

Summary of the complaint and the broadcaster’s response

- a) In summary, Mrs Ash-Smith complained that her privacy was unwarrantably infringed in connection with the obtaining of material included in the programme because the filming focused on the front door of her house and her car registration number. Mrs Ash-Smith said that, as a result of this, she felt intimidated and “under siege as there is only one way out of [her] house”.

In response, ITV said that the decision by the police to search Mrs Ash-Smith’s home was a significant development in the murder investigation of Claire Tiltman and it therefore attracted wide coverage from both local and national news organisations. ITV added that the search took place over a number of hours and there were representatives from other news organisations present at the house.

ITV stated that, in general, it considered that those subject to a police search under warrant have only a limited expectation of privacy in relation to a fair report of a police investigation, given that the work of the police in investigating crime is a matter of public interest. The broadcaster added that the expectation of privacy would be even more limited if the matter concerned a notorious and shocking murder and the search was directly related to a known suspect. In this particular case, however, ITV said that Mrs Ash-Smith could have no reasonable expectation of privacy because of the unusual background circumstances of the case: Mrs Ash-Smith had provided her son with an alibi in relation to the murder of Claire Tiltman and her husband, Mr Aubrey Ash-Smith, had been convicted of perverting the course of justice by destroying a knife belonging to his son. ITV added that Mrs Ash-Smith’s house had been searched at least three times previously by the police and that the direct relationship of her son with, and her previous involvement in, the murder inquiry was well known to her neighbours and the wider community in which she lived. It said that the notoriety of the case and the fact that Mrs Ash-Smith and her husband had previously spoken to the media about their son and the case meant that no one in the street would have been unaware of what the police activity at Mrs Ash-Smith’s home related to.

ITV explained that, although it did include footage of police entering by the front door of Mrs Ash-Smith’s house, this was because it was the primary point of entry for the police. The broadcaster added that it did not “focus” on the front door of the property, and not at all on Mrs Ash-Smith’s car registration number. ITV said that the car was one of a number of vehicles outside the house and, inevitably, it was sometimes in shot when filming the house search from the street. The broadcaster said that filming the search was an essential and legitimate part of the news gathering process and that it was done openly and from a public place outside Mrs Ash-Smith’s house.

ITV said that Mrs Ash-Smith’s husband had responded to reporters’ questions during the search which clearly illustrated that Mr Ash-Smith was willing to put his

views regarding the police operation and tactics to the press. ITV stated that neither Mrs Ash-Smith nor her husband asked the reporting team to stop filming. Nor did it receive any request from the police to stop filming. This, ITV said, further reduced Mrs Ash-Smith's expectation of privacy.

- b) Mrs Ash-Smith also complained that her privacy was unwarrantably infringed in the programme as broadcast because the full address of her house was stated and footage of the outside of her house, with the house number visible, and the registration number of her car were filmed and broadcast in the programme without her consent.

Mrs Ash-Smith said the report incorrectly stated that the house was the former home of her son, who is currently in prison serving three life sentences for attacks on women, and because her full address and car registration number were revealed, she was concerned about her and her husband's personal safety. By way of background, Mrs Ash-Smith said that, when her son had been first arrested over 18 years ago, she and her husband were threatened and harassed by numerous people.

In response, ITV reiterated that Mrs Ash-Smith's property had been searched previously on at least three separate occasions and that neighbours were familiar with the fact that the property had been subject to police searches before because of Mr and Mrs Ash-Smith's relationship to Mr Colin Ash-Smith. The report included an interview with a neighbour who confirmed that he was aware that the house had been searched before. ITV said that the house had previously appeared in local newspapers and news broadcasts in relation to the case.

ITV added that there were numerous other news organisations, both local and national, who all reported the police search in similar terms and featured photographs or footage of the police operation at the house, and several of these reported the address and/or showed number plates of the cars on the driveway.

ITV said that the murder of Claire Tiltman and the police search for the killer was an important story in the region and that there was a reasonable expectation that any significant development would be widely reported. As a result, the broadcaster said that the programme makers considered the police search of Mrs Ash-Smith's house to be the most important story of the day. The broadcaster added that the address of the complainant and her relationship with Mr Colin Ash-Smith were already in the public domain and that the filming and broadcast of the police search was an essential and legitimate part of the news gathering process, as well as the broadcast of the story itself.

ITV argued that it was editorially justified in this case to reveal the details of Mrs Ash-Smith's address. It considered it to be a central part of the story that the house being searched was that of the parents of a convicted attempted murderer and attempted rapist who had stabbed another young woman close to where Claire Tiltman was killed. ITV added that it did not consider that it would be required under Ofcom's Broadcasting Code ("the Code") not to report the address of the complainant given the unusual circumstances. In any event, ITV stated that in the circumstances it was warranted to reveal the location of Mrs Ash-Smith's home without her consent.

The broadcaster explained that there were various cars and other vehicles in the driveway of the house at various points during the day, some of which belonged to the family and some to the police. ITV said that the report included footage of

some of the vehicles being searched and, given the circumstances, ITV did not consider that it was obliged to obscure the number plate of Mrs Ash-Smith's car to protect her privacy.

With regards to the inaccurate reporting that the address was the former home of Mr Colin Ash-Smith, ITV commented that the programme reported that the property was his former home on the basis of confirmation of this from several local sources. The broadcaster added that a senior reporter recalled that in the past he had been told directly by Mrs Ash-Smith that her son had lived at the property at the time of Claire Tiltman's murder. Further, the address had been widely reported as being the former home of Mr Colin Ash-Smith in other media sources.

ITV concluded that, whether or not the address was the home of Mr Colin Ash-Smith, there was a clear connection between the address and Mr Colin Ash-Smith because it was the home of his parents. ITV said that, in the circumstances, it did not consider that the broadcast of the information materially infringed the privacy of the complainant.

Ofcom's Preliminary View

Ofcom prepared a Preliminary View in this case that the complaint of unwarranted infringement of privacy made by Mrs Ash-Smith should not be upheld. Both parties were given the opportunity to comment on the Preliminary View.

While Mrs Ash-Smith made representations on the Preliminary View, we took the view after careful consideration that her comments were either not directly relevant to the complaint as entertained or raised points that were already addressed and reflected in the Preliminary View. Ofcom concluded that her comments did not materially affect Ofcom's conclusion that her complaint should not be upheld.

