

Ofcom ref: 00513774

Information Requests

Email: [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

15 February 2018

## Ref: 00513774 Freedom of Information: Right to Know Request

Thank you for your request for information on complaints about sexual content in programmes. Your request was received on 25 January 2018 and I am responding under the terms of the Freedom of Information Act 2000.

You requested the “names of all of the drama shows that have been flagged or investigated for breaching the sex and nudity code in any way in the past 10 years”.

Before responding to your question, I would like to provide some background information on Ofcom’s complaints procedures and reporting.

Complaints about content standards are handled under *Ofcom’s Procedures for investigating breaches of content standards for television and radio*<sup>1</sup>.

Individual complaints received by Ofcom are assigned to cases. A case is opened when Ofcom is assessing a specific programme or issue and may consist of one or more complaints.

Ofcom assesses every complaint it receives. Based on an initial assessment of the complaint and a consideration of the related content, Ofcom will consider whether there may have been a breach of the Broadcasting Code (or other Ofcom codes or licence conditions). In cases where Ofcom considers there may have been a breach, it will launch an investigation. The possible outcomes of an investigation are that we judge an issue is in breach, resolved or not in breach of our rules.

Ofcom’s Broadcast and On Demand Bulletin, published every fortnight on our website, includes decisions about the complaints we have considered. The Bulletin covers a range of cases, including those which Ofcom has escalated for full investigation, and those which, after careful assessment, Ofcom has decided not to pursue because they did not raise issues warranting investigation. The Bulletins can be accessed via the following link to our website: <https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins>

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<sup>1</sup> Available at:

<https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/procedures>

We have interpreted your request to refer to those cases where Ofcom considered there may have been a breach of particular provisions of the Broadcasting Code (or other Ofcom codes or licence conditions) and launched an investigation. We have interpreted 'drama' to include fictional programme genres such as soaps, sitcoms, films and drama series or standalone programmes, but exclude reality tv, such as *The Only Way is Essex*, or animations, such as *South Park*.

Although details of all cases we have considered are listed in the Bulletins, for ease of reference we have listed all relevant cases for the ten-year period you cited, from 25 January 2008 to 25 January 2018, below:

Programme	Service	Decision	Issue	Date of issue
<i>Revenant</i>	Zone Horror	Breach	120	27/10/08
<i>Accidentally on Purpose</i>	Channel 4	Resolved	189	12/09/11
<i>Being Erica</i>	E4	Breach	192	24/10/11
<i>Strike Back: Project Dawn</i>	Sky 1	Resolved	195	05/12/11
<i>The Dukes of Hazzard</i>	Comedy Central	Breach	200	20/02/12
<i>Gavin and Stacey</i>	GOLD	Breach	209	09/07/12
<i>Homeland</i>	Channel 4	Not in Breach	211	13/08/12
<i>It's Complicated (trailer)</i>	Film 4	Resolved	234	15/07/13
<i>Temptation</i>	Klear TV	Breach	245	06/01/14
<i>Mr Selfridge</i>	ITV3	Resolved	247	03/02/14
<i>Two and a Half Men</i>	Comedy Central	Breach	253	06/05/14
<i>Banks Chronicles</i>	ROK	Breach	327	24/04/17
<i>To Be the Best</i>	True Entertainment	Breach	327	24/04/17
<i>F-Stop: Lady Margaret</i>	Notts TV	Breach	341	06/11/17
<i>Wanted</i>	Sky 1	Breach	343	04/12/17

We hope this information is of assistance. If you have any queries then please contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk). Please remember to quote the reference number above in any future communications.

Yours sincerely,

#### Information Requests

If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

**Timing**

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for undertaking internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exception cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Steve Gettings  
The Secretary to the Corporation  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF