

# OFCOM BROADCAST AND ON DEMAND BULLETIN

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## Introduction

Under the Communications Act 2003 ("the Act"), Ofcom has a duty to set standards for broadcast content to secure the standards objectives<sup>1</sup>. Ofcom also has a duty to ensure that On Demand Programme Services ("ODPS") comply with certain standards requirements set out in the Act<sup>2</sup>.

Ofcom reflects these requirements in its codes and rules. The Broadcast and On Demand Bulletin reports on the outcome of Ofcom's investigations into alleged breaches of its codes and rules, as well as conditions with which broadcasters licensed by Ofcom are required to comply. The codes and rules include:

- a) [Ofcom's Broadcasting Code](#) ("the Code") for content broadcast on television and radio services licensed by Ofcom, and for content on the BBC's licence fee funded television, radio and on demand services.
- b) the [Code on the Scheduling of Television Advertising](#) ("COSTA"), containing rules on how much advertising and teleshopping may be scheduled on commercial television, how many breaks are allowed and when they may be taken.
- c) certain sections of the [BCAP Code: the UK Code of Broadcast Advertising](#), for which Ofcom retains regulatory responsibility for television and radio services. These include:
  - the prohibition on 'political' advertising;
  - 'participation TV' advertising, e.g. long-form advertising predicated on premium rate telephone services – notably chat (including 'adult' chat), 'psychic' readings and dedicated quiz TV (Call TV quiz services); and
  - gambling, dating and 'message board' material where these are broadcast as advertising<sup>3</sup>.
- d) other conditions with which Ofcom licensed services must comply, such as requirements to pay fees and submit information required for Ofcom to carry out its statutory duties. Further information can be found on Ofcom's website for [television](#) and [radio](#) licences.
- e) Ofcom's [Statutory Rules and Non-Binding Guidance for Providers of On-Demand Programme Services](#) for editorial content on ODPS (apart from BBC ODPS). Ofcom considers sanctions for advertising content on ODPS referred to it by the Advertising Standards Authority ("ASA"), the co-regulator of ODPS for advertising, or may do so as a concurrent regulator.

[Other codes and requirements](#) may also apply to broadcasters, depending on their circumstances. These include the requirements in the BBC Agreement, the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

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<sup>1</sup> The relevant legislation is set out in detail in Annex 1 of the Code.

<sup>2</sup> The relevant legislation can be found at Part 4A of the Act.

<sup>3</sup> 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.

**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 therefore cause offence.**

## Broadcast Standards cases

### In Breach

#### Kerry's Gold Country

*Keep it Country, 2 April 2019, 16:20*

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#### Introduction

Keep it Country is a country music channel, the licence for which is held by KEEPITCOUNTRY.TV.LTD ("Keep It Country" or "the Licensee")

Ofcom received a complaint about violent scenes broadcast before the watershed in the music video *The Gerry* by Beef Supreme. The video depicted a team of hunters killing human prey. This included two shootings that featured both blood spraying from the victims and close-up shots of their open bullet wounds.

Ofcom considered this content raised potential issues under Rule 1.11 of the Code, which states:

"Violence, its after-effects and descriptions of violence, whether verbal or physical, must be appropriately limited in programmes broadcast before the watershed...and must also be justified by the context".

During our assessment of the complaint, we also identified one use of the word "fuck" in the lyrics of the song. We considered this raised potential issues under Rule 1.14 of the Code, which states:

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

We therefore requested comments from the Licensee as to how the content complied with these rules.

#### Response

Keep it Country said that this video "clearly slipped through the net" and "is not the type of programming that we would encourage or allow". It also told Ofcom that *Kerry's Gold Country* had been removed from its schedules and that it will take "every step possible to safeguard against a repeat of this mistake".

#### 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.

#### Rule 1.11

Rule 1.11 states that violence must be appropriately limited in programmes broadcast before the watershed and must also be justified by the context.

We first assessed whether the level and nature of the violence was appropriately limited. This music video included two shootings, with each accompanied by images of blood spraying from the victim upon the impact of the bullet and close-up shots of the open bullet wounds in the victims' chests. We considered that these scenes of violence (and its after-effects) were clearly not appropriately limited.

We next considered whether the violence was justified by the context. The content was shown on Keep it Country, a dedicated country music television channel. We therefore did not consider the audience for this channel would expect scenes of graphic violence. In addition, the programme was broadcast in the mid-afternoon and included no warning to viewers about the scenes of violence. In our view, this content was likely to have exceeded viewers' (and especially parents') expectations of a country music service before the watershed.

Therefore, our Decision was that the programme was in breach of Rule 1.11.

#### Rule 1.14

Rule 1.14 states the most offensive language must not be broadcast before the watershed.

[Ofcom's 2016 research on offensive language](#) makes clear that the word "fuck" and its variations are considered by audiences to be amongst the most offensive language. Therefore, the use of the word "fuck" was a clear case of the most offensive language being broadcast before the watershed.

Therefore, our Decision was that the programme was also in breach of Rule 1.14.

#### **Breaches of Rules 1.11 and 1.14**

## Broadcast Licence Conditions cases

### In Breach

#### Compliance with 'Key Commitments'

#### *Awaaz FM, Awaaz FM Community Radio CIC, 11 February 2019 to present*

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##### Introduction

Awaaz FM is a community radio station for the ethnic minority communities in Southampton. The licence is held by Awaaz FM Community Radio CIC ("Awaaz FM" or "the Licensee").

Like other community radio stations, Awaaz FM is required to deliver ['Key Commitments', which form part of its licence](#). These set out how the station will serve its target community and deliver social gain (community benefits), and also include a description of the programme service.

Ofcom received a complaint about the station's compliance with the requirements of its Key Commitments. Ofcom therefore requested recordings of the content broadcast on 11, 12 and 13 February and a full programme schedule for the week of 11 to 17 February 2019, and we asked the Licensee to indicate all content that fell under Ofcom's definition of original output.

Having assessed the recordings and associated programme schedule, it appeared that Awaaz FM was not delivering the following Key Commitment:

- "The service provides original output<sup>1</sup> for a minimum of 77 hours per week."

Ofcom considered that this raised potential issues under Conditions 2(1) and 2(4) in Part 2 of the Schedule to Awaaz FM's licence. These state, respectively:

"The Licensee shall provide the Licensed Service specified in the Annex for the licence period". (Section 106(2) of the Broadcasting Act 1990); and

"The Licensee shall ensure that the Licensed Service accords with the proposals set out in the Annex so as to maintain the character of the Licensed Service throughout the licence period". (Section 106(1) of the Broadcasting Act 1990)

We requested comments from Awaaz FM on how it was complying with these conditions

##### Response

Awaaz FM acknowledged that it was not meeting the requirement to broadcast a minimum of 77 hours of original output per week. It explained that this was for two reasons. First,

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<sup>1</sup> Original output is output that is first produced for and transmitted by the service, and excludes output that was transmitted elsewhere before. Original output can be live, pre-recorded or 'voice-tracked'. Repeat broadcasts of original output do not count towards the minimum requirement.

because it was training new presenters to better reflect the community it serves, in particular those with disabilities. Second, because it has planned more original programmes but they need "further input" from community members to ensure that the programmes are not replicating those provided by other radio stations in the area and therefore providing more choice for listeners.

The Licensee said that it aims to meet the requirement for 77 hours of original output per week by summer 2019.

### **Decision**

Reflecting our duties to ensure a diverse range of local radio services, community radio licensees are required to provide the specified licensed service.

During the period monitored, Ofcom found that the station had broadcast four hours of original output on 11 February, five hours on 12 February and four hours on 13 February. The Licensee admitted that it was not meeting the requirement to broadcast a minimum of 77 hours per week of original output but was aiming to do so by summer 2019.

As the Licensee did not meet its Key Commitment to broadcast original programming during the period monitored and is still not meeting this commitment, Ofcom's Decision is that Awaaz FM is in breach of Licence Conditions 2(1) and 2(4). Ofcom expects the Licensee to rectify this issue and we are putting the Licensee on notice that Ofcom will monitor this service again to check its compliance with this requirement.

**Breach of Licence Conditions 2(1) and 2(4) in Part 2 of the Schedule to the community radio licence held by Awaaz FM Community Radio CIC (licence number CR101276)**



## In Breach / Resolved

### **Provision of information: community radio finance reports** ***Various community radio licensees, year ending 31 December 2018***

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#### **Introduction**

Community radio stations are provided primarily for the good of people in an area or for a particular community, rather than primarily for commercial reasons. They must also deliver social gain, operate on a not-for-profit basis, involve members of their target communities and be accountable to the communities they serve.

There are statutory restrictions on the funding of community radio stations which are set out in community radio licences. Specifically, that stations are permitted to raise on-air advertising and sponsorship income up to £15,000, the "fixed revenue allowance". Most community radio stations may raise a further amount from this type of income, but it must not exceed 50% of the station's total relevant income (disregarding the fixed revenue allowance) for that year, and of which at least 25% must come from "other income" (such as grants and donations).

It is of fundamental importance that Ofcom can verify that a licensee is complying with its licence requirements relating to funding. We therefore require licensees to submit an annual report setting out how they have met their licence obligations.

The annual reports from stations also inform Ofcom's own understanding of the community radio sector, and financial information about the sector will feature in the Media Nations report to be published later this year. Annual reports that are not received or received late, impact on the accuracy of the data in the report.

Failure by a licensee to submit an annual report when required represents a serious and fundamental breach of a community radio licence, as the absence of the information contained in the report means that Ofcom is unable properly to carry out its regulatory duties.

Ofcom requested finance reports for the calendar year 2018 from all community radio licensees who were broadcasting for the whole of 2018. A number of licensees failed to provide their reports by the deadline specified.

Ofcom considered that this raised issues under Condition 9(1) in Part 2 of the Schedule to the Community Radio licence, which states:

- "9(1) The Licensee shall maintain records of and furnish to Ofcom in such manner and at such times as Ofcom may reasonably require such documents, accounts, estimates, returns, reports, notices or other information as Ofcom may require for the purpose of exercising the functions assigned to it by or under the 1990 Act, the 1996 Act or the Communications Act and in particular [...]
- c) such information as Ofcom may reasonably require for the purposes of determining whether the Licensee is complying with the requirements of the Community Radio Order 2004 for each year of the Licensed Service;

- d) such information as Ofcom may reasonably require for the purposes of determining the extent to which the Licensee is providing the Licensed Service to meet the objectives and commitments specified in the Community Radio Order 2004; and
- e) the provision of information under this section may be provided to Ofcom in the form of an annual report which is to be made accessible to the general public."