ITV made no representations on Ofcom's Preliminary View.

Decision

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unjust or unfair treatment and unwarranted infringement of privacy in, or in connection with the obtaining of material included in, programmes in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In reaching this decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording and a transcript of the programme as broadcast, along with both parties' written submissions and supporting material. We also took account of the representations made by Mrs Ash-Smith in response to Ofcom's Preliminary View on this complaint (which was not to uphold). We concluded that Mrs Ash-Smith had not raised any issues to persuade Ofcom to alter its decision not to uphold the complaint.

In Ofcom's view, the individual's right to privacy has to be balanced against the competing right of the broadcasters and the audience to freedom of expression. Neither right as such has precedence over the other and, where there is a conflict between the two, it is necessary to intensely focus on the comparative importance of the specific rights. Any justification for interfering with or restricting each right must be taken into account and any interference or restriction must be proportionate. This is reflected in how Ofcom applies Rule 8.1 of the Code which states that any infringement of privacy in programmes, or in connection with obtaining material included in programmes, must be warranted.

- a) Ofcom considered first the complaint that Mrs Ash-Smith's privacy was unwarrantably infringed in connection with the obtaining of material included in the programme in that the programme makers during filming focused on the front door of her house and her car registration number.

In assessing this head of complaint, Ofcom had regard to Practices 8.3 and 8.4. Practice 8.3 of the Code which states that when people are caught up in events which are covered by the news they still have a right to privacy in both the making and the broadcast of a programme, unless it is warranted to infringe it. This applies to both the time when these events are taking place and to any later programmes that revisit those events. Practice 8.4 provides that broadcasters should ensure that words, images or actions filmed or recorded in, or broadcast from, a public place, are not so private that prior consent is required before broadcast from the individual or organisation concerned, unless broadcasting without their consent is warranted

To establish whether or not Mrs Ash-Smith's privacy was unwarrantably infringed in this respect, we first assessed the extent to which she had a legitimate expectation of privacy in the filming of the footage. The Code states that "legitimate expectations of privacy will vary according to the place and nature of the information, activity or condition in question, the extent to which it is in the public domain (if at all) and whether the individual concerned was in the public eye". When considering the extent to which the complainant in this case had a legitimate expectation of privacy, Ofcom has regard to a number of factors which are set out below.

Ofcom reviewed the edited footage that was broadcast in the report² and noted that the programme makers had filmed the front of Mrs Ash-Smith's house and her car which was parked in her driveway beside other vehicles. Close up views of the front door – including the house number – and images of several windows which faced the street including a close up of one window where there was a vase filled with flowers had also been filmed. The programme makers also filmed the police search team entering and exiting Mrs Ash-Smith's house and searching her car which was parked on the driveway. It was apparent to Ofcom that the filming of Mrs Ash-Smith's property had been conducted by the programme makers openly and from a public place, namely the public highway, to which members of the public had access and could have seen the search taking place.

We noted Mrs Ash-Smith's contention that the filming focused on her front door and her car registration number. However, we considered from viewing the

² It was not necessary to consider the unedited footage in this case, as Mrs Ash Smith's complaint appeared to only refer to the obtaining of the footage that was subsequently broadcast.

footage shown in the programme that the programme makers had not particularly focused on either. In our view, it was reasonable to expect that the front door of the property would be filmed given that this was the main entry point to the property for the police searching under warrant and that this was the means by which the police search team entered and exited the house. Nor did we consider that the filming focused particularly on her car registration number. The filming of the number plate was incidental to the overall filming of the police search which included her car.

Ofcom next considered the context in which the footage was filmed. We noted from ITV's statement that any developments in the Claire Tiltman murder investigation are of particular local interest given that, at the time of the broadcast of the report, no one had been convicted of her murder and the case had remained unsolved for 20 years. Ofcom recognised that Mrs Ash-Smith's previous involvement in the Claire Tiltman murder inquiry and the awareness of the local community of her involvement did not inherently prevent her from having a legitimate expectation of privacy. However, Ofcom took the view that it would be reasonable to expect any developments to be reported in the media, particularly where the report related to the police search of a property which had been searched several times before by the police in connection with this murder.

Ofcom recognised that the filming of footage of an individual's home may give rise to an expectation of privacy. However, in light of the factors above Ofcom took account of the facts that: none of the footage filmed of Mrs Ash-Smith's house captured anything that could be considered particularly private to Mrs Ash-Smith; it was inevitable that her front door and car number plate would be filmed in the circumstances; none of the footage shown in Ofcom's view focused in particular on either the front door of her house or her car registration number; and the filming was conducted openly and in a public place.

Given this, we considered that on balance, and in the particular circumstances of this case, Mrs Ash-Smith did not have a legitimate expectation in relation to the obtaining of the footage of her house and car. It was therefore not necessary for Ofcom to consider further whether any intrusion into the privacy of Mrs Ash-Smith was warranted.

Ofcom's decision is therefore that there was no unwarranted infringement of Mrs Ash-Smith's privacy in connection with the obtaining of material included in the programme.

- b) Ofcom next considered the complaint that Mrs Ash-Smith's privacy was unwarrantably infringed in the programme as broadcast because the full address of her house was disclosed, and footage of the outside of her house with the house number visible, and the registration number of her car, were filmed and broadcast in the programme without her consent.

In assessing this head of complaint, Ofcom had particular regard to Practice 8.6 of the Code which states that, if the broadcast of a programme would infringe the privacy of a person or organisation, consent should be obtained before the relevant material is broadcast unless the infringement of privacy is warranted. We also had regard to Practice 8.2 which states that information which discloses the location of a person's home should not be revealed without permission, unless it is warranted. We also took into consideration Practices 8.3 and 8.4 as set out in head a) above.

In considering whether or not Mrs Ash-Smith's privacy was unwarrantably infringed in the programme as broadcast, Ofcom first considered the extent to which she had a legitimate expectation of privacy in relation to footage of her house being shown and information relating to its location being disclosed in the programme as broadcast and in relation to footage of her car registration number being shown.

