

# Guidance Notes

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Section Five: Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions

**Guidance**

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# Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions

## Guidance

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### General

- 1.1 This Guidance is provided to assist broadcasters in understanding how Ofcom will usually interpret and apply the Broadcasting Code. The Guidance to Section Five should be read in conjunction with Section Six: Elections and Referendums, and the accompanying Guidance to Section Six. However, Ofcom considers each case on its facts.
- 1.2 Where relevant, weblinks are provided to cases (already published by Ofcom) which broadcasters may find helpful when considering how to interpret the Code.
- 1.3 Different rules within Section Five apply to different Ofcom licensed services and to BBC UK television, radio and on-demand programme services<sup>1</sup> as follows:

Relevant Rules	Which types of programming are potentially covered?	Which types of services are covered?
<b>Rules 5.1 to 5.3 inclusive</b>	News programming	All licensed radio services. All licensed television services. All BBC UK television, radio and on-demand programme services.
<b>Rule 5.4</b>	News programming and other programmes	Licensed radio services (other than Restricted Service Licenses – “RSLs”). All licensed television services. All BBC UK television, radio and on-demand programme services.

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<sup>1</sup> We also note that section 405(1) of the Communications Act 2003 states that “‘programme’ includes an advertisement and, in relation to a service, anything included in that service which is an individual item (irrespective of length)”.

Relevant Rules	Which types of programming are potentially covered?	Which types of services are covered?
<p><b>Rules 5.5 to 5.12 inclusive</b></p>	<p>News programming and other programmes</p>	<p>All licensed television services.</p> <p>All licensed national analogue radio services (i.e. national radio services) and digital radio services (i.e. national digital sound programme services) – but does not apply to non-national radio services.</p> <p>All BBC UK television, radio and on-demand programme services.</p>
<p><b>Rule 5.13</b></p>	<p>News programming and other programmes</p>	<p>All local licensed radio services (including community radio services).</p> <p>All local digital sound programme services (including community digital sound programme services).</p> <p>All radio licensable content services.</p> <p>Does not apply to Restricted Service Licenses (“RSLs”).</p> <p>Does not apply to licensed national analogue radio services (i.e. national radio services) and digital radio services (i.e. national digital sound programme services).</p> <p>Does not apply to licensed television services.</p> <p>Does not apply to BBC UK television, radio and on-demand programme services.</p>

## Meaning of “due impartiality”

"Due" is an important qualification to the concept of impartiality. Impartiality itself means not favouring one side over another. "Due" means adequate or appropriate to the subject and nature of the programme. So "due impartiality" does not mean an equal division of time has to be given to every view, or that every argument and every facet of every argument has to be represented. The approach to due impartiality may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience. Context, as defined in Section Two: Harm and Offence of the Code, is important.

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- 1.4 Central to the application of Section Five is the concept of “due impartiality”. Depending on the facts in each case, due impartiality may need to be applied in all programming genres, including cinema films shown on television, comedy programmes, or televised dramas. However, in reaching a decision whether due impartiality needs to be preserved in a particular case, broadcasters should have regard to the likely expectation of the audience as to the content, and all other relevant contextual factors. For example, audience expectations would not normally expect the same approach to due impartiality to be taken in an historical drama compared with a serious documentary on a controversial and contemporary issue.
- 1.5 If a service is broadcast outside the United Kingdom, this fact may be taken into account when considering the application of due impartiality. However, the due impartiality requirements of the Code still apply to such services.
- 1.6 It is an editorial matter for the broadcaster how due impartiality is preserved, as long as the Code is complied with.