### Resolved

Ofcom did not receive an annual finance report from the following licensees by the deadline given. However, these licensees subsequently submitted late reports. We therefore considered the cases to be resolved:

Licensee	Service name	Licence number
AKASH Radio Leeds Ltd	AKASH Radio Leeds	CR100143
Alias Music and Community Projects CIC	1BTN	CR101282
Celtic Music Radio Limited	Celtic Music Radio FM	CR000257
St. Matthews Community Solution Centre Ltd.	EAVA FM	CR000178
Takeover Radio Children's Media Trust	Takeover Radio	CR000010
West Hull Community Radio Limited	West Hull Community Radio	CR000056

Ofcom considers the failure to provide this information to be a serious matter. It is of fundamental importance that Ofcom can verify that a community radio licensee is complying with its licence requirements relating to funding. Failure by a licensee to submit an accurate annual report when required represents a serious and fundamental breach of a community radio licence, as the absence of the information contained in the report means that Ofcom is unable properly to carry out its regulatory duties.

This is the second consecutive year that Celtic Music Radio Limited and West Hull Community Radio Limited have failed to provide their reports by the deadline provided. We expect Celtic Music Radio Limited and West Hull Community Radio Limited to provide Ofcom with an accurate annual report by the initial deadline set when we request the annual report from it in 2020. If these licensees fail to do so, Ofcom will consider taking further regulatory action, which may include consideration of the imposition of a statutory sanction.

### In Breach

Ofcom did not receive an annual finance report from the following licensees by the deadline given and the finance reports remain outstanding. Ofcom's Decision is therefore that these licensees are in breach of Licence Condition 9(1):

Licensee	Service name	Licence number
Afro Caribbean Millennium Centre	New Style Radio 98.7 FM	CR000037
Awaaz Radio Limited	Awaaz Radio	CR000208
Ujima Radio CIC	Ujima Radio	CR000116

Ofcom considers the failure to provide this information to be a serious matter. It is of fundamental importance that Ofcom can verify that a community radio licensee is complying

with its licence requirements relating to funding. Failure by a licensee to submit an accurate annual report represents a serious and fundamental breach of a community radio licence, as the absence of the information contained in the report means that Ofcom is unable properly to carry out its regulatory duties.

Afro Caribbean Millennium Centre provided a late and inaccurate report each year between 2015 and 2018. In Ofcom's Decision published in [Issue 370 of Ofcom's Broadcast and On Demand Bulletin](#), Ofcom specified that we expected this licensee to provide Ofcom with an accurate finance report by the initial deadline we set when we requested the annual report from it in 2019. The Decision made clear that if it failed to do so, we will consider taking further regulatory action, which may include consideration of the imposition of a statutory sanction.

In the case of Awaaz Radio Limited, in [Issue 354 of Ofcom's Broadcast and On Demand Bulletin](#), we recorded a Resolved finding for the late provision of its 2017 finance report. In [Issue 332 of Ofcom's Broadcast and On Demand Bulletin](#), we recorded a breach of Licence Condition 9(1) for failing to provide a 2016 finance report. We are very concerned that this year Awaaz Radio Limited has failed to provide its finance report for 2018.

In the case of Ujima Radio CIC, this is the second consecutive year that Ujima Radio CIC has not provided an annual finance report. Ofcom recorded a breach of Licence Condition 9(1) in [Issue 354 of Ofcom's Broadcast and On Demand Bulletin](#).

**Ofcom is putting these three licensees on notice that it will consider the breaches for the imposition of a statutory sanction.**

**Breaches of Licence Condition 9(1) in Part 2 of the Schedule to the community radio licences.**

## Broadcast Fairness and Privacy cases

### Upheld

#### **Complaint by the Sher Group, made on its behalf by Mr Gurmail Singh Malhi**

#### ***Sri Guru Singh Sabha Southall Elections Debate, KTV, 27 September 2017***

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#### **Summary**

Ofcom has upheld this complaint by the Sher Group<sup>1</sup>, made on its behalf by Mr Gurmail Singh Malhi, of unjust or unfair treatment in the programme as broadcast.

The debate programme included representatives from two of the three groups standing for election to the management committee of the Sri Guru Singh Sabha Gurdwara (the "Gurdwara") in Southall, west London<sup>2</sup>. No representatives of the third party, the Sher Group, appeared in the programme. The presenter made repeated requests for the Sher Group to contribute to the election debate. The Sher Group complained that its representatives were prevented from taking part in the programme and that an unfair impression was given to viewers that it had been given the opportunity to participate and respond to allegations made against it.

Ofcom considered that the broadcaster did not take reasonable care to satisfy itself that material facts had not been presented, disregarded or omitted in a way that was unfair to the Sher Group and failed to provide it with an appropriate and timely opportunity to respond.

#### **Programme summary**

On 27 September 2017, KTV broadcast an edition of a debate programme entitled *Sri Guru Singh Sabha Southall Elections Debate*, in which a panel of guests discussed their group's manifestos for the forthcoming election, on 1 October 2017, of the management committee to the Sri Guru Singh Sabha Gurdwara ("the Gurdwara") in Southall, west London.

As the programme was broadcast in Punjabi, an English translation was prepared by Ofcom and provided to the complainant and the broadcaster for comment. Neither party commented on the translation and both confirmed to Ofcom that they were content for it to use the translation for the purposes of the investigation.

The presenter, Mr Jagjit Singh Jeeta, introduced the programme:

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<sup>1</sup> One of three groups standing for election to form the new management committee of Sri Guru Singh Sabha Gurdwara, Southall. The other two groups were the Baaj Group and Tera Panth Vasey Group.

<sup>2</sup> Elections for the new management committee of the Gurdwara were taking place on 1 October 2017. The three groups standing for election were the Baaj Group, Tera Panth Vasey Group and Sher Group.

*"We are trying through your favourite channel to show the three parties and the three groups which will be participating. The existing group is the Sher Group. The second group which has been working, is the Baaj Group, and the third group, is the Tera Panth Vasey; it is made up of the youth and it had only four members last time. But, this time, all the three groups are well prepared. All the people and communities near Southall are prepared and are ready and waiting for this Sunday.*

*There is one very important thing that I would like to share before starting the programme. One thing came to our minds, and it was that Sri Guru Singh Sabha community should have a debate. So, we contacted the present committee members, although there have been a lot of changes, but, still they are taking care of things in the administration. We took permission from the Senior Manjeet Singh Buttar, who is the General Secretary of the joint committee of Sri Guru Singh Sabha in Park Avenue, Havelock Road. They asked us to come and cover the live debate from six o'clock until 7:30 on KTV. They asked us to come, and the location was Norbert School. We went there with our team. Also, listen to this funny thing, all the three parties were present there; Sher Group, Baaj Group, and Tera Panth Vasey, General Secretary Senior Manjeet Singh Buttar and Assistant Secretary Senior Gurbachan Singh Athwal - I think that is his right name. The General Secretary booked the programme and the assistant secretary came and told us that the programme could not happen here. In my view, this programme will be going live on Facebook.*

*We came to this place after travelling 120 miles. They told us that they would decide whom they are going to choose. But, when we arrived there, Gurbachan Singh Athwal said that we had to fill a form, and only then could they give us the space. Senior Baljinder Singh should have informed us earlier when we emailed him weeks ago. Anyway, since the General Secretary told us, we arrived there. We didn't know the procedure, but we still reached the location, as this is our duty and the job of the media. The Sikh gentleman requested us to come. I forget his name. He said that we could come without worrying, that everything had been set up, and there were three tables for Sher Group, Baaj Group, and Tera Panth Vasey... We can see the Sher Group, the microphone is ready, and the programme has started, our brothers [i.e. representatives from the Sher Group] still have the option to come and join us".*

The presenter introduced the two representatives from both the Tera Panth Vasey Group and the Baaj Group. He then said:

*"The main reason for assembling together all the committees and the groups of the Guru Sabha is so that the people can ask them their questions and they can put on the table what they have done in the past, and what better things they will be doing in the future".*

The presenter then asked one of the representatives from the Tera Panth Vasey Group the reason behind the group being set up, the reason the members had decided not to join one of the two more established groups and, the main issues which impacted on the local community. The presenter then asked a representative from the Baaj Group, Dr Parvinder Garcha, about whether it would be elected to manage the Gurdwara. The presenter also said:

*"...Today the condition of the Guru Sabha in England has become like a battlefield. It happened with the media as well. We planned out everything and then Mr Manjeet Singh Bhuttar called and asked us to change the location. The media travelled from*

*Birmingham, but Manjeet Singh called and said that this place was vulnerable to violence. What would you [the Baaj Group] do if you were in this situation?"*

In response, Dr Garcha said:

*"...Let me clarify. Our leader Himmat Singh Sohi says the same thing: that there is a difference between saying something and doing something. So, if we promise something, we will definitely do it. If we say that the programme will be held in Norbert Hall, then it will happen right there. If we agree, then we will not change the location at the last minute. When I was the General Secretary, I used to follow the regulations and complete any paperwork. I would do it on time or would inform the other party if it couldn't be done. I gave you the reply and I replied to other channels as well. We do everything clearly so that there are no delays. There should be no misunderstandings".*

The presenter asked Dr Garcha the reason management committees *"fight over donations given by the community?"* and about the contents of the Baaj Group's manifesto. In response, Dr Garcha said, amongst other things, that *"the Sher Group were lacking in many areas, especially in terms of failure of management. The management or committee has to run properly..."*.

Later, the following conversation took place between the Baaj Group and Mr Manjit Singh, another representative of the Baaj Group:

Mr Manjit Singh: *"...I would like to say with a heavy heart to my brothers in the committee, that today the situation of Sri Guru Singh Sabha has become similar to the situation in India. The ministers are invited for every small or big project of the Gurudwara and they are given honours.*

Presenter: *Has this started recently, or was this happening before you were in the committee?*

Mr Manjit Singh: *No, most of it started happening during the current [Sher Group] committee's governance.*

Presenter: *But my question is very simple. Why didn't you speak at the time they were given the honours? Why do we need to ask this question today? The elections will be held in two or three days' time. Why was nothing done before this?*

Mr Manjit Singh: *We have raised our voices but the perception in the community is that there are bullies in the committee. Nobody has the courage to speak the truth and talk openly. Today we didn't want to hold this programme here because there are lots of men gathered in Norwood Hall to bully people. The word 'hooliganism' is not a nice one, but this is the reality.*

Presenter: *Sir, Gurdwara Sahib and Guru Sangh is a Godly community. Is it right to say such a thing here?*

Mr Manjit Singh: *No, it is not right at all. If I get a chance I will talk to them about the finances, the management [unfinished].*

Presenter: *Yes, sure we will talk [unfinished].*

Mr Manjit Singh: *- and about their character. What is their character? What are they doing? What kind of business are they up to, troubling the daughters and sisters of other people? They are asking people's daughters and sisters to dance naked. This is not what I am saying; this is the perception in the minds of other people, and such videos are going viral. When you will ask me these questions again I will give you all the details".*

The presenter then said that he would ask the Baaj Group further questions later and he went on to question the Tera Panth Vasey Group.