We examined the footage of Mrs Ash-Smith's house and car (as set out in detail in head a) above) and noted that the reporter disclosed the full address of Mrs Ash-Smith's house and referred to it as the former home of her son, Mr Colin Ash-Smith. We noted too that the footage of the house and car appeared to have been filmed openly and from a public place, i.e. the side of a public highway, and both the house and car were being searched in relation to a police investigation. Further, the car was parked on the driveway and Ofcom considered that it could reasonably be identified as being connected to Mrs Ash-Smith's house. We also took account of the fact that the house had, through its connection with the Claire Tiltman murder case, been the subject of local and national media interest in the past, and that this most recent police search of the house and car had also attracted similar attention. Ofcom considered that this information had remained in the public domain and was still readily accessible to the public. Further, Ofcom noted the broadcaster's submission that revealing the details of the address was editorially justified because it was central to the story that "the house being searched was the home of the parents of a convicted rapist who had stabbed another young woman close to where Claire Tiltman was killed".

As already explained in head a) above, Ofcom takes the view that the filming and subsequent broadcast of footage of an individual's home may give rise to an expectation of privacy. As noted above, Ofcom did not consider that Mrs Ash-Smith's previous involvement in the murder inquiry and the awareness of the local community of her involvement automatically prevented her from having an expectation of privacy. Further, Ofcom considers that the police search of this property could reasonably be regarded as a sensitive situation to some extent because in this case: the full address of the house being searched was disclosed; the registration number of Mrs Ash-Smith's car was shown; the report identified Mrs Ash-Smith and her husband as being connected to the property being searched; and the house was referred to as the former home of Mrs Ash-Smith's son, which Mrs Ash-Smith had said raised concerns for her and her husband's personal safety.

Ofcom recognised that there was some disagreement between the complainant and ITV as to whether the property featured in the report was the former home of Mr Colin Ash-Smith. However we took into account in particular several other important factors: all the footage shown had been filmed from a public place; the footage shown did not disclose anything private or confidential about the complainant, and did not focus in particular on the front door or the registration plate of the complainant's car; the property searched was the home of Mr Colin Ash-Smith's parents; it was being searched again in relation to the murder of Claire Tiltman (having been searched several times previously in connection with the murder); the family had previously been connected to the murder investigation, and therefore there was a clear link between Mr Colin Ash-Smith and the property regardless of whether or not he had resided there; and the address being searched by the police and the story of the new search were widely reported on 12 September 2013 by a number of other media outlets.

On balance therefore, and in the particular circumstances of this case, we took the view that Mrs Ash-Smith did not have a legitimate expectation of privacy in relation to the broadcast of footage of her house and her car registration plate, and the disclosure of the full address of her house. As a result, it was not necessary for Ofcom to consider whether any infringement into the privacy of Mrs Ash-Smith was warranted in this respect.

Therefore, Ofcom has not upheld Mrs Ash-Smith's complaint of unwarranted infringement of privacy in connection with the obtaining of material included in the programme and in the programme as broadcast.

Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 2 and 15 December 2014 and decided that the broadcaster did not breach Ofcom's codes, licence conditions or other regulatory requirements.

Investigations conducted under the Procedures for investigating breaches of content standards for television and radio

| Programme | Broadcaster | Transmission date | Categories |
|---------------------|-------------|-------------------|----------------------------------|
| EastEnders | BBC 1 | 06/10/2014 | Scheduling |
| Countdown to Murder | Channel 5 | 03/09/2014 | Scheduling |
| Emmerdale | ITV | 25/09/2014 | Violence and dangerous behaviour |
| This Morning | ITV | 14/10/2014 | Scheduling |
| News | RT | 17/07/2014 | Generally accepted standards |

For more information about how Ofcom conducts investigations about content standards, go to: <http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/standards/>.

Complaints Assessed, Not Investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 2 and 15 December 2014 because they did not raise issues warranting investigation.

Complaints assessed under the Procedures for investigating breaches of content standards for television and radio

For more information about how Ofcom assesses conducts investigations about content standards, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/standards/>.

| Programme | Broadcaster | Transmission Date | Categories | Number of complaints |
|------------------------------------|---------------|-------------------|--|----------------------|
| To Support November 1984 | Akaal Channel | 15/10/2014 | Charity appeals | 1 |
| To Support November 1984 | Akaal Channel | 15/10/2014 | Materially misleading | 1 |
| Community Issues | ATN Bangla | 01/12/2014 | Due impartiality/bias | 2 |
| Smile Show | ATN Bangla | 13/09/2014 | Product placement | 1 |
| BBC News | BBC 1 | 18/07/2014 | Generally accepted standards | 9 |
| BBC News | BBC 1 | 19/07/2014 | Generally accepted standards | 9 |
| BBC News | BBC 1 | 24/07/2014 | Generally accepted standards | 1 |
| BBC News | BBC 1 | 29/10/2014 | Generally accepted standards | 1 |
| Breakfast | BBC 1 | 19/07/2014 | Generally accepted standards | 1 |
| Breakfast | BBC 1 | 14/11/2014 | Religious/Beliefs discrimination/offence | 6 |
| Breakfast | BBC 1 | 11/12/2014 | Promotion of products/services | 1 |
| Citizen Khan | BBC 1 | 21/11/2014 | Religious/Beliefs discrimination/offence | 1 |
| EastEnders | BBC 1 | 21/11/2014 | Race discrimination/offence | 1 |
| EastEnders | BBC 1 | 25/11/2014 | Generally accepted standards | 1 |
| EastEnders | BBC 1 | 27/11/2014 | Materially misleading | 1 |
| F1: Grand Prix | BBC 1 | 23/11/2014 | Gender discrimination/offence | 1 |
| Flog It! | BBC 1 | 20/11/2014 | Religious/Beliefs discrimination/offence | 1 |
| Have I Got a Bit More News for You | BBC 1 | 24/11/2014 | Generally accepted standards | 1 |
| Have I Got News for You | BBC 1 | 28/11/2014 | Generally accepted standards | 1 |
| Not Going Out | BBC 1 | 28/11/2014 | Product placement | 1 |
| Panorama | BBC 1 | 08/12/2014 | Materially misleading | 1 |
| Question Time | BBC 1 | 11/12/2014 | Due impartiality/bias | 1 |