## Rules relating to due impartiality and due accuracy in news

### Rule 5.1

**News, in whatever form, must be reported with due accuracy and presented with due impartiality.**

### Guidance

- 1.7 In setting and applying the Code, it is important for Ofcom to maintain audience trust in broadcast news and audience expectations that it will be reported with due accuracy and presented with due impartiality. Broadcast news has a special status and is afforded additional statutory protections because of its fundamental importance in a democratic society. Particular care needs to be taken to preserve the due impartiality of news content on licensed services – not only in terms of the content itself, but also in respect of its presentation and how it is likely to be perceived by viewers.
- 1.8 Given the fundamental importance of maintaining audience trust in broadcast news, and in view of the fact that programme genres and editorial techniques can change significantly over time, no definition of “news” is included in the Code. Parliament did not define “news”

in the Communications Act 2003 and it was clear that it was intended to be wide ranging and to apply to “news in whatever form” (section 319(8)).

- 1.9 Ofcom considers that a programme can be both a news and current affairs programme. In other words, a programme can contain a mix of both types of content. For example, news bulletins are commonly included within a current affairs or magazine programme. It is also possible for content that constitutes news to be included within a non-news programme, without it being clearly demarcated from the rest of the programme as with a news bulletin. This approach reflects the reality of live news and current affairs programming, particularly in the context of rolling news and current affairs channels. For example, a breaking news event could occur during a live current affairs programme – and in such circumstances, if that breaking news event is reported in that programme, it will typically be classified as news content and the relevant rules in the Code will apply.
- 1.10 Ofcom takes the approach of considering whether or not a programme, or a section of a programme, is news or current affairs (or both) depending on a number of factors, including its content and format. Every programme is different, but here are some typical factors that could lead us to classify content as being news content:

**Factors that could lead Ofcom to classify content as news might include:**

- A newsreader presenting directly to the audience;
- A running order or list of short stories, often in short form;
- The use of reporters or correspondents to delivery packages or live reports; and/or
- A mix of video and reporter items.

**Factors that could lead us to classify content as current affairs might include:**

- A more long-form programme;
- The presence of extensive discussion, analysis or interviews with guests, often live; and
- Long-form video reports.

- 1.11 However, the absence of any potential contributory factor, such as a video report or a reporter on location, does not mean that content should be classified as non-news. Just because material is broadcast on a ‘rolling news’ channel does not necessarily mean that the material would be characterised as ‘news’ content. Ofcom will consider each case on its facts to determine whether the content is news or current affairs.
- 1.12 Accuracy entails getting the facts right. In complying with the requirement to report news with ‘due accuracy’, broadcasters should refer to the clarification of ‘due’ set out in the meaning of ‘due impartiality’, as laid out above. For example, where a matter is of particular public interest, the requirement to present that matter with due accuracy will be correspondingly higher.
- 1.13 In terms of this section of the Code (i.e. the requirement for ‘due impartiality’ and ‘due accuracy’), news in whatever form would include news bulletins, news flashes and daily news magazine programmes.
- 1.14 In accordance with a broadcaster’s right to freedom of expression, the broadcaster has the right to interpret news events as it sees fit, as long as it complies with the Code. However, broadcasters should take care before making any unequivocal interpretations or statements

about contentious issues, which may be dependent on nuance and open to different interpretations e.g. statistical findings or ambiguous statements made by politicians.