Later, the presenter said that the purpose of the media was to "show the reality" and "we can still see that the table for the third group [the Sher Group] is still available". The presenter then asked a representative from the Tera Panth Vasey Group, how its manifesto differed from the other parties. The presenter also stated that the other parties "blame each other, they accuse each other of stealing money from here or there" and asked: "what kind of system are you [Tera Panth Vasey] going to develop?". The presenter then said to Dr Garcha:

*"...A message is going viral in the form of a video against the Baaj Group. The community and the viewers are watching us. Please tell us whether it is true or false. £1.4 million was spent just in the planning of Khalsa Public school. This amount was spent on personal fees alone. 14 per cent, i.e. 2 lakh pounds, was given to the members and the employees of the Baaj Group. This message is viral on WhatsApp. I would like you to clarify this. I apologise for this allegation. There are a lot of groups; some are saying good things about you and some are sending other kinds of messages. I would like to know the truth behind this message".*

Dr Garcha provided an explanation in response to this allegation which included that this allegation had been made in 2010. The presenter then questioned the reason it was being discussed now, and Dr Garcha said: "I am not sure about it, but maybe they didn't come today because they were expecting you to ask this question". The presenter said: "No, I was not supposed to discuss this but out of personal interest I asked you...". Later, the presenter said: "...my brothers are sitting here, two parties are sitting here, and some parties might be sitting at home and watching us". Dr Garcha then said that the allegation had been made by "Gurmail Singh Malhi on video". Dr Garcha then requested that Mr Malhi provide proof that the allegations were true. Dr Garcha also claimed that "one of the service people who was working there stole money from the donation box. He was imprisoned for 10 months". Dr Garcha confirmed that this individual was an employee at the Gurdwara and that he had been released from prison. Dr Garcha suggested the Sher Group had said it had reported the incident to the police.

Later, the presenter said:

*"...We got here somehow, and you can see what has happened to one of the groups. If you say something, you must learn to listen as well. All the three groups should have been here today. If they were here, then they would have been able to put their opinions before the community members...".*

The presenter then asked Mr Manjit Singh about the amount of donation money which had been used to fund court cases. In response, Mr Manjit Singh said that "...it would have been

*better if Mr Malhi was here. He would have asked me the questions and I would have asked him some questions".* Mr Manjit Singh then spoke about the finances of the Sher Group at the time when it was the Managing Committee of the Gurdwara. The presenter stated that community donations were *"going into the pockets of advocates and lawyers"*. Mr Manjit Singh said: *"Regarding my question, today Malhi Sahab is not here. Maybe tomorrow he will be sitting here in front of me, and then I will ask him the question"*.

Another presenter, Mr Baljinder Singh, then took over from Mr Jagjit Singh, and the programme continued. The presenter asked that the groups provide brief responses as there was not much time left in the programme. He also said:

*"...So, the two groups that are present here, we would like to welcome you. The live debate is still going on and we still invite the Sher Group to attend if they want to talk about anything. They can come here and give their point of view..."*

Later, the following conversation took place between the presenter and Mr Manjit Singh:

Mr Baljinder Singh: *"So, Manjit Singh Ji, I would like to say to the viewers who are watching this show that, although we are doing an independent live debate with you here, we are covering the Sikh committee in Southall. I am not sure what is happening outside. Some people or youngsters are breaking the doors and windows outside and making a lot of noise. This is not politics; this is just about the service of religion. Why do they [cause] riots?"*

Mr Manjit Singh: *We have said in the beginning that they have gathered a lot of boys with sticks in the Norbert Hall. I am referring to these boys"*.

Later, prior to the conclusion of the programme, Mr Manjit Singh said:

*"Regarding the election which is going to be held on the 1<sup>st</sup>, we would like to request the community members to vote for the Baaj group and make us successful. We will live up to your expectations. You can hear the noises outside, banging on the doors and shouting. What is this? Are you going to vote for these groups? Who has spread hooliganism in the Gurdwara? Who is not allowing the community to grow?"*

Voices could be heard in the background which said: *"We told you to inform us before"*.

The programme ended and there was no further reference to Sher Group.

## **Summary of complaint and broadcaster's response**

### Complaint

Mr Malhi complained that the Sher Group was treated unjustly or unfairly in the programme as broadcast because a debate between the three Gurdwara parties, Sher Group, Baaj Group and Tera Panth Vasey Group, was organised. However, the Sher Group were not informed of the time of the debate which prevented it from being able to attend. Mr Malhi said that the programme repeatedly requested for the Sher Group to attend the debate, which gave the unfair impression to viewers that it had had an opportunity to defend the allegations, but had chosen not to. Further, Mr Malhi said that, once they arrived at the debate location, the Sher Group was prevented from taking part in the debate.



## Broadcaster's response

Ofcom requested a statement in response to the complaint from KTV, however the broadcaster failed to do so<sup>3</sup>. In the particular circumstances of this case, Ofcom considered that it was able to reach a Preliminary View on the complaint despite the absence of a statement from KTV.

## **Preliminary View**

Ofcom prepared a Preliminary View that the Sher Group's complaint should be upheld. Both parties were given the opportunity to make representations on the Preliminary View, but neither chose to do so.

## **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 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, we carefully considered all the relevant material. This included a recording and translated transcript of the programme as broadcast, and the complainant's written submissions. The broadcaster did not provide any written submission in response to the complaint.

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"). In addition to this rule, Section Seven (Fairness) of the Code contains "practices to be followed" by broadcasters when dealing with individuals or organisations participating in, or otherwise directly affected by, programmes, or in the making of programmes. Following these practices will not necessarily avoid a breach of Rule 7.1 and failure to follow these practices will only constitute a breach where it results in unfairness to an individual or organisation in the programme.

Ofcom considered the complaint that the Sher Group's representatives were prevented from taking part in the programme and that an unfair impression was given to viewers that it had been given the opportunity to participate and respond to allegations made against it.

In considering this complaint, we had particular regard to Practice 7.9 of the Code:

"Before broadcasting a factual programme, including programmes examining past events, broadcasters should take reasonable care to satisfy themselves that material

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<sup>3</sup> Ofcom found the Licensee in breach of Licence Condition 20(1) for failing to provide Ofcom with a written statement in response to this complaint. The decision was published in [Issue 373 of Ofcom's Broadcast and On Demand Bulletin on 25 February 2019](#).

facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation...".

Ofcom's role is to consider whether, by making repeated requests for representatives of the Sher Group to participate in the programme and omitting to explain to viewers that its representatives had attended, albeit late, the broadcaster took reasonable care not to present, disregard or omit material facts in a way that resulted in unfairness to the Sher Group. Whether a broadcaster has taken reasonable care to present material facts in a way that is not unfair to an individual or organisation will depend on all the particular facts and circumstances of the case including, for example, the seriousness of any allegations and the context within which they were presented in the programme. Therefore, Ofcom began by considering whether the matters complained of had the potential to materially and adversely affect viewers' opinions of the Sher Group in a way that was unfair.

We took account of what the presenter said about the Sher Group and, in particular, what was said about its lack of participation in the programme. From the detailed "Programme summary" above, the presenter made four references to the Sher Group taking part in the debate, and further comments were made by a programme guest who said that "*...it would have been better if Mr Malhi [representative of the Sher Group] was here*" and "*Maybe tomorrow he will be sitting here in front of me...*". No representatives of the Sher Group appeared on the programme.

Ofcom considered that the repeated references by the presenter for representatives of the Sher Group to participate in the debate programme had the potential to materially and adversely affect viewers' opinions of the Sher Group. This was because the comments potentially gave the impression that the Sher Group had chosen not to take part in the programme, and that it did not want to engage in debate about the election issues and the management of the Gurdwara. According to the complainant, the Sher Group had not been notified of the time of the debate and that when its representatives had arrived at the venue, they were prevented from taking part. This, in our view, was likely to have a potentially created an adverse inference in the minds of the viewers as to why the Sher Group was not represented in the programme.

We recognised that the programme was broadcast live, and we understand that participants can sometimes make unexpected comments, or circumstances may arise that prevents contributors from taking part, as it appeared to be the case in this instance. However, in such circumstances, broadcasters need to be particularly aware that they have a duty to ensure that reasonable care is taken that the broadcast material is consistent with the requirements of the Code. It must not mislead viewers or portray people or organisations in a way that is unfair.

In our view, it was incumbent on the broadcaster to have fairly represented the Sher Group's absence from the programme. We considered that the broadcaster, who we understood was aware of the actual situation at the time of broadcast, failed to inform viewers that the Sher Group representatives had in fact attended the studios, albeit late. Instead, the broadcaster gave the impression to viewers that the Sher Group had chosen not to take part in the debate despite having been invited to do so. This, we concluded, created a misleading and unfair impression of the Sher Group to viewers.

Taking all these factors into account, we considered the comments made in the programme and the omission of any explanation for the absence of the Sher Group representatives from

the programme, had the clear potential to materially and adversely affect viewers' opinions of the Sher Group in a way that was unfair. Therefore, in the particular circumstances of this case, Ofcom concluded that the broadcaster did not take reasonable care to satisfy itself that material facts had not been presented, disregarded or omitted in the programme, and that this resulted in unfairness to the Sher Group.

**Ofcom has upheld the Sher Group's complaint of unjust or unfair treatment in the programme as broadcast.**

## Upheld

### Complaint by Mr Gurmail Singh Malhi and the Sher Group Programming, KTV, 30 September 2017

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#### Summary

Ofcom has upheld Mr Gurmail Singh Malhi's complaint of unjust or unfair treatment in the programme as broadcast, made on his own behalf, and on behalf of the Sher Group<sup>1</sup>.

During the programme, the presenter was joined by two guests in the studio who talked, largely, about their negative experiences of the management committee of the Sri Guru Singh Sabha Gurdwara (the "Gurdwara") in Southall, west London<sup>2</sup>.

Ofcom considered that:

- The broadcaster did not take reasonable care to satisfy itself that material facts had not been presented, disregarded or omitted in a way that was unfair to Mr Malhi and the Sher Group.
- The comments made in the programme amounted to significant allegations about Mr Malhi and the Sher Group. Therefore, the broadcaster's failure to provide the complainants with an appropriate and timely opportunity to respond resulted in unfairness to them.

#### Programme summary

On 30 September 2017, KTV broadcast a live talk show programme presented by Mr Jagjit Singh Jeeta, who was joined in the studio by Mr Sharnbir Singh Sangha and Ms Jaskaran Kaur Shergill, who spoke about their negative experiences of the Gurdwara's management committee.

As the programme was broadcast in Punjabi, an English translation was prepared by Ofcom and provided to the complainant and the broadcaster for comment. Neither party commented on the translation and both confirmed to Ofcom that they were content for it to use the translation for the purposes of any subsequent investigation.

Mr Sangha explained his background and how he became involved with the Gurdwara. Later, the presenter spoke to Ms Kaur about her grievance with the Gurdwara. She said:

*"...Mr Malhi is aware of my grievance and that I have made these allegations to CID [Criminal Investigation Department] that they have [been] threatening me".*

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<sup>1</sup> One of three groups standing for election to form the new management committee of Sri Guru Singh Sabha Gurdwara, Southall. The other two groups were the Baaj Group and Tera Panth Vasey Group.

<sup>2</sup> Elections for the new management committee of the Gurdwara were taking place on 1 October 2017. The three groups standing for election were the Baaj Group, Tera Panth Vasey Group and Sher Group.

The following conversation then took place between the presenter and Ms Kaur:

Presenter: *"So, as far as the Pammi [an employee at the Gurdwara] case is concerned, he was convicted?"*

Ms Kaur: *Yes.*

Presenter: *How much money had been misplaced?"*

Ms Kaur: *My first complaint was made in October 2016 to the President [of the management committee], Mr Avtar Singh Buttar that a volunteer had told me that whenever Pammi leaves a holy room he has a bag full of pound coins, and as soon as he leaves the room he starts counting the money and that looked suspicious to him, and he told me this upstairs in my office, and I raised this with Avtar Singh Buttar and he said that he would 'keep an eye upon him', and investigate the matter. After telling him this, I left the matter as I assumed that he would deal with the matter, but then I heard from another employee, the receptionist who also had a second job at a chemist. He said that he [Pammi] comes in and exchanges substantial amounts of coins. Again, I raised this with Mr Buttar and he again said: 'don't worry we will keep an eye upon him'. After this, Pammi came up to my office a few times and asked me if I had any change which I thought was very strange as he had never asked me this before. I thought that maybe Avtar Singh had said something to Pammi and warned him that I was suspicious of him. Anyway, on the day of the theft the security guard approached me and said that Pammi's pockets were bulging and they were empty in the morning, that he had told Mr Buttar, who had said 'I never saw anything with my own eyes'. I said to the security officer that just empty his pockets that is your duty as a security officer, but he said that Avtar Singh had told him leave him this time, we will deal with him next time, and I have said this in my witness statement.*

Presenter: *So, you did not apprehend him then? Did you not have CCTV?"*

Ms Kaur: *No. But then he [the security guard] comes to me as the manager and I placed the CCTV camera upon him and we observe him. It is so clear that he is stealing, and we observed that in 15 minutes, he only places his hand in his pocket just once, and we found £10,000 in his pocket.*

Presenter: *You found £10,000 in his pocket, were they all pound coins?"*

Ms Kaur: *Yes, let me give you further details and explain. So, I spoke to the security officer and told him to go and empty his pockets. He said but a committee member has told me not to. I said that you are a security officer, and nobody can stop you from performing your duties. Meanwhile, Mr Malhi came up and I said: 'let me show you something on the security camera'. I played the video, but because he wasn't paying attention and was busy with his phone I had to replay the video two or three times. He said: 'what do you want to do about it?' I said that 'I want to empty his pockets'. He said: 'what if you find nothing?' I said that 'we have enough grounds from the video footage to*

*have reasonable grounds to believe that he is stealing and therefore look into his pockets'.*

Presenter: *That is justified if you have reasonable grounds for suspicion.*

Ms Kaur: *I said to the security officer that he should bring him upstairs, and Avtar Singh Buttar also came up as well. His main concern was that I should tell him to order that his [Pammi's] pockets be searched so that it appeared that he hadn't ordered that he be searched.*

Presenter: *Even at this stage, politics is being played in Gurdwaras, that to save their position they want to evade responsibility of making decisions.*

Ms Kaur: *I'm surprised that this is the same committee that raised such an issue over £20 and here they keep prevaricating and saying it's ok.*

Presenter: *So, when did you find the £10,000?*

Ms Kaur: *Pammi was brought upstairs to my room, because that is where the cameras are, and he was asked to empty his pockets. Photographs were taken at this time of this whole scene by the security officer. Pammi started emptying his pockets voluntarily as he knew beforehand why we had called him upstairs. Mr Malhi was standing to one side. At that time, we recovered £747.63 in coins from his trouser pockets. I still don't understand how he could have hidden so much. We then looked in his wallet and recovered foreign currency.*

Presenter: *Which could have been his?"*

Ms Kaur explained that she had found Euros and Dollars in the wallet and that it had to have been taken from the Gurdwara because Pammi was there *"illegally and not working"* and the Gurdwara received donations in foreign currency. The conversation between the presenter and Ms Kaur continued:

Presenter: *"But, you can't say for 100% that this was money from the Gurdwara?"*

Ms Kaur: *He admitted to it, after that I told him that I was contacting the police. My call to the police got cut off, but they rang back and left a voicemail saying that they were on the way and gave me [a] case reference number, which I passed on to the General Secretary. He said that he could not pass this on to the Metropolitan Police because he did not live in the Metropolitan Police area. I have no idea what he meant by that. After that, police arrived. They said to Mr Malhi 'what do you want to do in terms of pressing charges?' Mr Malhi looked at me, and I said that 'he should be arrested and if he is not I will report the matter to the Charity Commission because it's a large amount of money and you couldn't just ignore it'. Mr Malhi agreed that he should be arrested. The police then gave him a warning that they were going to search him and when they did that they found that his jacket had special pockets sewn in which showed that he had been stealing for quite some time.*

Presenter: *Secret pockets? Where had he bought the jacket? Had he had it sewn specially?*

Ms Kaur: *No idea. But, just imagine that in that room, there are three cameras and along with the security guard, there are about six or seven people who count the money in the room. How was it possible that nobody knew that money was being stolen?"*

The presenter said that Pammi was "convicted and went to prison" and asked Ms Kaur whether he had now been released. However, Ms Kaur continued to speak about the amount of money which Pammi had in his possession. She also said:

*"One thing I'd like to make clear. Many committee members claimed the benefit from this, with photos and all, saying we called the police. In reality, none of the committee members were there – except Mr Malhi. I told him that this person would routinely steal. The committee members to whom I would regularly report to, they gave a statement to police indicating that the money which they had confiscated from Pammi, that was his saving across a period of thirteen years. The police responded to Mr. Partap Singh Buttar, by asking him 'how come Pammi carried around 13 years' worth of his savings in his pocket?'...I went to court. None of the committee members went and they tried to stop me from going too. I've got text messages from Mr Manjit Singh Buttar".*

The presenter and Ms Kaur then spoke about the court case and Ms Kaur confirmed that Pammi had pleaded guilty to theft and was given a ten-month prison sentence. Ms Kaur said that "he only accepted [he stole] £8,670...[he said] the rest is mine. But the police gave us [the Gurdwara] the full amount [£10,000]". The presenter concluded this part of his conversation with Ms Kaur and said that "Stealing from a Gurdwara is a terrible thing".

The presenter then spoke to the other studio guest, Mr Sangha, about "controversy around cheques which go out with your name on them". Mr Sangha explained that he was given a cheque for £6,100 by a committee member who asked him to resolve a dispute between people who had carried out repair works on the Gurdwara and to distribute what was owed because he was a magistrate. Ms Kaur said:

*"Can I add something? There's an example. I saw the debate yesterday on the accounts. Nobody actually does the accounts in either committee. When it comes to the issue of payments and reimbursements, the £6,000, the Sher Group would do the same practices. They'd put money in various people's accounts".*

Later, the presenter spoke again to Ms Kaur. The following conversation took place:

Presenter: *"...Jaskaran Shergill, you've been vocal in the Pammi case. You also have a case in court. I want to know briefly, what is the matter, what is the case? You've brought a case against the Gurdwara and you left your job.*

Ms Kaur: *I resigned from my job in July.*

Presenter: *Reason?*

Ms Kaur: *After the theft, there was direct and indirect harassment going on after that incident.*

Presenter: *Why was this going on?*

- Ms Kaur: *Indirectly in the sense that they were saying there was no need for them to involve the police.*
- Presenter: *If you don't mind, I'll ask a question. Were you maligned on a personal level?*
- Ms Kaur: *Yes.*
- Presenter: *Can you disclose why?*
- Ms Kaur: *Yes. The reason for my resignation was this; five days before I resigned, I was off sick. I was taken by ambulance from Park Avenue. The same day, I was sent a malicious message, the wording of which I cannot share on-air. Whoever saw it will know.*
- Presenter: *Was it a text message or a video message?*
- Ms Kaur: *It was a WhatsApp message; that number was then shut down.*
- Presenter: *So, it was a fake number?*
- Ms Kaur: *Yes, but that message wasn't sent directly to me somehow, I don't know. There was a reference to me in it that I was trying to steal money from them – professionally. The indirect meaning was that I was trying to do this through an employment tribunal. I was confused, as only the committee knew about my issues – they were confidential. After that, I got a phone call from a colleague who informed me about a message sent to all staff. I didn't receive that message. When I finally did see it, I called the police directly. The police took a witness statement from me and began tracking the numbers.*
- Presenter: *These days, there are a lot of fake numbers.*
- Ms Kaur: *They also know very well whose number it is and from which area the call was made.*
- Mr Sangha: *Look, the police traced the number. When people say [unfinished].*
- Presenter: *But, I think there are certain numbers that can't be traced so easily.*
- Ms Kaur: *But, they can trace the email that was used and the location. They called and asked me if I was aware of the location and whose it might be.*
- Presenter: *So, they told you, off the record?*
- Mr Sangha: *We know.*
- Ms Kaur: *Yes, I know who it is. I'd like to say on the record that I sent an email about this to Mr Malhi to say that I know you are behind this.*
- Presenter: *But, that's about your committee and the disputes going on.*



Ms Kaur: *This has been confirmed to me by two senior committee members. They said, yes. Only he could do this. The evidence to back up the accusation I made to the committee - is that the way my name was spelt, only one man spells it that way. He is Mr Gurmail Singh Malhi's close person. He lives in my town and the police contacted him. He was told if you directly, or indirectly, threaten this person you'll be arrested.*

Presenter: *So, these are your statements. At KTV, we have to stay independent, as we are an independent media. You are responsible for your statements. Anything you claim could be disclaimed.*

Ms Kaur: *I've already submitted this in writing to the committee.*

Presenter: *Going to the other side, what case do you have in court?*

Ms Kaur: *My case is a whistleblowing, protected disclosures and sex discrimination case. Whistleblowing is like theft. The Charity Commission was told a month before Pammi was arrested by myself – I said there is theft going on here and the committee isn't stopping it.*

Presenter: *Why involve the Charity Commission; why couldn't you solve it internally?*

Ms Kaur: *Because I tried, I told Aftab Singh Buttar and the committee to stop it. They did nothing.*

Presenter: *So, this is one case you have in court. This is a Gurdwara case, or a personal one?*

Ms Kaur: *The Gurdwara's name has to be on it, as a legal obligation, that's as an employer, but the liability rests on the committee members.*

Presenter: *Who was your contract with? The Gurdwara?*

Ms Kaur: *The Gurdwara, yes. Signed by Mr Malhi".*

The other guest, Mr Sangha, then told the presenter that it was *"not the Gurdwara that has wronged us. It's the committee members and their supporters"*.

Ms Kaur then spoke about her claim and the amount of damages she was seeking. She clarified that she had not sought damages from the Gurdwara, but the management committee who she considered were personally liable. Later, Ms Kaur clarified her position further and said:

*"...my case isn't against the Gurdwara, it is against the six people who have committed legal breaches inside the Gurdwara. Right now, the regulatory services case[s] are open – The Charity Commission, the Home Office is investigating, Ealing Council is investigating, London Fire Authorities are involved in the breaches. I submitted protected disclosures for this purpose"*.

Ms Kaur also said that she had *"enough evidence to prove I am right"* and would not lose the case.

The presenter concluded the programme and said:

*“At KTV, we recognise the statements made by our guests as their own. We have our own statements and they have theirs. We believe in free media. We hope you understand the pain felt by our guests, whatever the truth may be. I beg leave, we will meet again”.*

There was no further reference to Mr Malhi or the Sher Group in the programme.

## Summary of the complaint

### Complaint

- a) Mr Malhi complained that he and the Sher Group were treated unjustly or unfairly in the programme because the programme alleged that he and members of the Sher Group:
- had conspired with a “thief” to steal thousands of pounds from donation boxes and that they were involved in the theft and in covering up for the thief;
  - had threatened the contributor, Ms Kaur, and directly and indirectly harassed her; and
  - would “put money in people’s accounts”.

Mr Malhi also complained that both he and the Sher Group were not given an appropriate and timely opportunity to respond to the above allegations.

- b) Mr Malhi complained that he was treated unjustly or unfairly in the programme because the programme alleged that he was behind a “discriminatory” message which had been sent to members of the public and contained inappropriate comments about the contributor. He also said that the programme also said that Ms Kaur had been informed by the police that Mr Malhi was under investigation.

Mr Malhi also complained that he was not given an appropriate and timely opportunity to respond to the above allegations.

### Broadcaster’s response

Ofcom requested a statement in response to the complaint from KTV, however the broadcaster failed to do so<sup>3</sup>. In the particular circumstances of this case, Ofcom considered that it was able to reach a Preliminary View on the complaint despite the absence of a statement from KTV.

### **Preliminary View**

Ofcom prepared a Preliminary View that the Sher Group’s complaint should be upheld. Both parties were given the opportunity to make representations on the Preliminary View, but neither chose to do so.

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<sup>3</sup> Ofcom found the Licensee in breach of Licence Condition 20(1) for failing to provide Ofcom with a written statement in response to this complaint. The decision was published in [Issue 373 of Ofcom’s Broadcast and On Demand Bulletin on 25 February 2019](#).

## 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 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, we carefully considered all the relevant material. This included a recording and translated transcript of the programme as broadcast, and the complainant's written submissions. The broadcaster did not provide any written submission in response to the complaint.

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"). In addition to this rule, Section Seven (Fairness) of the Code contains "practices to be followed" by broadcasters when dealing with individuals or organisations participating in, or otherwise directly affected by, programmes, or in the making of programmes. Following these practices will not necessarily avoid a breach of Rule 7.1 and failure to follow these practices will only constitute a breach where it results in unfairness to an individual or organisation in the programme.

In assessing this complaint, Ofcom considered heads a) and b) together.

Ofcom first considered the complaint that both Mr Malhi and the Sher Group were treated unjustly or unfairly in that it was alleged in the programme that they had conspired with a "thief"; had threatened Ms Kaur; and had "put [Gurdwara] money into people's accounts". We also considered Mr Malhi's complaint that he was treated unfairly in that the programme alleged that he was behind a "discriminatory" text message about Ms Kaur.

We then considered whether Mr Malhi and the Sher Group were given an appropriate and timely opportunity to respond to the allegations said to have been made in the programme.

In considering this complaint, we had particular regard to the following Practices of the Code:

Practice 7.9:

"Before broadcasting a factual programme, including programmes examining past events, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation...".

#### Practice 7.11:

"If a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate or timely opportunity to respond".

Ofcom's role is to consider whether the broadcaster took reasonable care not to present, disregard or omit material facts in a way that resulted in unfairness to Mr Malhi and the Sher Group. Whether a broadcaster has taken reasonable care to present material facts in a way that is not unfair to an individual or organisation will depend on all the particular facts and circumstances of the case including, for example, the seriousness of any allegations and the context within which they were presented in the programme. Therefore, Ofcom began by considering whether the matters complained of had the potential to materially and adversely affect viewers' opinions of the Mr Malhi and the Sher Group in a way that was unfair.

As set out in the "Programme summary" above, the presenter and the studio guests talked about their experiences of the then incumbent management committee of the Gurdwara which consisted of members of the Sher group, including Mr Malhi, and made a number of allegations about them. While the full extent of these allegations and references to the Sher Group and Mr Malhi are set out in the "Programme summary", we took into particular account the following:

In respect of the complaint that the programme alleged that the complainants had "conspired with a thief" we took into account Ms Kaur's comments as she gave her account of the theft of money from the Gurdwara. Ms Kaur told the presenter that she had raised concerns about one of the volunteers with the President of the management committee, who she said had told her that he would "keep eye" on him. She said that she had heard further rumours about this volunteer and had raised the issue again, but received the same response. Ms Kaur then said that when she asked the security officer to search the pockets of the person she suspected of theft, he told her that a member of the management committee had told him to "leave him this time, we'll deal with him next time". We also took into account that the presenter said that "politics is being played in Gurdwaras" and that "to save their position they want to evade responsibility of making decisions", to which Ms Kaur said that she was surprised that it was the "same committee that raised such an issue over £20 and here they keep prevaricating and saying it's ok". Later in the programme when Ms Kaur was explaining what happened when the police arrived, she said that Mr Malhi was asked by the police about whether he wanted to press charges against the suspected thief. She said that Mr Malhi "looked at me", and after she had told him that "it's a large sum amount of money and you couldn't just ignore it", Mr Malhi had then "agreed that he should be arrested". Ms Kaur also asked: "How was it possible that nobody knew that the money was being stolen?" and also said that "Many of the committee members claimed the benefit...In reality, none of the committee members were there – except Mr Malhi. I had told him that this person would routinely steal". Ms Kaur said too that the management committee's statement to the police which indicated that the stolen money "was his savings across a period of 13 years", and that the management Committee had tried to stop her from going to the court hearing. Towards the end of the relevant part of the programme, Ms Kaur said: "...there was theft going on here and the committee isn't stopping it"; "They did nothing"; "it's not the Gurdwara that has wronged us. It's the committee members and their supporters"; and, that her case "is against the six people who have committed legal breaches against the Gurdwara".

In respect of the complaint that the programme alleged that the complainants had threatened Ms Kaur by harassing her, we took into account that at the beginning of the programme, Ms Kaur said of the management committee that *"Mr Malhi is aware of my grievance and that I have made these allegations to CID that they have [been] threatening me"*. Later in the programme, Ms Kaur said that after the theft incident she had left her job at the Gurdwara because there *"was direct and indirect harassment going on"* and she agreed with the presenter's comments that she had been *"maligned on a personal level"*.

We also took into account, in relation to the complaint that it was alleged that the complainants would *"put money in people's accounts"*, that the presenter had said to another studio guest, Mr Sangha, that there was *"controversy around cheques going out with your name on them"* and that Mr Sangha had explained that he had been given the cheque by a committee member to resolve a dispute about repair works. Ms Kaur then said that *"Nobody actually does the accounts in either committee. When it comes to the issue of payments and reimbursements, the £6,000, the Sher Group would do the same practices. They'd put money in various people's accounts"*.

We then took into account the comments made specifically about Mr Malhi and relating to his complaint that it was alleged in the programme that he was behind a *"discriminatory"* message about Ms Kaur. Ms Kaur said that on the day she had resigned from the Gurdwara, she was sent *"a malicious message, the wording of which I cannot share on-air"*. She said that the message, sent via a social media app, made a reference to her *"trying to steal money from them [i.e. the management committee] ...The indirect meaning was that I was trying to do this through an employment tribunal"*. Ms Kaur went on to say that she was informed by a colleague of another message that had been sent *"to all staff"* and that when she saw it *"I called the police directly. The police took a witness statement from me and began tracking the numbers"*. Following a short discussion between the presenter, Ms Kaur and the other studio guest about tracing the phone numbers, Ms Kaur said *"I'd like to say on the record that I sent an email about this to Mr Malhi to say that I know you are behind this"*. She went on to say that *"This has been confirmed to me by two senior committee members. They said, yes. Only he could do this. The evidence to back up the accusation I made to the committee – is that the way my name was spelt, only one man spells it that way. He is Mr Gurmail Singh Malhi's close person. He lives in my town and the police contacted him. He was told if you directly, or indirectly, threaten this person you'll be arrested"*.