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|-----------------------------------|---------------------------|------------|--|---|
| Question Time | BBC 1 | 11/12/2014 | Generally accepted standards | 1 |
| Regional News and Weather | BBC 1 | 10/12/2014 | Due accuracy | 1 |
| Strictly Come Dancing | BBC 1 | 07/12/2014 | Voting | 3 |
| Sunday Politics | BBC 1 | 30/11/2014 | Race discrimination/offence | 1 |
| The Apprentice | BBC 1 | 26/11/2014 | Gender discrimination/offence | 1 |
| The Apprentice | BBC 1 | 03/12/2014 | Outside of remit / other | 4 |
| The Apprentice | BBC 1 | 10/12/2014 | Offensive language | 1 |
| The One Show | BBC 1 | 09/12/2014 | Promotion of products/services | 1 |
| BBC News | BBC 1 / BBC World Service | n/a | Due impartiality/bias | 1 |
| Scot Squad | BBC 1 Scotland | 17/11/2014 | Disability discrimination/offence | 1 |
| Britain's Greatest Pilot | BBC 2 | 08/10/2014 | Materially misleading | 1 |
| MasterChef: The Professionals | BBC 2 | 27/11/2014 | Offensive language | 1 |
| Newsnight | BBC 2 | 23/10/2014 | Generally accepted standards | 1 |
| Posh People: Inside Tatler | BBC 2 | 24/11/2014 | Drugs, smoking, solvents or alcohol | 1 |
| Snooker | BBC 2 | 07/12/2014 | Promotion of products/services | 1 |
| The Daily Politics | BBC 2 | 08/12/2014 | Generally accepted standards | 3 |
| The Fall | BBC 2 | 20/11/2014 | Gender discrimination/offence | 1 |
| The Last Night of the BBC Proms | BBC 2 | 13/09/2014 | Outside of remit / other | 1 |
| The Mekong River with Sue Perkins | BBC 2 | 30/11/2014 | Religious/Beliefs discrimination/offence | 1 |
| Women's Football | BBC 2 | 23/11/2014 | Violence and dangerous behaviour | 1 |
| World's Greatest Food Markets | BBC 2 | 30/11/2014 | Offensive language | 1 |
| Don't Tell the Bride | BBC 3 | 01/12/2014 | Generally accepted standards | 1 |
| Don't Tell the Bride | BBC 3 | 04/12/2014 | Offensive language | 1 |
| Gavin and Stacey | BBC 3 | 26/11/2014 | Generally accepted standards | 1 |
| The Revolution Will be Televised | BBC 3 | 18/11/2014 | Race discrimination/offence | 1 |
| BBC News | BBC News Channel | 17/07/2014 | Generally accepted standards | 1 |
| BBC News | BBC News Channel | 20/07/2014 | Generally accepted standards | 1 |
| BBC News | BBC News Channel | 21/07/2014 | Generally accepted standards | 1 |
| BBC News | BBC News Channel | 22/07/2014 | Outside of remit / other | 1 |
| BBC News | BBC News Channel | 22/07/2014 | Outside of remit / other | 1 |

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|-------------------------------|---------------------------------|------------|---|---|
| Newspaper Review | BBC News Channel | 08/11/2014 | Religious/Beliefs discrimination/offence | 1 |
| Chris Evans | BBC Radio 2 | 04/12/2014 | Generally accepted standards | 1 |
| News | BBC Radio 4 | 13/11/2014 | Generally accepted standards | 1 |
| Paul Sinha's History Revision | BBC Radio 4 | 03/12/2014 | Due impartiality/bias | 1 |
| Today | BBC Radio 4 | 17/11/2014 | Gender discrimination/offence | 1 |
| News | BBC Radio 4 / BBC Asian Network | 24/11/2014 | Religious/Beliefs discrimination/offence | 1 |
| Richard Spendlove | BBC Radio Cambridge | 07/12/2013 | Outside of remit / other | 1 |
| News | BBC, ITN, Sky News | n/a | Outside of remit / other | 1 |
| MotoGP | BT Sport | 19/10/2014 | Gender discrimination/offence | 1 |
| Capital Breakfast | Capital FM | 03/12/2014 | Offensive language | 1 |
| Capital Breakfast | Capital FM | 08/12/2014 | Scheduling | 1 |
| The Dumping Ground | CBBC | n/a | Scheduling | 1 |
| Cops | CBS Reality | 13/11/2014 | Generally accepted standards | 1 |
| 8 Out of 10 Cats | Channel 4 | 01/12/2014 | Generally accepted standards | 1 |
| Advertising | Channel 4 | 25/11/2014 | Advertising content | 1 |
| Advertising | Channel 4 | 26/11/2014 | Advertising content | 1 |
| Advertising | Channel 4 | 12/12/2014 | Advertising content | 1 |
| Babylon | Channel 4 | 04/12/2014 | Sexual orientation discrimination/offence | 1 |
| Channel 4 News | Channel 4 | 18/07/2014 | Generally accepted standards | 1 |
| Channel 4 News | Channel 4 | 19/07/2014 | Generally accepted standards | 1 |
| Channel 4 News | Channel 4 | 21/07/2014 | Generally accepted standards | 1 |
| Channel 4 News | Channel 4 | 13/11/2014 | Due impartiality/bias | 1 |
| Channel 4 News | Channel 4 | 14/11/2014 | Due impartiality/bias | 1 |
| Channel 4 News | Channel 4 | 19/11/2014 | Race discrimination/offence | 1 |
| Channel 4 News | Channel 4 | 20/11/2014 | Crime | 1 |
| Channel 4 News | Channel 4 | 02/12/2014 | Scheduling | 1 |
| Confessions of a Copper | Channel 4 | 19/11/2014 | Crime | 1 |
| Confessions of a Copper | Channel 4 | 19/11/2014 | Due impartiality/bias | 1 |
| Gogglebox | Channel 4 | 28/10/2014 | Race discrimination/offence | 1 |
| Gogglebox | Channel 4 | 02/12/2014 | Animal welfare | 1 |
| Gogglebox | Channel 4 | 12/12/2014 | Religious/Beliefs discrimination/offence | 1 |
| Hollyoaks | Channel 4 | 09/12/2014 | Scheduling | 1 |

