

IFM Kids' Show

Type of case Broadcast Standards

Outcome In Breach

Service Inspiration FM

Date & time 14 January 2023, 10:00

Categories Offensive language
Due care of under-eighteens in programmes

Summary The most offensive language was broadcast at a time when children were particularly likely to be listening and was not justified by the context. In breach of Rules 1.14 and 2.3 of the Broadcasting Code.

The broadcaster failed to take due care over the emotional welfare and dignity of people under eighteen taking part in the programme. In breach of Rule 1.28 of the Broadcasting Code.

Introduction

Inspiration FM is a community-led and managed radio service based in Northampton which plays a variety of multi-cultural and contemporary music. The licence is held by Inspiration Radio Limited ("Inspiration Radio" or "the Licensee").

The programme *IFM Kids' Show* is broadcast between 10:00 and 11:00 every Saturday and is presented by a group of child presenters. In background information provided to Ofcom, Inspiration Radio confirmed that, in the edition of *IFM Kids' Show* broadcast on 14 January 2023, there were four presenters aged 10, 12, 14 and 16 respectively. Ofcom received a complaint about the use of offensive language in the song "Let Go" by Central Cee which was broadcast during the edition of *IFM Kids' Show* on 14 January 2023. The song was played at 10:48 and contained the lyrics "*the last time that we fucked was fucked*". Following the broadcast of these lyrics, the song was terminated and one of the presenters said: "*I'm really sorry it had swearing in it*" while another presenter explained that

“Because someone put it on because it wasn’t an E as well (i.e. a symbol which signifies explicit lyrics). It doesn’t have an E. Disrespect. Disrespectful”. All the presenters said *“Spotify”* and the first presenter then said *“OK, there was no E, how was I meant to know?”*

We considered this raised potential issues under Rules 1.14 and 2.3 of the Ofcom Broadcasting Code (“the Code”):

Rule 1.14: “The most offensive language must not be broadcast...when children are particularly likely to be listening (in the case of radio)...”.

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...Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

Ofcom therefore requested comments from the Licensee on how the programme complied with these rules.

We also considered that the participation of children as presenters in this programme raised potential issues under Rule 1.28 of the Code:

Rule 1.28: “Due care must be taken over the welfare and the dignity of people under eighteen who take part or are otherwise involved in programmes. This is irrespective of any consent given by the participant or by a parent, guardian or other person over the age of eighteen in loco parentis”.

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

Response

The Licensee explained that the *IFM Kids’ Show* had been broadcast on Inspiration FM for 27 years, adding that an incident such as this had never happened before. It added that in this case, the teenage presenter “accidentally played the wrong version of the song as it was labelled clean in the playlist” and that the presenter “quickly said sorry and tried to apologise and move on”. Inspiration Radio emphasised that the presenters in this case were “very sorry for what happened”, especially the presenter who played the song in question, adding that Central Cee was their favourite artist and is particularly popular amongst young people.

The Licensee also said that the older presenters help to train the younger presenters before the older presenters finish their involvement with Inspiration FM, and so “the ethos of clean songs have been embedded in the culture of that show for many years”. Inspiration Radio explained that the station is subscribed to an online music streaming service to obtain “clean release music from urban genres”, in order to “keep the airwaves clean” and “engage with the youth of today that present and listen to the kids show”. The Licensee added that a new “locker option” offered the opportunity for Inspiration Radio to download and store up to 100 songs on its system. However, it said that during the week of the broadcast, “two of the main team for the music output for the kids show” had not been working due to illness.

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In relation to Rule 1.14, the Licensee said that it agreed that the song broadcast was “not appropriate” and it apologised for the incident, adding that it was “happy to apologise on air and our website to say sorry”. Inspiration Radio explained that it had “always emphasised to all of [our] DJ’s/presenters not to broadcast content of that nature” and that this was written in the volunteers handbook to which they all have access. The Licensee attached a copy of signs featuring in its news room and broadcast studios which read: “No foul language”; “We cater to families”; and “Please be respectful”.

In relation to Rule 2.3, Inspiration Radio said that that the song broadcast did “not coincide” with this rule, adding that in light of this incident, it had put in place “strict restrictions on the show with every song and playlist prepared [a] week in advance and listened and checked by a member [of the] Inspiration FM Management Team”.

