

Ofcom Broadcast and On Demand Bulletin

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Points West

BBC News

Type of case Broadcast Standards Complaint Assessment

Outcome Not Pursued

Service BBC 1
BBC News Channel

Date & time 28 July 2020, 18:30 and 22:30
29 July 2020, 10:00

Category Race discrimination/offence

Summary We consider that the use, in full, of highly racially offensive language during three pre-recorded news reports was unjustified in this context. However, given the action already taken by the BBC, we concluded that the programme did not raise any further issues warranting investigation by Ofcom.

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

Summary

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Introduction

The broadcast content

Points West is the BBC's main evening news programme on BBC 1 for the West of England. The BBC News Channel provides breaking news and analysis 24 hours a day.

At 13:30 on 28 July 2020, *Points West* included a report about a racially aggravated attack on a young Black NHS worker in Bristol. The report explained that the man had been deliberately hit by a car, racially abused by the individuals in the car and that the police were treating the incident as a potential hate crime.

On the same day, the 18:30 edition of the programme featured a more detailed report of the attack. This version of the report included one instance of the word “nigger”. The news presenter introduced the report by saying:

“Our main story tonight: mown down by a car, a young hospital worker is knocked from the pavement into a garden. The police are treating it as a potential hate crime... the attack has left his family scared to leave home”.

Before the report began, the presenter issued the following warning:

“A young Black man has been seriously injured after being deliberately run over by a car as he walked home from work. The victim was racially abused as he lay in agony on the ground. Tonight, Bristol’s deputy Mayor said nobody should be the target of race hate. Our social affairs correspondent Fiona Lamdin has been following this shocking incident and I should warn you that her report contains pictures of the victim’s injuries and offensive language”.

The reporter detailed the facts of the story, including:

“His family are too scared to speak on camera but they’ve told me their son was leaving his shift at Southmead Hospital last Wednesday afternoon. He was walking up here, up towards the bus stop to catch the bus home. He was due to be playing football that evening. But when he got to this spot a car mounted the pavement, it hit him side on and catapulted him into this garden. Eyewitnesses said they saw two men jump out of the car. Before rushing off they hurled racial abuse at him. When his mother got to hospital, doctors told her she was very lucky her son was alive”.

Following an interview with an anonymised eyewitness, the reporter said:

“Just to warn you, you are about to hear highly offensive language because as the men ran away they hurled racial abuse, calling him a nigger”.

The same version of the report, containing the racially offensive term, was repeated on the 22:30 edition of *Points West* later that evening. The report was preceded by the following warning from the presenter:

“The victim was racially abused as he lay on the ground. Now I should warn you, this report by our social affairs correspondent Fiona Lamdin does contain pictures of the victim’s injuries and offensive language”.

The same report was repeated the following day, 29 July 2020, at 10:00 on the BBC News Channel. The presenter preceded the report with the following warning:

“Our correspondent Fiona Lamdin has been following this shocking incident and I should warn you that the report contains pictures of the victim’s injuries and offensive racist language”.

The BBC’s investigation

The BBC received more than 18,000 complaints about the use of racially offensive language in full during the reports¹ and considered these against its [Editorial Guidelines](#).

On 4 August 2020 the BBC released a statement on its complaints website², which defended the broadcasts and said:

“We accept that this has caused offence but we would like people to understand why we took the decision we did... [the victim’s family] asked us specifically to show the photos of this man’s injuries and were also determined that we should report the racist language, in full, alleged to have been spoken by the occupants of the car. Notwithstanding the family’s wishes, we independently considered whether the use of the word was editorially justified given the context. The word is used on air rarely, and in this case, as with all cases, the decision to use it in full was made by a team of people including a number of senior editorial figures.”

On 10 August 2020 the BBC’s Executive Complaints Unit (ECU) published a summary and response to the complaints³. The summary said, “We have received complaints about the language used in a report of an attack on an NHS worker in Bristol”. The response detailed an email sent from the then BBC Director-General, Lord Hall, to all BBC staff the day before, as follows:

“This morning I brought together a group of BBC colleagues to discuss our news coverage of the recent shocking attack on an NHS worker. I wanted us to look at the issues raised by the reporting and the strength of feeling surrounding it. We are proud of the BBC’s values of inclusion and respect, and have reflected long and hard on what people have had to say about the use of the n-word and all racist language both inside and outside the organisation. It should be clear that the BBC’s intention

¹ According to BBC Article [BBC receives 18,600 complaints over use of racial slur in news report](#), 6 August 2020.