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|--|---------------|------------|-------------------------------------|----|
| It Was Alright in the 1970s | Channel 4 | 26/11/2014 | Race discrimination/offence | 1 |
| Jimmy Carr | Channel 4 | 30/11/2014 | Generally accepted standards | 1 |
| Murder in the Sky – Flight MH17 | Channel 4 | 21/07/2014 | Generally accepted standards | 16 |
| Posh Pawn | Channel 4 | 26/11/2014 | Offensive language | 1 |
| Sarah Beeny's How to Sell Your Home | Channel 4 | 17/11/2014 | Materially misleading | 3 |
| Sarah Beeny's How to Sell Your Home | Channel 4 | 24/11/2014 | Materially misleading | 1 |
| Steph and Dom Meet Nigel Farage | Channel 4 | 15/12/2014 | Outside of remit / other | 1 |
| The Heist | Channel 4 | 04/01/2006 | Generally accepted standards | 1 |
| The Paedophile Next Door | Channel 4 | 25/11/2014 | Disability discrimination/offence | 9 |
| The Paedophile Next Door | Channel 4 | 25/11/2014 | Generally accepted standards | 3 |
| Toast of London | Channel 4 | 05/12/2014 | Drugs, smoking, solvents or alcohol | 1 |
| Smyths Toys Superstores' sponsorship of The Simpsons | Channel 4 + 1 | 26/11/2014 | Animal welfare | 1 |
| 5 News at 5 | Channel 5 | 05/12/2014 | Privacy | 1 |
| Aldi's sponsorship of Home and Away | Channel 5 | 08/12/2014 | Generally accepted standards | 1 |
| Ben Fogle: New Lives in the Wild | Channel 5 | 21/11/2014 | Animal welfare | 2 |
| Ben Fogle: New Lives in the Wild | Channel 5 | 28/11/2014 | Animal welfare | 3 |
| Britain's Bloodiest Dynasty (trailer) | Channel 5 | 27/11/2014 | Violence and dangerous behaviour | 1 |
| Can't Pay? We'll Take it Away! | Channel 5 | 25/11/2014 | Offensive language | 1 |
| Countdown to Murder | Channel 5 | 07/08/2014 | Scheduling | 1 |
| Countdown to Murder | Channel 5 | 08/09/2014 | Scheduling | 3 |
| Countdown to Murder: Burned Alive | Channel 5 | 28/08/2014 | Scheduling | 2 |
| Dumb and Dumber | Channel 5 | 16/11/2014 | Scheduling | 2 |
| Gibraltar: Britain in the Sun | Channel 5 | 05/11/2014 | Competitions | 1 |
| Neighbours | Channel 5 | 01/12/2014 | Sponsorship credits | 1 |
| The Wright Stuff | Channel 5 | 25/11/2014 | Drugs, smoking, solvents or alcohol | 1 |
| The Wright Stuff | Channel 5 | 01/12/2014 | Generally accepted standards | 1 |
| The Wright Stuff | Channel 5 | 04/12/2014 | Due impartiality/bias | 1 |
| The Wright Stuff | Channel 5 | 04/12/2014 | Generally accepted standards | 1 |
| The Wright Stuff | Channel 5 | 04/12/2014 | Violence and dangerous behaviour | 1 |

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|--|----------------------|------------|---|----|
| World War II in Colour | Channel 5 | 14/11/2014 | Scheduling | 1 |
| Jackass 2.5 (trailer) | Comedy Central | 27/11/2014 | Scheduling | 1 |
| Jackass 2.5 (trailer) | Comedy Central | 03/12/2014 | Generally accepted standards | 1 |
| Programme trailers | Comedy Central | 27/11/2014 | Scheduling | 1 |
| Two and a Half Men (trailer) / Friends with Better Lives (trailer) | Comedy Central | n/a | Scheduling | 1 |
| Sex and the City (trailer) | Comedy Central Extra | 08/12/2014 | Scheduling | 1 |
| Storage Hunters UK | Dave | 19/11/2014 | Offensive language | 1 |
| The Bill | Drama | 16/11/2014 | Nudity | 1 |
| E! News | E! | 02/12/2014 | Harm | 1 |
| Hollyoaks | E4 | 01/12/2014 | Materially misleading | 1 |
| Made in Chelsea | E4 | 24/11/2014 | Generally accepted standards | 1 |
| Made in Chelsea | E4 | 01/12/2014 | Generally accepted standards | 1 |
| Sam and Amy | Gem 106 | 02/12/2014 | Sexual orientation discrimination/offence | 1 |
| Heart Breakfast – North | Heart Radio | 04/12/2014 | Competitions | 1 |
| Advertising | ITV | 26/11/2014 | Advertising content | 1 |
| Advertising | ITV | 10/12/2014 | Advertising content | 1 |
| Advertising | ITV | n/a | Advertising content | 1 |
| Aunt Bessie's sponsorship of The Chase | ITV | n/a | Generally accepted standards | 1 |
| Carry on Up the Jungle | ITV | 19/10/2014 | Race discrimination/offence | 1 |
| Coronation Street | ITV | 24/11/2014 | Product placement | 1 |
| Coronation Street | ITV | 28/11/2014 | Sexual orientation discrimination/offence | 1 |
| Coronation Street | ITV | 05/12/2014 | Religious/Beliefs discrimination/offence | 1 |
| Emmerdale | ITV | 13/11/2014 | Sexual orientation discrimination/offence | 1 |
| Emmerdale | ITV | 28/11/2014 | Generally accepted standards | 1 |
| Emmerdale | ITV | 28/11/2014 | Scheduling | 13 |
| Emmerdale | ITV | 10/12/2014 | Sexual material | 1 |
| Good Morning Britain | ITV | 07/07/2014 | Crime | 1 |
| Good Morning Britain | ITV | 26/11/2014 | Generally accepted standards | 1 |
| Good Morning Britain | ITV | 27/11/2014 | Generally accepted standards | 1 |
| Good Morning Britain | ITV | 03/12/2014 | Generally accepted standards | 1 |
| Good Morning Britain | ITV | 10/12/2014 | Scheduling | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 16/11/2014 | Generally accepted standards | 4 |

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|--------------------------------------|-----|------------|---|----|
| I'm a Celebrity, Get Me Out of Here! | ITV | 17/11/2014 | Animal welfare | 9 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 17/11/2014 | Drugs, smoking, solvents or alcohol | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 17/11/2014 | Generally accepted standards | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 17/11/2014 | Offensive language | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 17/11/2014 | Religious/Beliefs discrimination/offence | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 19/11/2014 | Animal welfare | 11 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 20/11/2014 | Animal welfare | 3 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 20/11/2014 | Generally accepted standards | 2 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 20/11/2014 | Sexual orientation discrimination/offence | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 23/11/2014 | Animal welfare | 2 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 23/11/2014 | Generally accepted standards | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 24/11/2014 | Generally accepted standards | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 24/11/2014 | Offensive language | 3 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 24/11/2014 | Voting | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 26/11/2014 | Generally accepted standards | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 26/11/2014 | Religious/Beliefs discrimination/offence | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 27/11/2014 | Religious/Beliefs discrimination/offence | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 28/11/2014 | Animal welfare | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 28/11/2014 | Religious/Beliefs discrimination/offence | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 29/11/2014 | Generally accepted standards | 5 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 30/11/2014 | Animal welfare | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 01/12/2014 | Animal welfare | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 01/12/2014 | Generally accepted standards | 4 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 01/12/2014 | Offensive language | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 02/12/2014 | Advertising minutage | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 03/12/2014 | Gender discrimination/offence | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 03/12/2014 | Scheduling | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 04/12/2014 | Drugs, smoking, solvents or alcohol | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 04/12/2014 | Materially misleading | 1 |

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| I'm a Celebrity, Get Me Out of Here! | ITV | 04/12/2014 | Scheduling | 2 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 05/12/2014 | Sexual material | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 06/12/2014 | Outside of remit / other | 2 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 07/12/2014 | Animal welfare | 8 |
| I'm a Celebrity, Get Me Out of Here! | ITV | 07/12/2014 | Outside of remit / other | 1 |
| I'm A Celebrity, Get Me Out of Here! | ITV | n/a | Animal welfare | 2 |
| I'm a Celebrity, Get Me Out of Here! | ITV | n/a | Generally accepted standards | 1 |
| ITV News and Weather | ITV | 18/11/2014 | Due impartiality/bias | 1 |
| ITV News and Weather | ITV | 05/12/2014 | Generally accepted standards | 1 |
| ITV News and Weather | ITV | 08/12/2014 | Generally accepted standards | 1 |
| ITV News and Weather | ITV | 12/12/2014 | Due impartiality/bias | 1 |
| ITV News at Ten | ITV | 21/07/2014 | Generally accepted standards | 3 |
| ITV News at Ten and Weather | ITV | 25/11/2014 | Race discrimination/offence | 1 |
| ITV News at Ten and Weather | ITV | 09/12/2014 | Generally accepted standards | 1 |
| Lorraine | ITV | 25/11/2014 | Sexual orientation discrimination/offence | 1 |
| Stars in Their Eyes (trailer) | ITV | 09/12/2014 | Religious/Beliefs discrimination/offence | 1 |
| Surprise Surprise | ITV | 29/10/2014 | Disability discrimination/offence | 1 |
| TalkTalk's sponsorship of The X Factor | ITV | 09/11/2014 | Generally accepted standards | 1 |
| The Jeremy Kyle Show | ITV | 01/12/2014 | Generally accepted standards | 1 |
| The Lost Honour of Christopher Jefferies | ITV | 10/12/2014 | Advertising scheduling | 1 |
| The Lost Honour of Christopher Jefferies | ITV | 10/12/2014 | Generally accepted standards | 1 |
| The Lost Honour of Christopher Jefferies | ITV | 10/12/2014 | Outside of remit / other | 2 |
| The Royal Variety Performance | ITV | 08/12/2014 | Disability discrimination/offence | 1 |
| The Royal Variety Performance | ITV | 08/12/2014 | Scheduling | 2 |
| The X Factor | ITV | 06/09/2014 | Competitions | 1 |
| The X Factor | ITV | 20/09/2014 | Generally accepted standards | 1 |
| The X Factor | ITV | 21/09/2014 | Hypnotic and other techniques | 1 |
| The X Factor | ITV | 26/09/2014 | Generally accepted standards | 5 |
| The X Factor | ITV | 27/09/2014 | Generally accepted standards | 6 |

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| The X Factor | ITV | 28/09/2014 | Generally accepted standards | 9 |
| The X Factor | ITV | 28/09/2014 | Outside of remit | 1 |
| The X Factor | ITV | 03/10/2014 | Gender discrimination/offence | 1 |
| The X Factor | ITV | 03/10/2014 | Outside of remit | 2 |
| The X Factor | ITV | 04/10/2014 | Materially misleading | 1 |
| The X Factor | ITV | 11/10/2014 | Drugs, smoking, solvents or alcohol | 1 |
| The X Factor | ITV | 11/10/2014 | Gender discrimination/offence | 1 |
| The X Factor | ITV | 11/10/2014 | Scheduling | 4 |
| The X Factor | ITV | 18/10/2014 | Gender discrimination/offence | 1 |
| The X Factor | ITV | 18/10/2014 | Materially misleading | 2 |
| The X Factor | ITV | 18/10/2014 | Nudity | 1 |
| The X Factor | ITV | 18/10/2014 | Offensive language | 28 |
| The X Factor | ITV | 18/10/2014 | Scheduling | 1 |
| The X Factor | ITV | 25/10/2014 | Gender discrimination/offence | 11 |
| The X Factor | ITV | 25/10/2014 | Outside of remit / other | 1 |
| The X Factor | ITV | 25/10/2014 | Race discrimination/offence | 2 |
| The X Factor | ITV | 01/11/2014 | Disability discrimination/offence | 67 |
| The X Factor | ITV | 01/11/2014 | Generally accepted standards | 2 |
| The X Factor | ITV | 01/11/2014 | Outside of remit / other | 2 |
| The X Factor | ITV | 01/11/2014 | Religious/Beliefs discrimination/offence | 1 |
| The X Factor | ITV | 01/11/2014 | Scheduling | 5 |
| The X Factor | ITV | 01/11/2014 | Voting | 1 |
| The X Factor | ITV | 08/11/2014 | Drugs, smoking, solvents or alcohol | 15 |
| The X Factor | ITV | 08/11/2014 | Outside of remit / other | 1 |
| The X Factor | ITV | 08/11/2014 | Scheduling | 2 |
| The X Factor | ITV | 09/11/2014 | Generally accepted standards | 1 |
| The X Factor | ITV | 15/11/2014 | Advertising minutage | 1 |
| The X Factor | ITV | 15/11/2014 | Advertising scheduling | 1 |
| The X Factor | ITV | 15/11/2014 | Disability discrimination/offence | 6 |
| The X Factor | ITV | 15/11/2014 | Gender discrimination/offence | 2 |
| The X Factor | ITV | 15/11/2014 | Generally accepted standards | 2 |
| The X Factor | ITV | 15/11/2014 | Nudity | 1 |
| The X Factor | ITV | 15/11/2014 | Scheduling | 1 |
| The X Factor | ITV | 15/11/2014 | Voting | 1 |