In relation to Rule 1.28, the Licensee provided to Ofcom a copy of the Inspiration FM Policy Statement for working with people aged under 18 and explained that it was handed to parents and read by young people appearing on Inspiration FM at their induction. This policy document set out broad, practical considerations for working with children, including a requirement to encourage respect and care for others, take action to stop inappropriate verbal or physical behaviour and to maintain a register of young people with relevant medical and emergency contact details. Under the heading “Protection of the Under-Eighteens”, the document stated (emphasis added by the Licensee):

- “If under-18s are involved in programme making, **their physical and emotional welfare and dignity must be preserved** at all times (a big issue for youth community radio)”; and
- “The station encourages young people to join in. However, under-16’s **MUST be supervised** by a legally recognised carer or guardian (parent, older sibling, youth worker or teacher) or member of IFM management (Station Manager)”.

Inspiration Radio explained that the lead and co-presenters in this programme were considered to be “much older” and that the station “review[s] their responsibilities based on age and increase/decrease accordingly”. Since the incident, the Licensee said it was:

- reviewing and undergoing new training with the young presenters;
- reviewing internal policies for safeguarding for under-eighteens; and
- ensuring new steps are taken to “prevent [presenters] from behaving in a way which breaches Ofcom standards”.

The Licensee explained that it also had a conversation with the young presenters to “discuss that this was wrong and to check that they are not harmed by listening to offensive language”, adding that one of the young presenters in this case was upset by their involvement in the incident and had decided to “leave the show for a while”¹.

Inspiration Radio said that it was “unusual for us to get a complaint from Ofcom as we strive to uphold the standards and take them very seriously”, and it said that it considered this to be an isolated

¹ On balance, Ofcom did not consider the content in this case raised issues warranting investigation under Rule 1.29 of the Code which states: “People under eighteen must not be caused unjustified distress or anxiety by their involvement in programmes or by the broadcast of those programmes”.

incident. It went on to say that “[i]t has always been our ambition to train [and] nurture youths in the local community” and that it “tried very hard to get them off the street, out of trouble and even going on to secure paid work in the industry as they mature”.

The Licensee said that its digital storage of music tracks would continue to be managed by the management team with help from the children, and that “all songs will be thoroughly checked prior to going on air even if they are labelled ‘CLEAN’”. It added that it was “in the process of publishing an apology and reviewing policies so nothing like this happens again”.

Ofcom prepared a Preliminary View finding the programme in breach of Rules 1.14, 2.3 and 1.28 and provided it to Inspiration Radio for its comments. In response, the Licensee reiterated that “the kids and the management team [at] Inspiration FM are very sad that this has happened”, adding that the volunteers have been involved in training the children for 27 years and that “we try our very best to make it work”. The Licensee apologised again, acknowledged that it was “in the wrong”, and added that it will “try to make things better each and every day in each and every week”.

Decision

Reflecting our duties under the Communications Act 2003, Section One of the Code requires that people under eighteen are protected from unsuitable material in programmes. Section Two of the Code requires that generally accepted standards are applied to content so as to provide adequate protection for members of the public from the inclusion of harmful or offensive material in programmes.

Ofcom takes account of the audience’s and the broadcaster’s right to freedom of expression as set out in Article 10 of the European Convention on Human Rights when considering a broadcaster’s compliance with the Code.

Rule 1.14

Rule 1.14 requires that the most offensive language must not be broadcast on radio when children are particularly likely to be listening.

When considering this case, Ofcom took into account our research into [Public attitudes towards offensive language on TV and radio](#), which was published in September 2021. This research found that the word “*fuck*” was considered by audiences to be among the most offensive language and required clear and strong contextual justification. It also found that audiences consider that, in order to protect children, this word should not be aired on radio at times when children are particularly likely to be listening.

According to [Ofcom’s Guidance on offensive language on radio](#), radio broadcasters should have particular regard to broadcasting content at the following times: between 06:00 and 09:00 and 15:00 and 19:00 Monday to Friday during term time; and between 06:00 and 19:00 at weekends all year round, and in addition, during the same times from Monday to Fridays during school holidays.

In this case, the broadcast of the word “*fucked*” twice at 10:48 on a Saturday morning was a clear example of the most offensive language being broadcast at a time when children were particularly likely to be listening. Ofcom also took into account that the show is entitled *IFM Kids’ Show* and is clearly aimed at a child audience, being presented by children and for children.