² This was amended on 10 August with a further update from BBC complaints. See footnote 3.

³ See [BBC complaints website](#).

was to highlight an alleged racist attack. This is important journalism which the BBC should be reporting on and we will continue to do so. Yet despite these good intentions, I recognise that we have ended up creating distress amongst many people. The BBC now accepts that we should have taken a different approach at the time of broadcast and we are very sorry for that. We will now be strengthening our guidance on offensive language across our output. Every organisation should be able to acknowledge when it has made a mistake. We made one here. It is important for us to listen – and also to learn. And that is what we will continue to do.”

The ECU did not investigate the complaints it received but explained in a letter sent to complainants, and provided to Ofcom by a complainant, that:

“...I think it is clear both when BBC News gave its response to complaints, and Lord Hall carried out his review, that the judgment to include the word was not easy to make and would have depended on editorial justification, given the significance of the word in describing the nature of the attack on the victim. This in Lord Hall’s judgment did not outweigh its capacity to cause offence.

The Director-General of the BBC is the Corporation’s editor-in-chief, and the person responsible for the editorial and operational leadership of the BBC. It was therefore entirely proper for Lord Hall to take the steps he did and to reach his own judgment on the use of the term in the broadcasts taking into account both the editorial context for using it and the harm and offence its use could and did cause. Work is being carried out on the use of language on the BBC led by our diversity and inclusion team and new instructions have been issued on the need for decisions on the inclusion of racist terms in output to be referred to Heads of Divisions.”

The complaints

Ofcom received 878 complaints that had not completed the BBC’s complaints process. Complainants said that the broadcasts were “highly offensive”, “unacceptable”, “an absolute disgrace” and that “the ‘n-word’ is not something to be used, ever, by people who are not Black”. Many complainants also said that the report should have used the phrase “n-word” and not included the racially offensive language in full. In accordance with the BBC First process⁴, we referred these complaints to the BBC.

Ofcom subsequently received one complaint about the broadcasts which had completed the BBC’s complaints process. Therefore, we assessed the content against the following rule in the Ofcom

⁴ As set out in paragraphs 1.14-1.15 of [Ofcom’s Procedures for investigating breaches of content standards on BBC broadcasting services and BBC on demand programme services](#).

Broadcasting Code (“the Code”), to see whether the programmes raised potentially substantive issues that warranted investigation:

Rule 2.3: “In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context... Such material may include, but is not limited to, offensive language... discriminatory treatment or language (for example on the grounds of...race...). Appropriate information should also be broadcast where it would assist in avoiding or minimising offence.”

Given the significant public concern about this case, Ofcom has decided that it is in the public interest to publish its reasons for its assessment, to provide guidance to the BBC and other broadcasters.

Our Assessment

Rule 2.3

In enforcing the Code, Ofcom must have regard to the need to secure the application of broadcasting standards in the manner that best guarantees an appropriate level of freedom of expression. In our assessment of this complaint, we have taken account of the broadcaster’s right to freedom of expression and the audience’s right to receive ideas and information without undue interference, as set out in Article 10 of the European Convention on Human Rights.

In considering content under Rule 2.3, we give careful consideration to the context of the broadcast and whether it justifies the inclusion of potentially offensive material. Context includes, but is not limited to: the editorial content of the programme; likely audience expectations; the extent to which the nature of the content can be brought to the attention of the potential audience by giving a warning; and the degree of harm or offence likely to be caused by the inclusion of the material.

Ofcom’s [Offensive Language Research](#) shows audiences consider racist language including the “n-word” to be derogatory, discriminatory, insulting and amongst the most unacceptable of words. Audiences consider strong racist language to be unacceptable for use within programmes at any time without “significant contextual justification”. For some viewers, the use of the “n-word” is not acceptable in any context⁵. Ofcom’s [Audience Expectations in a Digital World](#) research also found that audiences prioritised discriminatory content aimed at specific groups over other types of offensive content.