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|---------------------------|-----|------------|--|---|
| The X Factor | ITV | 22/11/2014 | Generally accepted standards | 1 |
| The X Factor | ITV | 29/11/2014 | Flashing images/risk to viewers who have PSE | 1 |
| The X Factor | ITV | 29/11/2014 | Generally accepted standards | 1 |
| The X Factor | ITV | 29/11/2014 | Scheduling | 9 |
| The X Factor | ITV | 30/11/2014 | Scheduling | 1 |
| The X Factor | ITV | 06/12/2014 | Generally accepted standards | 2 |
| The X Factor | ITV | 06/12/2014 | Materially misleading | 1 |
| The X Factor | ITV | 06/12/2014 | Race discrimination/offence | 6 |
| The X Factor | ITV | 06/12/2014 | Scheduling | 1 |
| The X Factor | ITV | 13/12/2014 | Generally accepted standards | 2 |
| The X Factor | ITV | 13/12/2014 | Outside of remit / other | 2 |
| The X Factor | ITV | 13/12/2014 | Sexual orientation discrimination/offence | 1 |
| The X Factor | ITV | n/a | Competitions | 1 |
| The X Factor | ITV | n/a | Under 18s in programmes | 1 |
| The X Factor Results Show | ITV | 12/10/2014 | Outside of remit / other | 1 |
| The X Factor Results Show | ITV | 19/10/2014 | Outside of remit / other | 1 |
| The X Factor Results Show | ITV | 19/10/2014 | Scheduling | 6 |
| The X Factor Results Show | ITV | 02/11/2014 | Flashing images/risk to viewers who have PSE | 1 |
| The X Factor Results Show | ITV | 02/11/2014 | Offensive language | 1 |
| The X Factor Results Show | ITV | 02/11/2014 | Outside of remit / other | 1 |
| The X Factor Results Show | ITV | 02/11/2014 | Scheduling | 1 |
| The X Factor Results Show | ITV | 02/11/2014 | Voting | 1 |
| The X Factor Results Show | ITV | 09/11/2014 | Generally accepted standards | 2 |
| The X Factor Results Show | ITV | 09/11/2014 | Outside of remit / other | 3 |
| The X Factor Results Show | ITV | 09/11/2014 | Voting | 6 |
| The X Factor Results Show | ITV | 16/11/2014 | Outside of remit / other | 2 |
| The X Factor Results Show | ITV | 16/11/2014 | Scheduling | 6 |
| The X Factor Results Show | ITV | 16/11/2014 | Sexual material | 1 |
| The X Factor Results Show | ITV | 23/11/2014 | Advertising scheduling | 1 |
| The X Factor Results Show | ITV | 23/11/2014 | Voting | 2 |

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| The X Factor Results Show | ITV | 30/11/2014 | Generally accepted standards | 1 |
| The X Factor Results Show | ITV | 07/12/2014 | Generally accepted standards | 1 |
| The X Factor Results Show | ITV | 07/12/2014 | Outside of remit / other | 1 |
| The X Factor Results Show | ITV | 14/12/2014 | Outside of remit / other | 1 |
| The X Factor Results Show | ITV | 14/12/2014 | Scheduling | 70 |
| The X Factor Results Show | ITV | 14/12/2014 | Voting | 1 |
| This Morning | ITV | 05/12/2014 | Generally accepted standards | 1 |
| Tipping Point | ITV | 12/12/2014 | Competitions | 1 |
| UEFA Champions League Live | ITV | 09/12/2014 | Outside of remit / other | 3 |
| ITV News West Country | ITV West Country | 28/11/2014 | Violence and dangerous behaviour | 1 |
| Advertising | ITV2 | 14/12/2014 | Advertising content | 1 |
| Celebrity Juice | ITV2 | 01/12/2014 | Generally accepted standards | 1 |
| I'm a Celebrity, Get Me Out of Here Now! | ITV2 | 06/12/2014 | Religious/Beliefs discrimination/offence | 2 |
| I'm a Celebrity, Get Me Out of Here! | ITV2 | 21/11/2014 | Drugs, smoking, solvents or alcohol | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV2 | 21/11/2014 | Scheduling | 1 |
| The Jeremy Kyle Show | ITV2 | 19/11/2014 | Generally accepted standards | 1 |
| The Jeremy Kyle Show | ITV2 | 28/11/2014 | Generally accepted standards | 1 |
| The Xtra Factor | ITV2 | 07/12/2014 | Race discrimination/offence | 1 |
| 118118.com's sponsorship of movies on ITV | ITV4 | 07/12/2014 | Generally accepted standards | 1 |
| Station ident | Jack FM (South Coast) | 30/11/2014 | Offensive language | 1 |
| Partaj | Kanal 5 | 07/12/2014 | Generally accepted standards | 1 |
| Advertising | LBC 97.3 FM | 02/12/2014 | Advertising content | 1 |
| Iain Dale | LBC 97.3 FM | 20/11/2014 | Due impartiality/bias | 1 |
| Advertising | Magic FM | 05/12/2014 | Advertising content | 1 |
| Masters of Sex | More4 | 21/10/2014 | Advertising minutage | 1 |
| Weather forecasts | n/a | 10/12/2014 | Generally accepted standards | 1 |
| Old Skool and Anthems | Northsound 1 | 08/12/2014 | Offensive language | 1 |
| Style and Trends | NTV | 23/10/2014 | Product placement | 1 |
| Night Cops | Pick | 11/12/2014 | Generally accepted standards | 1 |
| Police 10/7 | Pick | 11/12/2014 | Offensive language | 1 |
| Is That a Nail in Your Head? | Really | 15/11/2014 | Generally accepted standards | 1 |