We acknowledged the Licensee's representations that the song was played in error and the steps it said it was taking as a result of the broadcast to improve its compliance. Nevertheless, Ofcom's Decision is that the broadcast was in breach of Rule 1.14.

Rule 2.3

Rule 2.3 requires that broadcasters must ensure that the broadcast of potentially offensive content is justified by the context. Context includes, for example: the editorial content of the programme; the service on which it is broadcast; the time of broadcast; and the likely expectation of the audience.

Ofcom first considered whether the material broadcast had the potential to cause offence.

In our view, the broadcast of the most offensive language, specifically two instances of the word "fucked", was clearly capable of causing offence to listeners. Ofcom then considered whether the broadcast of this offensive language was justified by the context.

We took into account that Inspiration FM is a community radio station which does not typically feature offensive content and that the offensive language was included in a song which the Licensee had the opportunity to check prior to broadcast. Further, we considered that the song was broadcast on a Saturday morning as part of a programme created for and specifically aimed at children. Taking these factors into account, we considered that the majority of listeners to this station, and in particular parents and carers, would not have expected to hear the broadcast of a song containing the most offensive language at this time of day. We took account of the fact that the presenters swiftly apologised and that the song was immediately terminated when the language was detected, but we did not consider this sufficiently mitigated the potential offence.

Ofcom acknowledged that Inspiration Radio said it had broadcast this song in error and has taken a number of steps to avoid a recurrence of this issue. However, Ofcom's Decision is that the broadcast of the most offensive language in this programme was not justified by the context and, therefore, the programme was also in breach of Rule 2.3 of the Code.

Rule 1.28

According to the Code, if anyone aged under eighteen appears in or participates in a television or radio programme, the broadcaster must ensure compliance with Rule 1.28 by taking due care over their welfare and dignity. Ofcom has published detailed [guidance](#) on this rule, which was drafted with the assistance of child experts and child welfare groups. The purpose of this guidance is to help broadcasters achieve the appropriate level of protection for under-eighteens in programmes when complying with Rule 1.28.

The concept of "due care" is central to Rule 1.28. The guidance makes clear that the level of care must be "appropriate to the particular circumstances". Broadcasters are required to decide what measures are appropriate in the context of individual programmes, genres and formats and the level of child participation involved. Relevant factors include a participant's age, maturity, and capacity to make judgments about participation and its likely consequences. The Code does not prohibit the broadcast of programmes with child presenters or guests. However, in such circumstances a broadcaster must ensure that due care is taken over the welfare and the dignity of the children involved.

In this case, *IFM Kids' Show* featured four presenters ranging in age from 10 to 16 years old. We noted that, for the majority of the programme, the presenters chatted with each other, discussed music, told jokes and played various music tracks. In our view, this content was suitable for both child listeners and the child presenters to be exposed to in a broadcasting environment. However, at 10:48, the presenters introduced a music track which, as explained above, contained the most offensive language and was in breach of Rule 1.14 and Rule 2.3 of the Code. Ofcom was concerned that presenters as young as ten were exposed to a music track containing the most offensive language.

According to the Inspiration FM Policy Statement provided by the Licensee to Ofcom, “under-**16’s MUST be supervised** by a legally recognised carer or guardian (parent, older sibling, youth worker or teacher) or member of IFM management team (Station Manager)” (emphasis added by the Licensee). However, Inspiration Radio explained that, during the week of the broadcast, two members of the team responsible for the music output for this programme had not been working due to illness. We noted that, when the offensive language was broadcast, there did not appear to be any adult intervention or presence in the studio. We also noted that, when the child presenters realised that the track contained offensive language and stopped the music, one presenter said, “*I’m really sorry it had swearing in it*” while another presenter explained that someone had put it on because “*it didn’t have an E*” (a symbol which signifies explicit lyrics). The first presenter replied “*There was no E, how was I meant to know?*”. This indicated that there was no responsible adult involvement in the selection of songs to be broadcast.

We took into account the Licensee’s representations that the song had been played in error. However, we noted that Inspiration Radio had had the opportunity to check the song prior to broadcast and failed to do so. This failure had resulted in the young presenters being exposed to offensive and unsuitable content.

We acknowledged the various steps taken by Inspiration Radio since the incident to improve compliance. However, for the reasons listed above, we considered that the Licensee failed to take due care over the welfare and the dignity of the child presenters, in breach of Rule 1.28.

Decision: Breaches of Rules 1.14, 1.28 and 2.3