Ofcom considered that the comments made by Ms Kaur, taken collectively, were accusatory in nature and would have left viewers in no doubt that she claimed that the management committee, comprised of members of the Sher Group, including Mr Malhi, were reluctant to pursue the alleged theft of money from the Gurdwara, and implied that they overlooked criminal behaviour when they were in a position of responsibility and trust. We also took into account that the comment about Mr Malhi agreeing that the person suspected of theft should be arrested could be seen as portraying Mr Malhi positively. However, we took the view that given the context in which the comment was made, it depicted Mr Malhi as being reticent and unsure in the police taking action and that he had only agreed after Ms Kaur had told him that the theft could not be ignored. We also considered that Ms Kaur had clearly claimed that she had experienced threatening behaviour and harassment over the alleged theft incident. We also took the view that her comments about the payment of money into *"various people's accounts"* clearly implied that the management committee's management of the Gurdwara's finances was, at least, inappropriate and irregular.

In Ofcom view, the comments above, taken overall, suggested to viewers that Mr Malhi and the management committee had acted inappropriately and, potentially, dishonestly. We also considered that in respect of Ms Kaur's comments about the messages that had been sent about her, she unequivocally accused Mr Malhi as being responsible for them and that the police had taken action against an associate of Mr Malhi (though not Mr Malhi himself) who Ms Kaur claimed had sent the messages. Ofcom considered that nature of the allegations made about the Sher Group and Mr Malhi in the programme were serious and that they had the potential to materially and adversely affect viewers' opinions of Mr Malhi and the Sher Group.

We then considered whether the presentation of these comments in the programme as broadcast resulted in unfairness to the complainants. Ofcom acknowledges broadcasters' right to freedom of expression and that they must be able to broadcast programmes on matters of interest to viewers freely, including the ability to express views and critical opinions without undue constraints. However, this freedom comes with responsibility and an obligation on broadcasters to comply with the Code and, with particular reference to this case, avoid unjust or unfair treatment of individuals or organisations in programmes.

We understood that the programme was broadcast live, and we recognise that contributors can sometimes make unexpected comments that have the potential to create unfairness. It is Ofcom's view, therefore, that for live programmes it may be, but is not always, possible for the broadcaster to obtain responses from others prior to, or during, the programme. However, in such circumstances, broadcasters need to be particularly aware that they have a duty to ensure that reasonable care is taken that the broadcast material is consistent with the requirements of the Code. This may include briefing any studio guests about fairness requirements in advance of the programme, as well as ensuring that any allegations made during the programme are properly tested or challenged. This could be, for example, by pointing out any contradictory argument or evidence or by representing the viewpoint of the person or organisation that is the subject of the allegation. The importance is that the programme must not mislead viewers or portray people or organisations in a way that is unfair.

Given this, Ofcom then assessed what steps, if any, the broadcaster took to satisfy itself that material facts were not presented, disregarded or omitted in a way that was unfair to Mr Malhi and the Sher Group. KTV failed to provide a statement in response to the complaint and, therefore, it has not provided Ofcom with any evidence that it had taken any reasonable steps before the live broadcast in this regard, for example, by advising Ms Kaur to take care about any allegations she might make. Ofcom recognised that twice in the programme, the presenter advised viewers, by way of a disclaimer, that *"So, these are your [i.e. Ms Kaur's] statements. At KTV, we have to stay independent, as we are an independent media. You are responsible for your statements. Anything you claim could be disclaimed"* and *"At KTV, we recognise the statements made by our guests as their own. We have our own statements and they have theirs. We believe in free media. We hope you understand the pain felt by our guests, whatever the truth may be. I beg leave, we will meet again"*. However, in our view, we considered that such disclaimers, would not, in themselves, be sufficient to absolve the broadcaster of its responsibility to ensure fairness throughout the broadcast of the programme. Further, Ofcom took into account that nowhere in the programme was anything said to balance or place into appropriate context the comments made about the complainants, nor did the programme include the viewpoint of Mr Malhi or the Sher Group in response to the claims made by Ms Kaur.

Therefore, in our view, the comments made about Mr Malhi and the Sher Group in the programme were presented as facts. Given this, we considered that these comments amounted to significant allegations about Mr Malhi and the Sher Group which had the potential to materially and adversely affect viewers' opinions of them and which were presented in the programme in a way that was unfair to the complainants.

Taking all of the above into account, Ofcom concluded that, in the particular circumstances of this case, the broadcaster did not take reasonable care to satisfy itself that material facts had not been presented, disregarded or omitted in a way that was unfair to Mr Malhi and the Sher Group.

We next considered the complaint that Mr Malhi and the Sher Group were treated unjustly or unfairly in the programme because neither were given an appropriate and timely opportunity to respond to the allegations made about them in the programme.

For the reasons set out above, we considered that the comments made by Ms Kaur in the programme amounted to significant allegations about Mr Malhi and the Sher Group. Therefore, in accordance with Practice 7.11, the broadcaster should have offered Mr Malhi and the Sher Group an appropriate and timely opportunity to respond to the allegations in order to avoid unfairness. KTV did not provide Ofcom with statement in response to this complaint and so did not provide us with any evidence that it had sought responses to the allegations from the complainants. Given that no reference was made in the programme to either Mr Malhi or the Sher Group being approached for comment, or to take part in the programme itself to respond to the allegations, we considered that the broadcaster had not sought a response from Mr Malhi and the Sher Group.

In these circumstances, therefore, we concluded that KTV's failure to provide such an opportunity to respond was unfair to both Mr Malhi and to the Sher Group.

**Ofcom has upheld this complaint, made by Mr Malhi and the Sher Group, of unjust or unfair treatment in the programme as broadcast.**

## Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 20 May and 2 June 2019 and decided that the broadcaster or service provider did not breach Ofcom's codes, rules, licence conditions or other regulatory requirements.

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

<b>Programme</b>	<b>Service</b>	<b>Transmission date</b>	<b>Categories</b>
Leading the Way	TBN UK	29/01/2019	Religious/Beliefs discrimination/offence

[How Ofcom conducts investigations about content standards on television and radio programmes](#)



## Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 20 May and 2 June 2019 because they did not raise issues warranting investigation.

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

Programme	Service	Transmission Date	Categories	Number of complaints
8 Out of 10 Cats	4Music	27/05/2019	Generally accepted standards	1
Traffic Cops: Motorbike Mayhem	5Spike	19/05/2019	Materially misleading	1
Guessing Games	Baby TV	18/05/2019	Generally accepted standards	1
Live UEFA Champions League	BT Sport 2	17/04/2019	Race discrimination/offence	1
Capital Breakfast	Capital FM (Leicester)	15/05/2019	Offensive language	1
Drivetime with Martin Lowes	Capital FM (North East)	13/05/2019	Generally accepted standards	1
Bake Off: The Professionals	Channel 4	07/05/2019	Sexual material	1
Bake Off: The Professionals	Channel 4	14/05/2019	Disability discrimination/offence	1
Banged Up: Teens Behind Bars	Channel 4	29/04/2019	Under 18s in programmes	3
Carry Ons at the Castle	Channel 4	19/05/2019	Offensive language	4
Celebrity SAS: Who Dares Wins for Stand Up for Cancer	Channel 4	05/05/2019	Offensive language	2
Channel 4 News	Channel 4	17/05/2019	Due impartiality/bias	1
Channel 4 News	Channel 4	17/05/2019	Elections/Referendums	2
Channel 4 News	Channel 4	20/05/2019	Elections/Referendums	1
Channel 4 News	Channel 4	21/05/2019	Elections/Referendums	1
Channel 4 News	Channel 4	22/05/2019	Elections/Referendums	1
Channel 4 News	Channel 4	27/05/2019	Elections/Referendums	1
Channel 4 News	Channel 4	28/05/2019	Dangerous behaviour	1
Channel 4 News	Channel 4	28/05/2019	Generally accepted standards	3
Channel ident	Channel 4	15/05/2019	Dangerous behaviour	1
Citroën's sponsorship of First Dates	Channel 4	10/05/2019	Sponsorship credits	1
Dispatches – Jeremy Kyle: TV on Trial	Channel 4	27/05/2019	Due impartiality/bias	1

Programme	Service	Transmission Date	Categories	Number of complaints
Dispatches – Jeremy Kyle: TV on Trial	Channel 4	27/05/2019	Materially misleading	1
First Dates	Channel 4	30/04/2019	Race discrimination/offence	1
Gogglebox	Channel 4	10/05/2019	Generally accepted standards	3
Gogglebox	Channel 4	17/05/2019	Race discrimination/offence	2
Gogglebox	Channel 4	24/05/2019	Generally accepted standards	1
Gogglebox	Channel 4	24/05/2019	Sexual material	1
Gogglebox	Channel 4	24/05/2019	Sexual orientation discrimination/offence	2
Gogglebox	Channel 4	24/05/2019	Violence	1
Hollyoaks	Channel 4	07/05/2019	Race discrimination/offence	1
Hollyoaks	Channel 4	09/05/2019	Race discrimination/offence	1
The Hunt for Jihadi John	Channel 4	20/05/2019	Generally accepted standards	1
The Last Leg	Channel 4	14/05/2019	Due impartiality/bias	1
The Last Leg	Channel 4	17/05/2019	Elections/Referendums	2
The Last Leg	Channel 4	24/05/2019	Crime and disorder	1
The Last Leg	Channel 4	24/05/2019	Due impartiality/bias	1
The Last Leg	Channel 4	25/05/2019	Generally accepted standards	1
The Simpsons	Channel 4	19/05/2019	Generally accepted standards	1
The Virtues	Channel 4	22/05/2019	Animal welfare	1
W Series Motor Racing	Channel 4	04/05/2019	Generally accepted standards	1
The Last Leg	Channel 4+1	19/05/2019	Elections/Referendums	1
5 News	Channel 5	24/05/2019	Due impartiality/bias	1
60 Stone and House Trapped	Channel 5	15/05/2019	Materially misleading	1
Ben Fogle: New Lives in the Wild	Channel 5	07/05/2019	Materially misleading	4
Ben Fogle's Great Africa Migration	Channel 5	16/05/2019	Animal welfare	1
Cruising with Jane McDonald	Channel 5	03/05/2019	Animal welfare	1
Jeremy Vine	Channel 5	16/05/2019	Generally accepted standards	1
Jeremy Vine	Channel 5	20/05/2019	Due impartiality/bias	1
Les Misérables	Channel 5	26/05/2019	Offensive language	1

Programme	Service	Transmission Date	Categories	Number of complaints
Neighbours	Channel 5	08/05/2019	Sexual material	1
Psycho Pussies 2: Mad Cat Attacks	Channel 5	22/05/2019	Animal welfare	10
Shop Smart: Save Money	Channel 5	18/04/2019	Materially misleading	1
Shop Smart: Save Money	Channel 5	16/05/2019	Materially misleading	1
Spray Tan Mums: Single and Proud	Channel 5	04/04/2019	Dangerous behaviour	1
The Gypsies Next Door	Channel 5	08/05/2019	Race discrimination/offence	1
The Murder Of Charlene Downes	Channel 5	21/05/2019	Offensive language	1
The Nightmare Neighbour Next Door	Channel 5	18/05/2019	Offensive language	1
Project Z	CITV	30/05/2019	Scheduling	1
Clyde One Breakfast Show	Clyde 1	22/05/2019	Competitions	1
Ridiculousness	Comedy Central	21/05/2019	Animal welfare	1
Davestation	Dave	31/05/2019	Sexual material	1
Taskmaster	Dave	08/05/2019	Generally accepted standards	1
Top Gear	Dave	06/05/2019	Offensive language	1
Hollyoaks	E4	13/05/2019	Race discrimination/offence	1
Titanic	E4	25/05/2019	Offensive language	1
Bradley Walsh's Late Night Guest List	ITV	11/05/2019	Materially misleading	1
Britain's Got More Talent	ITV	28/05/2019	Offensive language	2
Britain's Got Talent	ITV	27/04/2019	Flashing images/risk to viewers who have PSE	1
Britain's Got Talent	ITV	18/05/2019	Offensive language	1
Britain's Got Talent	ITV	22/05/2019	Nudity	1
Britain's Got Talent	ITV	25/05/2019	Due impartiality/bias	1
Britain's Got Talent	ITV	25/05/2019	Generally accepted standards	7
Britain's Got Talent	ITV	25/05/2019	Sexual material	2
Britain's Got Talent	ITV	27/05/2019	Generally accepted standards	216
Britain's Got Talent	ITV	27/05/2019	Violence	1
Britain's Got Talent	ITV	28/05/2019	Dangerous behaviour	1
Britain's Got Talent	ITV	28/05/2019	Generally accepted standards	2
Britain's Got Talent	ITV	28/05/2019	Nudity	4

Programme	Service	Transmission Date	Categories	Number of complaints
Britain's Got Talent	ITV	28/05/2019	Sexual material	1
Britain's Got Talent	ITV	28/05/2019	Sexual orientation discrimination/offence	2
Britain's Got Talent	ITV	28/05/2019	Under 18s in programmes	1
Britain's Got Talent	ITV	28/05/2019	Voting	1
Britain's Got Talent	ITV	29/05/2019	Dangerous behaviour	2
Britain's Got Talent	ITV	29/05/2019	Generally accepted standards	3
Britain's Got Talent	ITV	29/05/2019	Nudity	20
Britain's Got Talent	ITV	29/05/2019	Race discrimination/offence	1
Britain's Got Talent	ITV	29/05/2019	Sexual material	1
Britain's Got Talent	ITV	29/05/2019	Voting	3
Britain's Got Talent	ITV	30/05/2019	Generally accepted standards	2
Britain's Got Talent	ITV	30/05/2019	Nudity	38
Britain's Got Talent	ITV	30/05/2019	Race discrimination/offence	1
Britain's Got Talent	ITV	30/05/2019	Sexual material	1
Britain's Got Talent	ITV	30/05/2019	Violence	1
Call the Cleaners	ITV	12/02/2019	Materially misleading	1
Coronation Street	ITV	19/04/2019	Religious/Beliefs discrimination/offence	1
Coronation Street	ITV	10/05/2019	Generally accepted standards	3
Coronation Street	ITV	17/05/2019	Violence	1
Coronation Street	ITV	24/05/2019	Disability discrimination/offence	2
Coronation Street	ITV	24/05/2019	Product placement	1
Coronation Street	ITV	24/05/2019	Violence	1
Coronation Street	ITV	30/05/2019	Religious/Beliefs discrimination/offence	4
Coronation Street (trailer)	ITV	26/05/2019	Scheduling	1
Dickinson's Real Deal	ITV	13/05/2019	Gender discrimination/offence	1
Dickinson's Real Deal	ITV	22/05/2019	Competitions	1
Dickinson's Real Deal	ITV	27/05/2019	Competitions	1
Emmerdale	ITV	02/05/2019	Dangerous behaviour	1
Emmerdale	ITV	16/05/2019	Violence	1
Emmerdale	ITV	21/05/2019	Generally accepted standards	1
Emmerdale	ITV	27/05/2019	Offensive language	1

Programme	Service	Transmission Date	Categories	Number of complaints
Good Morning Britain	ITV	19/04/2019	Generally accepted standards	1
Good Morning Britain	ITV	22/04/2019	Generally accepted standards	1
Good Morning Britain	ITV	26/04/2019	Elections/Referendums	1
Good Morning Britain	ITV	01/05/2019	Generally accepted standards	10
Good Morning Britain	ITV	07/05/2019	Sexual orientation discrimination/offence	1
Good Morning Britain	ITV	13/05/2019	Generally accepted standards	4
Good Morning Britain	ITV	14/05/2019	Generally accepted standards	1
Good Morning Britain	ITV	15/05/2019	Elections/Referendums	1
Good Morning Britain	ITV	20/05/2019	Disability discrimination/offence	1
Good Morning Britain	ITV	20/05/2019	Generally accepted standards	2
Good Morning Britain	ITV	21/05/2019	Generally accepted standards	2
Good Morning Britain (trailer)	ITV	17/05/2019	Generally accepted standards	1
Hatton Garden	ITV	20/05/2019	Materially misleading	1
Hatton Garden	ITV	20/05/2019	Offensive language	1
Hatton Garden	ITV	23/05/2019	Offensive language	2
Hatton Garden	ITV	24/05/2019	Offensive language	1
Holidays: All-Inclusives Uncovered? Tonight	ITV	23/05/2019	Materially misleading	1
In for a Penny	ITV	18/05/2019	Scheduling	1
ITV News	ITV	04/05/2019	Due accuracy	1
ITV News	ITV	27/05/2019	Due accuracy	1
Judge Rinder	ITV	16/05/2019	Generally accepted standards	1
Lorraine	ITV	30/05/2019	Fairness	1
Martin Clunes: My Travels and Other Animals	ITV	09/05/2019	Animal welfare	2
Peston	ITV	22/05/2019	Elections/Referendums	1
Programming	ITV	Various	Generally accepted standards	1
The Chase	ITV	29/04/2019	Generally accepted standards	1
The Chase	ITV	28/05/2019	Materially misleading	1
The Jeremy Kyle Show	ITV	06/05/2019	Generally accepted standards	1

Programme	Service	Transmission Date	Categories	Number of complaints
The Jeremy Kyle Show	ITV	08/05/2019	Generally accepted standards	1
The Jeremy Kyle Show	ITV	13/05/2019	Generally accepted standards	1
This Morning	ITV	06/05/2019	Gender discrimination/offence	1
This Morning	ITV	08/05/2019	Generally accepted standards	1
This Morning	ITV	20/05/2019	Competitions	1
This Morning	ITV	23/05/2019	Generally accepted standards	1
ITV News Wales at 6	ITV Wales	24/04/2019	Due accuracy	1
Britain's Got More Talent	ITV2	11/05/2019	Generally accepted standards	1
Britain's Got Talent	ITV2	28/05/2019	Generally accepted standards	1
Celebrity Juice	ITV2	23/05/2019	Other	1
Coronation Street	ITV2	11/05/2019	Race discrimination/offence	1
The Planet's Funniest Animals	ITV2	28/05/2019	Nudity	1
You've Been Framed	ITV2	15/05/2019	Animal welfare	1
You've Been Framed	ITV2	20/05/2019	Generally accepted standards	1
On Her Majesty's Secret Service	ITV4	06/05/2019	Race discrimination/offence	1
The Oddbods Show	ITVBe	22/05/2019	Dangerous behaviour	1
The Only Way Is Essex	ITVBe	12/05/2019	Generally accepted standards	1
The Only Way is Essex	ITVBe	19/05/2019	Generally accepted standards	1
The Real Housewives of Cheshire	ITVBe	13/05/2019	Generally accepted standards	1
Khariyaan Khriyaan	Kanshi TV	19/01/2019	Product placement	1
Kiss Fresh with Tinea	Kiss Fresh	08/05/2019	Offensive language	1
Eddie Mair	LBC 97.3 FM	23/04/2019	Race discrimination/offence	1
Iain Dale	LBC 97.3 FM	23/04/2019	Religious/Beliefs discrimination/offence	1
James O'Brien	LBC 97.3 FM	26/04/2019	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	09/05/2019	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	22/05/2019	Elections/Referendums	2
James O'Brien	LBC 97.3 FM	24/05/2019	Generally accepted standards	5

Programme	Service	Transmission Date	Categories	Number of complaints
News	LBC 97.3 FM	23/05/2019	Drugs, smoking, solvents or alcohol	1
News	LBC 97.3 FM	27/05/2019	Due accuracy	1
Nick Abbot	LBC 97.3 FM	13/04/2019	Materially misleading	1
Nick Ferrari	LBC 97.3 FM	16/04/2019	Offensive language	1
Nigel Farage	LBC 97.3 FM	23/05/2019	Due impartiality/bias	1
Nigel Farage	LBC 97.3 FM	27/05/2019	Due impartiality/bias	3
Nigel Farage	LBC 97.3 FM	29/05/2019	Due impartiality/bias	3
Nigel Farage	LBC 97.3 FM	30/05/2019	Due impartiality/bias	3
Nigel Farage	LBC 97.3 FM	Various	Elections/Referendums	1
Shelagh Fogarty	LBC 97.3 FM	16/05/2019	Offensive language	1
Steve Allen	LBC 97.3 FM	24/04/2019	Generally accepted standards	1
Grace	Moray Firth Radio	28/05/2019	Generally accepted standards	1
Gogglebox	More4	20/05/2019	Animal welfare	1
Programming	n/a	Various	Other	1
Thunderman	Nickelodeon	27/04/2019	Generally accepted standards	1
Live Charity Appeal	Noor TV	08/05/2019	Charity appeals	1
Kitaabut Tawheed	Peace TV	05/05/2019	Religious/Beliefs discrimination/offence	1
Lost Girl	Pick	16/05/2019	Sexual material	1
Toby Tarrant	Radio X	30/04/2019	Generally accepted standards	1
Game of Thrones	Sky Atlantic	19/05/2019	Nudity	1
Live EFL: Aston Villa v West Brom	Sky Main Event	11/05/2019	Generally accepted standards	1
All Out Politics	Sky News	17/04/2019	Due impartiality/bias	44
All Out Politics	Sky News	22/05/2019	Elections/Referendums	1
Press Preview	Sky News	03/05/2019	Offensive language	1
Sky News	Sky News	20/03/2019	Elections/Referendums	1
Sky News	Sky News	15/05/2019	Due impartiality/bias	1
Sky News	Sky News	22/05/2019	Elections/Referendums	2
Sky News	Sky News	24/05/2019	Due impartiality/bias	3
Sky News	Sky News	26/05/2019	Due accuracy	1
Sky News	Sky News	26/05/2019	Due impartiality/bias	6
Sky News	Sky News	27/05/2019	Due impartiality/bias	1
Sky News	Sky News	30/05/2019	Due impartiality/bias	2
The Pledge	Sky News	19/05/2019	Generally accepted standards	1
The Pledge	Sky News	23/05/2019	Religious/Beliefs discrimination/offence	1

Programme	Service	Transmission Date	Categories	Number of complaints
Scottish Football: Rangers v Hibernian	Sky Sports Football	05/05/2019	Disability discrimination/offence	1
Football League: Leeds United v Derby County	Sky Sports Main Event	15/05/2019	Race discrimination/offence	1
Live MNF: Manchester City vs Leicester City	Sky Sports Main Event	06/05/2019	Generally accepted standards	1
Jamie Jones	Studio 66 TV	30/04/2019	Participation TV – Offence	4
Party Election Broadcast by UKIP	STV	16/05/2019	Elections/Referendums	2
The Matthew Wright Show	Talk Radio	03/05/2019	Materially misleading	1
The Alan Brazil Sports Breakfast	Talksport	23/05/2019	Generally accepted standards	1
View From Stormont	UTV	13/05/2019	Due impartiality/bias	2
Programming	Various	Various	Generally accepted standards	1
The Chris Evans Breakfast Show	Virgin Radio UK	14/05/2019	Commercial communications on radio	1
Hostile Planet (trailer)	Your TV	01/04/2019	Violence	1

[How Ofcom assesses complaints about content standards on television and radio programmes](#)

Complaints assessed under the Procedures for investigating breaches of content standards on BBC broadcasting services and BBC ODPS.

Programme	Service	Transmission Date	Categories	Number of complaints
Panorama	BBC 1	01/02/2019	Generally accepted standards	1
Panorama	BBC 1	01/02/2019	Race discrimination/offence	1
Question Time	BBC 1	07/02/2019	Due impartiality/bias	1
Farming Today	BBC Radio 4	13/02/2019	Due impartiality/bias	1
The Stephen Nolan Show	BBC Radio 5 Live	17/02/2019	Due impartiality/bias	3

[How Ofcom assesses complaints about content standards on BBC broadcasting services and BBC ODPS](#)



## Complaints outside of remit

Here are alphabetical lists of complaints received by Ofcom that fell outside of our remit. This is because Ofcom is not responsible for regulating the issue complained about. For example, the complaints were about the content of television, radio or on demand adverts or an on demand service that does not fall within the scope of regulation.

Programme	Service	Transmission Date	Categories	Number of complaints
Programming	Amma TV	19/05/2019	Outside of remit	1
Online news article	Apple News	20/05/2019	Other	1
Babestation	Babestation	07/10/2018	Outside of remit	1
Conservative Leadership debate (pre-transmission)	BBC 1	n/a	Outside of remit	1
BBC News	BBC channels	Various	Outside of remit	1
Advertisement	Channel 4	12/05/2019	Advertising content	1
Advertisement	Channel 4	16/05/2019	Advertising content	1
First Dates Hotel (trailer)	Channel 4 Facebook	26/04/2019	Generally accepted standards	1
Advertisement	Channel 5	20/05/2019	Advertising content	1
Age Gap Love (pre-transmission)	Channel 5	05/06/2019	Outside of remit	57
Advertisement	CITV	06/05/2019	Advertising content	1
Advertisement	ITV	08/05/2019	Advertising content	1
Advertisement	ITV	17/05/2019	Advertising content	1
Advertisement	ITV	23/05/2019	Advertising content	1
Advertisement	ITV	25/05/2019	Advertising content	1
Advertisement	ITV	29/05/2019	Advertising content	1
Advertisement	ITV	30/05/2019	Advertising content	1
Britain's Got Talent	ITV	29/05/2019	Outside of remit	1
ITV News	ITV	17/05/2019	Outside of remit	2
The All New Monty: Ladies Night	ITV	07/05/2019	Outside of remit	1
Advertisement	ITV2	19/05/2019	Advertising content	1
Love Island	ITV2	n/a	Outside of remit	29
Advertisements	n/a	24/05/2019	Advertising content	1
13 Reasons Why	Netflix	26/05/2019	Suicide and self harm	1
Programming	Netflix	27/05/2019	Other	1
Game of Thrones	Sky Atlantic	20/05/2019	Outside of remit	1
Blockbusters (trailer)	Various	Various	Outside of remit	1

[More information about what Ofcom's rules cover](#)

## BBC First

The BBC Royal Charter and Agreement was published in December 2016, which made Ofcom the independent regulator of the BBC.

Under the BBC Agreement, Ofcom can normally only consider complaints about BBC programmes where the complainant has already complained to the BBC and the BBC has reached its final decision (the 'BBC First' approach).

The complaints in this table had been made to Ofcom before completing the BBC's complaints process.

### Complaints about BBC television, radio or on demand programmes

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
BBC News	BBC 1	15/05/2019	Materially misleading	1
BBC News	BBC 1	22/05/2019	Due impartiality/bias	1
Casualty	BBC 1	25/05/2019	Generally accepted standards	1
EastEnders	BBC 1	24/05/2019	Generally accepted standards	1
EastEnders	BBC 1	28/05/2019	Disability discrimination/offence	1
European Election Results	BBC 1	26/05/2019	Due impartiality/bias	108
European Election Results	BBC 1	27/05/2019	Due impartiality/bias	1
Gentleman Jack	BBC 1	26/05/2019	Sexual material	1
Have I Got News for You	BBC 1	17/05/2019	Generally accepted standards	1
Have I Got News for You	BBC 1	24/05/2019	Crime and disorder	1
Landward	BBC 1	26/04/2019	Other	1
Mother, Father, Son	BBC 1	06/03/2019	Generally accepted standards	1
Question Time	BBC 1	16/05/2019	Elections/Referendums	7
Question Time	BBC 1	n/a	Due impartiality/bias	1
The Andrew Marr Show	BBC 1	14/04/2019	Elections/Referendums	1
The Andrew Marr Show	BBC 1	12/05/2019	Elections/Referendums	6
The Andrew Marr Show	BBC 1	19/05/2019	Due impartiality/bias	1
The Andrew Marr Show	BBC 1	19/05/2019	Elections/Referendums	6
The Eurovision Song Contest	BBC 1	18/05/2019	Generally accepted standards	1
The Eurovision Song Contest	BBC 1	18/05/2019	Race discrimination/offence	1

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
The Eurovision Song Contest	BBC 1	18/05/2019	Sexual material	1
Undercover Hospital Abuse Scandal	BBC 1	22/05/2019	Generally accepted standards	1
Various	BBC 1	Various	Due impartiality/bias	1
Years and Years	BBC 1	14/05/2019	Transgender discrimination/offence	1
Spotlight Special: European Election Debate	BBC 1 Northern Ireland	21/05/2019	Elections/Referendums	1
Reporting Scotland	BBC 1 Scotland	30/05/2018	Due impartiality/bias	1
Cardinal	BBC 2	27/05/2019	Other	1
Mum	BBC 2	29/05/2019	Generally accepted standards	1
Newsnight	BBC 2	17/05/2019	Generally accepted standards	1
One Day in Gaza	BBC 2	13/05/2019	Materially misleading	1
Politics Live	BBC 2	21/05/2019	Elections/Referendums	1
Ranganation	BBC 2	22/05/2019	Generally accepted standards	1
Victoria Derbyshire	BBC 2	31/05/2019	Generally accepted standards	1
BBC News	BBC 6 Music	19/05/2019	Violence	1
Indian Elections by Mobeen Azhar	BBC Asian Network	28/05/2019	Generally accepted standards	1
BBC News	BBC channels	n/a	Due impartiality/bias	1
BBC News	BBC channels	Various	Elections/Referendums	1
Programming	BBC channels	Various	Due impartiality/bias	2
BBC News	BBC India	25/05/2019	Due impartiality/bias	1
Frankie Boyle's New World Order	BBC iPlayer	15/05/2019	Crime and disorder	1
Have I Got News for You	BBC iPlayer	24/05/2019	Due impartiality/bias	1
BBC Afternoon Live	BBC News Channel	29/05/2019	Due impartiality/bias	1
BBC News	BBC News Channel	21/05/2019	Elections/Referendums	1
BBC News	BBC News Channel	27/05/2019	Due impartiality/bias	1
Victoria Derbyshire	BBC News Channel	16/05/2019	Generally accepted standards	1
Jo Whiley	BBC Radio 2	08/04/2019	Offensive language	1
BBC News	BBC Radio 4	23/05/2019	Elections/Referendums	1
The News Quiz	BBC Radio 4	25/05/2019	Due impartiality/bias	1
Headliners	BBC Radio 5 Live	20/02/2019	Generally accepted standards	1
Twenties Takeover	BBC Radio 5 Live	16/05/2019	Promotion of products/services	1
Good Morning Wales	BBC Radio Wales	20/05/2019	Elections/Referendums	1
Various	Various	09/05/2019	Due impartiality/bias	1

## Investigations List

If Ofcom considers that a broadcaster or service provider may have breached its codes, rules, licence condition 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 or service provider has done anything wrong. Not all investigations result in breaches of the codes, rules, licence conditions or other regulatory requirements being recorded.**

Here are alphabetical lists of new investigations launched.

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

Programme	Service	Transmission date
Advertising minutage	CBS Drama	Various
Journey for Iqra	Iqra Bangla	28/03/2019
Britain's Got Talent	ITV	27/05/2019
Good Morning Britain	ITV	Various
Ponthak Masle	KTV	30/03/2019
Programming	NE1FM	19/03/2019

[How Ofcom assesses complaints and conducts investigations about content standards on television and radio programmes](#)

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

Programme	Service	Transmission date
Undercover Benefits Cheat	Channel 5	17/03/2019
The Kyle Files	ITV	4/03/2019

[How Ofcom considers and adjudicates upon Fairness and Privacy complaints about television and radio programmes](#)