- 1.15 Rule 5.1 is potentially applicable to any topic included in news programming, and not just matters of political or industrial controversy and matters relating to current public policy. There is no requirement on broadcasters to provide an alternative viewpoint in all news stories or all issues in the news. However, when reporting the news, presenters and reporters must take care that they report the news with due accuracy and present it with due impartiality (i.e. impartiality adequate or appropriate to the subject) and maintain the editorial independence of the channel they represent.
- 1.16 Due impartiality in news might be achieved through broadcasting different viewpoints on a particular issue on successive days in a series of explicitly linked ‘special’ news reports which each separately focus on one particular viewpoint on a particular subject. Depending on the circumstances in each case, such an editorial approach might ensure compliance with Rule 5.1, as long as it was clearly signposted to the audience, in line with Rule 5.6 of the Code.
- 1.17 In reporting on particular news items, the broadcasters should take account of all relevant facts, including the nature of the coverage and whether there are varying viewpoints on a particular item. For example, if a news item includes criticism of individuals or organisations, then broadcasters should consider whether they need to reflect the viewpoints of the individuals or organisations being criticised, within their news output as appropriate and in a proportionate way and/or reflect any refusal to comment of that individual or organisation. Whether news is presented with due impartiality will depend on all the relevant circumstances.
- 1.18 Ofcom’s research shows that audiences trust the accuracy of broadcast news more than alternative sources of information. We consider that it is of fundamental importance that audience trust in broadcast news is maintained<sup>2</sup>.
- 1.19 Broadcasters can criticise or support the actions of particular nation-states in their programming, as long as they, as appropriate, reflect alternative views on such matters.
- 1.20 Broadcasters should take care to report surveys and statistics in context.
- 1.21 Where a broadcaster attempts to seek alternative views, but these are not readily available (for example, an individual or organisation declines to give an interview or give comments), there are a range of editorial techniques for maintaining due impartiality.
- 1.22 Editorial techniques for maintaining due impartiality could include, for example:
- seeking alternative viewpoints from a range of sources;
  - summarising with due objectivity and in context the alternative viewpoints, for example, through interviewees expressing alternative views;
  - making clear with appropriate frequency and prominence that a broadcaster has sought alternative views from particular individuals or organisations;
  - and/or ensuring that the views expressed in a news item are challenged critically by presenters and reporters within the programmes.
- 1.23 Broadcasters must not assume prior knowledge on the part of the audience of particular alternative views. However, overall, it is an editorial matter for the broadcaster as to how it presents news with due impartiality.

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<sup>2</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0024/264651/news-consumption-2023.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0024/264651/news-consumption-2023.pdf)

Ofcom's previous decisions on these issues include:

## In Breach Decisions

[\*The Mid-Day Show\*, Coast and County Radio, 25 April 2023](#)

[\*News\*, RT, 27 February 2022](#)

[\*World at One\*, BBC Radio 4, 24 February 2021](#)

[\*News Programming\*, LBC News, 15 May 2021](#)

[\*The World Today\*, CGTN, 21 November 2019](#)

[\*Today\*, NTV Mir Baltic, 2 April 2018](#)

[\*Various Programmes\*, RT, 17 March to 4 May 2018](#)

[\*News Update\*, Channel 5, 6 September 2018](#)

[\*Good Morning Britain\*, ITV, 8 June 2018](#)

[\*Channel 4 News\*, Channel 4, 22 March 2017](#)

[\*Today\*, NTV Mir Baltic, 12 November 2016](#)

[\*Anatomy of the Day\*, NTV Mir Lithuania, 2 September 2015](#)

[\*Channel 4 News\*, Channel 4, 24 August 2015](#)

[\*Today\*, NTV Mir Lithuania, 28 and 30 January 2015](#)

[\*News report on Metropolitan Police Service and the Ellison Review\*, Channel 4 News, 6 March 2014](#)

[\*News\*, RT, 1, 3, 5 and 6 March 2014](#)

[\*News\*, CHSTV, 1 March 2013](#)

[\*News\*, Islam Channel, 8 June 2012](#)

[\*News\*, Russia Today, 12 July 2012](#)

[\*Channel S News\*, Channel S, 9 February 2012](#)

[\*News\*, IBC Tamil, 5 January 2012](#)

[\*Channel S News\*, Channel S, 24 and 29 May 2011](#)

[\*ITV News\*, ITV 1, 3 March 2006](#)

## Not in Breach/Resolved Decisions

[\*News\*, Sky News, 10 September 2022](#)

[\*Various Programmes\*, RT, 17 March to 4 May 2018](#)

[\*News\*, Radio Ikhlas, 16 September 2011](#)

## Not Pursued Decisions

[\*Newsnight\*, BBC 2, 26 May 2020](#)