As such, we considered the use of this word had the potential to be highly offensive to viewers. We then went on to consider the context to determine whether it justified the inclusion of this highly racially offensive language in these broadcasts.

Points West and *BBC News* are news programmes and we recognise that audiences look to news programmes for accurate information about what is going on in the world. Audiences are therefore likely to expect more challenging and potentially offensive content in these programmes. The report sought to convey the serious nature of the attack on a young man as he walked home from work. The

⁵ See Ofcom’s [Offensive Language Research](#) published 2016 and Ofcom’s [Audience Expectations in a Digital World](#) research published 2020. Ofcom is in the process of conducting new research into offensive language, including racially offensive terms, and will publish its findings in Summer 2021.

use of the “n-word” in full in the report demonstrated the racist nature of the attack and, although we recognised the word was used against the victim in a pejorative and aggressive way, it was used in the context of the report itself to highlight the reason that the police considered the attack to be a potential hate crime. Prior to the broadcast of the report, on each occasion there was a warning from the studio presenter and a further warning by the reporter, alerting viewers specifically to the racially offensive language that followed.

As described above, Ofcom’s research indicates that viewers find the “n-word” to be highly offensive and amongst the most unacceptable of all language. In the report the “n-word” was used by a White reporter. This factor was highlighted in many of the complaints we received at an initial stage and much of the public criticism that surrounded these broadcasts. We considered this factor was likely to have compounded the already very high potential for offence regarding the inclusion of this word.

Further, our recent [Audience Expectations in a Digital World](#) research found that audiences viewed highly offensive content in pre-recorded programmes to be more problematic, as broadcasters “have a responsibility to protect audiences and ensure this kind of material is only aired in an appropriate way”. These reports were pre-recorded and the BBC made an editorial decision at a senior level that the word should be included in full.

We were mindful that the BBC initially defended its broadcast of the “n-word” in these reports. In its response of 4 August 2020, it said that the wishes of the victim’s family that the BBC “should report the racist language, in full” formed part of the editorial decision process. This additional contextual factor was not included in the report and therefore the audience would not have been aware of this information at the time of broadcast. It is also Ofcom’s view that, had this information been included in the report itself, this may not have been sufficient to justify the full use of this highly racially offensive language.

We noted that the Director-General in his later email to staff had said that “the BBC’s intention was to highlight an alleged racist attack” and this was “important journalism which the BBC should be reporting on and we will continue to do so”. We recognise the clear public interest in reporting the facts of this case and that editorial decision making around accurately reporting issues such as hate crime involves fine judgments.

However, it is Ofcom’s view that, despite the clear warnings, it was unlikely that viewers would have expected the full use of the “n-word” in this particular context. In this instance, it is therefore Ofcom’s view that the very high potential for offence in the specific wording which was included in these broadcasts was not justified by the context.

In addition to assessing the reports, we went on to consider the action taken by the BBC in response to complaints it received under the BBC First process established under the Charter and Agreement in order to determine whether there was further need for Ofcom to intervene. This is in line with the respective roles and responsibilities of the BBC and Ofcom in relation to the governance and regulation of the BBC, under which Ofcom has a duty to consider the BBC’s overall approach to complaints handling.

We were concerned that the first response of the BBC was to defend the broadcast of this language in these reports. While the BBC acknowledged the potential for offence, it stated that the initial decision

to include the full use of the “n word” by a White reporter was taken by a “number of senior editorial figures” and the BBC stood by its initial position that the inclusion had been justified by the context.

However, following significant public criticism, the then BBC Director-General, as Editor-in-Chief, publicly stated that the BBC should have taken a different approach at the time of the broadcasts and he apologised for the distress caused. The BBC subsequently took steps to update its guidance on the use of offensive language and introduced a mandatory referral to Heads of Divisions for all decisions about the inclusion of racist language.

Having carefully considered the steps taken and the final position reached by the BBC in response to complaints, Ofcom considered that, although the very high potential for offence in these broadcasts was not justified by the context, no further regulatory action was required in relation to the content broadcast.

Conclusion

In each of these reports the inclusion of highly racially offensive language had the potential to cause very high levels of offence which was not justified by the context.

However in light of the action already taken by the BBC, we considered the programmes did not raise further issues warranting investigation under the Code.

Assessment outcome: Not pursued