

Reference: 652675

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Freedom of Information: Right to know request

Thank you for your request for information regarding Brass Eye Special – Paedogeddon.

This was received by Ofcom on 2 January 2019 and it has been considered under the Freedom of Information Act 2000 (the Act).

You asked:

Brass Eye Special - Paedogeddon TX dates 26th and 27th July 2001

I would be grateful if you could send me any information which pertains to the original complaints. I would like the BSC and the ITC findings for this programme and any representation/statements in defence of the transmissions by the broadcaster for this and subsequent repeats.

The BSC and ITC findings are publicly available on the National Archives' website. The BSC findings can be found here:

<https://webarchive.nationalarchives.gov.uk/20080712180405/http://www.ofcom.org.uk/static/archive/bsc/plain/bulletins.htm>

Reference to the ITC ruling can be found in the "Significant Interventions" section of the following document:

https://webarchive.nationalarchives.gov.uk/20080730193217/http://www.ofcom.org.uk/static/archive/itc/uploads/Programme_Complaints_September_2001.doc

In addition, a copy of the press release circulated and published on the ITC website in following this decision has been enclosed.

Regarding repeats of the programme, the National Archives' website holds the following ITC complaints report:

https://webarchive.nationalarchives.gov.uk/20140702162041/http://www.ofcom.org.uk/static/archive/itc/itc_publications/complaints_reports/programme_complaints/show_complaint.asp-prog_complaint_id=520.html

You also requested the representations made by the BSC and ITC regarding this episode and any repeats.

We are unable to release this information as it falls under the exemption in section 44 of the Act. Under this section information which we hold on this subject is exempt from disclosure since it was shared under regulatory powers and disclosure is prohibited under section 393(1) of the Communications Act 2003. Section 44 is an absolute exemption under the Act and does not require a public interest test.

If you have any queries, then please contact information.requests@ofcom.org.uk. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Catriona Lawrence

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 exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Corporation Secretary
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

ITC PUBLISHES FINDINGS ON CHANNEL 4'S 'BRASS EYE'

The Independent Television Commission today (6 September 2001) published its findings in relation to complaints of offence caused by the *Brass Eye* satirical programme dealing with media coverage of paedophilia.

The Commission noted that Channel 4 has a particular role in the provision of public service broadcasting. Its remit requires that it should have a “distinctive character” and that “innovation and experiment in the form of content of those programmes (should be) encouraged”. The Commission believes wholeheartedly in these objectives and supports the channel’s right to produce challenging, original and sometimes disturbing material.

The Commission accepted that satire is an effective way of making statements about a range of issues, however difficult. Exploitative media treatment of subjects like paedophilia was such an issue. It was reasonable, therefore, for Channel 4 to commission the programme.

However, the Commission found that *Brass Eye* was in breach of section 1.1 of the Programme Code which deals with offence to public feeling and goes on to state that “programme services are free to deal appropriately with all elements of the human experience but should avoid gratuitous offence by providing information and guidance to audiences, bearing in mind the expectations of those watching.”

The programme was also in breach of section 1.3 of the Code, which requires that “there be clear and specific warnings...where there is the likelihood that some viewers may find the programme disturbing or offensive”.

The Commission has concluded that the combination of the scheduling, warning and opening scenes taken together resulted in an unnecessary degree of offence to many people who had not been adequately prepared for what was to follow. It has therefore directed Channel 4 to broadcast an apology in relation to the offence caused.

The Commission concluded that Channel 4's decision in relation to what it recognised to be a highly sensitive programme could not be considered negligent or to have shown wilful disregard for the provisions of the Programme Code. Detailed correspondence had revealed the care and thought that went into assessing the suitability of the programme for a late evening audience.

But the ITC felt that the expectations of the likely audience for the programme, given its scheduling, were not sufficiently conditioned by the announcements, especially that which immediately preceded the programme, and left them vulnerable to exceptional and gratuitous offence.

The announcement was worded in terms which failed adequately to prepare viewers for what was to follow and might well have led them to expect, for example, a documentary. The opening sequence consequently took many viewers unawares.

The sight of child actors appearing in this context upset many viewers. The Commission accepted that Channel 4 had taken all the necessary steps to ensure that child performers in the programme were properly cared for and supervised and that all the relevant approvals had been given for their participation.

In some cases this necessary protection was achieved through editing and montage or through special effects. But this artifice, said the Commission, was invisible to viewers. They saw what appeared to them to be a succession of scenes in which children were apparently placed in highly inappropriate and harmful situations and significant offence resulted. The Broadcasting Standards Commission finding reflected similar concerns

The *Brass Eye* programme was broadcast on Thursday, 26 July at 10.35pm and was repeated on the Friday night at 12.10am. The ITC received around 1,000 complaints relating to taste, decency and offence and the use of children in the programme. Following press coverage, the ITC recorded over 750 messages expressing support for the programmes.

Notes to editors:

1. The ITC's consideration of individual fairness cases regarding unwitting contributors to the programme is outstanding. Its findings on this issue will be published at a later date.
 2. The Channel 4 Presentation announcement into the advertising break before *Brass Eye* on July 26 stated: "Next on 4, Christopher Morris examines our attitudes towards paedophilia in a *Brass Eye Special*." The warning into the programme ran: "Now on 4, a *Brass Eye Special* which takes an uncompromising look at the subject of paedophilia. This programme contains scenes which some viewers might find disturbing."
 3. The ITC has a statutory obligation under the Broadcasting Act of 1990 to draw up a Programme Code giving guidance to broadcasters on the appropriate standards they must observe. Up to the point of transmission it is the responsibility of the broadcaster to ensure they meet these requirements.
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