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| Winter Wonderland Massive Savings | Rocks & Co | 14/12/2014 | Advertising content | 1 |
| News | RT | 02/12/2014 | Due accuracy | 1 |
| Chanan Munare | Sikh Channel | 20/08/2014 | Religious/Beliefs discrimination/offence | 19 |
| Carmen | Sky Arts 2 HD | 21/11/2014 | Nudity | 1 |
| Advertising | Sky Atlantic | 03/12/2014 | Advertising content | 1 |
| Advertising | Sky Atlantic | 03/12/2014 | Advertising content | 1 |
| Programming | Sky Channels | n/a | Outside of remit / other | 1 |
| Boulton and Co | Sky News | 21/07/2014 | Due impartiality/bias | 1 |
| News, Sport, Weather | Sky News | 24/07/2014 | Generally accepted standards | 1 |
| Paper Review | Sky News | 06/12/2014 | Age discrimination/offence | 1 |
| Sky News | Sky News | 19/07/2014 | Generally accepted standards | 1 |
| Sky News | Sky News | 08/12/2014 | Due accuracy | 1 |
| Sky News with Dermot Murnaghan | Sky News | 22/07/2014 | Generally accepted standards | 1 |
| Sky News with Dermot Murnaghan | Sky News | 02/12/2014 | Drugs, smoking, solvents or alcohol | 1 |
| Sky News with Dermot Murnaghan | Sky News | 08/12/2014 | Generally accepted standards | 1 |
| Sky News with Isabel Webster | Sky News | 23/07/2014 | Generally accepted standards | 1 |
| Sky News with Kay Burley | Sky News | 18/11/2014 | Due impartiality/bias | 1 |
| Sky News with Lorna Dunkley | Sky News | 19/07/2014 | Due impartiality/bias | 1 |
| Sky News with Martin Stanford | Sky News | 19/07/2014 | Outside of remit / other | 1 |
| Week in Review | Sky News | 23/11/2014 | Due impartiality/bias | 1 |
| International Football: Scotland v England | Sky Sports 1 | 18/11/2014 | Offensive language | 1 |
| La Liga – Real Sociedad vs Getafe | Sky Sports 5 | 20/10/2014 | Materially misleading | 1 |
| Live UEFA Champions League | Sky Sports 5 | 10/12/2014 | Generally accepted standards | 1 |
| Programming | Sky Sports 5 | 14/11/2014 | Materially misleading | 1 |
| Fight Night Live | Sky Sports Box Office | 22/11/2014 | Outside of remit / other | 1 |
| Advertising | STV | 27/11/2014 | Advertising content | 1 |
| News | Talksport | 30/11/2014 | Race discrimination/offence | 1 |
| Programming | Talksport | 10/12/2014 | Religious/Beliefs discrimination/offence | 1 |
| Healthy Living | TV99 | 28/10/2014 | Harm | 1 |
| Holistic Health | TV99 | 27/10/2014 | Harm | 1 |
| I'm a Celebrity, Get Me Out of Here! | UTV | 04/12/2014 | Drugs, smoking, solvents or alcohol | 1 |
| Advertising | Various | 15/12/2014 | Scheduling | 1 |
| Programming | Various | n/a | Offensive language | 2 |

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|----------------------------------|----------|------------|--|---|
| Live: Shri Guru Ravidass Ji | Venus TV | 23/08/2014 | Religious/Beliefs discrimination/offence | 1 |
| Advertising | VH1 | 06/12/2014 | Advertising content | 1 |
| It's Christmas with Noddy Holder | VH1 | 03/12/2014 | Offensive language | 1 |
| Honey I Bought the House | Watch | 07/12/2014 | Offensive language | 1 |
| The Strain | Watch | 19/11/2014 | Generally accepted standards | 1 |

Complaints assessed under the General Procedures for investigating breaches of broadcast licences

For more information about how Ofcom conducts investigations about broadcast licences, go to: <http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/general-procedures/>.

| Licensee | Licensed service | Categories |
|-----------------------------------|------------------------------|-----------------|
| Bay FM Radio Limited | Bay FM | Key Commitments |
| Canalside Community Radio Limited | Canalside's The Thread 102.8 | Key Commitments |
| Radio Forth Limited | Forth 1 | Format |
| Moray Firth Radio Limited | Moray Firth Radio FM | Format |

Investigations List

If Ofcom considers that a broadcaster may have breached its codes, a condition of its licence or other regulatory requirements, it will start an investigation.

It is important to note that an investigation by Ofcom does not necessarily mean the broadcaster has done anything wrong. Not all investigations result in breaches of the licence or other regulatory requirements being recorded.

Here are alphabetical lists of new investigations launched between 4 and 17 December 2014.

Investigations launched under the Procedures for investigating breaches of content standards for television and radio

| Programme | Broadcaster | Transmission date |
|----------------------|-------------|-------------------|
| Ice Road Truckers | Channel 5 | Various |
| Advertising minutage | Heart TV | 27 October 2014 |

For more information about how Ofcom assesses complaints and conducts investigations about content standards, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/standards/>.

Investigations launched under the Procedures for the consideration and adjudication of Fairness and Privacy complaints

| Programme | Broadcaster | Transmission date |
|-------------------------------|-------------|-------------------|
| Can't Pay? We'll Take It Away | Channel 5 | 15 October 2014 |
| 24 Hours in Police Custody | Channel 4 | 06 October 2014 |

For more information about how Ofcom considers and adjudicates upon Fairness and Privacy complaints, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/fairness/>.

Investigations launched under the General Procedures for investigating breaches of broadcast licences

| Licensee | Licensed Service |
|-----------------------|-----------------------|
| 914 TV Limited | Studio 66 TV 1 |
| Voice of Africa Radio | Voice of Africa Radio |

For more information about how Ofcom assesses complaints and conducts investigations about broadcast licences, go to:
<http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/general-procedures/>.