## Rule 5.2

**Significant mistakes in news should normally be acknowledged and corrected on air quickly (or, in the case of BBC ODPS, corrected quickly). Corrections should be appropriately scheduled (or, in the case of BBC ODPS, appropriately signalled to viewers).**

Ofcom's previous decisions on these issues include:

### In Breach Decisions

[The Mid-Day Show, Coast and County Radio, 25 April 2023](#)

[News Update, Channel 5, 6 September 2018](#)

[Good Morning Britain, ITV, 8 June 2018](#)

### Not in Breach Decision

[Channel 4 News, Channel 4, 22 March 2017](#)

## Rule 5.3

**No politician may be used as a newsreader, interviewer or reporter in any news programmes unless, exceptionally, it is editorially justified. In that case, the political allegiance of that person must be made clear to the audience.**

### Guidance

- 1.24 The use of politicians as reporters or presenters in news programmes could be problematic in the context of the requirement for due impartiality.
- 1.25 For the purpose of Rule 5.3, a politician is likely to include an elected representative e.g. an MP or councillor, a candidate, an applicant to be a candidate or a prospective candidate (that is a candidate for election who knows they have been chosen to represent a party at an election), an employee of a political party or an activist.
- 1.26 The rationale for the Code's restriction on politicians being used as a newsreader, interviewer or reporter in any news programme is that politicians represent a particular political party each with its own political ideology, attitudes and policy positions. Politicians are therefore likely to be widely understood by audiences as people who both hold, and who also have an inherent interest in promoting, a partial view on topical issues<sup>3</sup>.
- 1.27 In setting and applying the Code, it is important for Ofcom to maintain audience trust in broadcast news and audience expectations that it will be presented with due impartiality. Rule 5.3 of the Code therefore serves to reinforce and promote the general standard of due impartiality for broadcast news which is required by Rule 5.1.
- 1.28 Politicians being used to present news risks undermining the integrity and credibility of regulated broadcast news because of their inherently partial role in society. News content

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<sup>3</sup> In a previous decision Ofcom found that "This [Rule 5.3] is to ensure that the news is presented, and is perceived to be presented, with due impartiality" – see *News, London Greek Radio*, [Broadcast Bulletin Issue number 65 \(ofcom.org.uk\)](#)



presented by them is likely to be viewed by audiences in light of that perceived bias. For that reason, the presentation of broadcast news content by a politician, without exceptional editorial justification, gives rise to an inherent lack of due impartiality which conflicts with the fundamental standard in Rule 5.1 of the Code.

- 1.29 Outside of news programmes, there is no Ofcom rule that prevents a politician from hosting or appearing on a television or radio programme – provided they are not standing as a candidate in an election taking place, or about to take place, or are a representative of a permitted participant, as designated by the Electoral Commission, in a UK referendum<sup>4</sup>, and the programme otherwise complies with the Code. This means that politicians are allowed to present current affairs programmes such as audience phone-ins and discussion programmes.
- 1.30 Both news programmes and current affairs programmes, and programmes which contain both types of content, must comply with all relevant rules in the Code, including the need to preserve due impartiality on matters (as well as major matters) of political or industrial controversy or current public policy.<sup>5</sup> Sometime programmes may be on channels that also broadcast news. As set out in [paragraph 1.10](#) under Rule 5.1, there are some typical factors that could lead Ofcom to classify content as news or current affairs.
- 1.31 If a licensee chooses to use a politician as a presenter in a programme which includes both news and current affairs content, then the licensee must take steps to ensure that it complies with the requirements of Rule 5.3, bearing in mind the overarching standards objective that news in whatever form is presented with due impartiality. For the avoidance of doubt, broadcasters retain the editorial freedom to create programmes which move between non-news content and news content. However, if the licensee chooses to use a politician as the host of such a programme, the licensee will have to take steps so that the politician does not act as a newsreader, news interviewer or news reporter in that programme.
- 1.32 What constitutes exceptional circumstances under Rule 5.3 will always depend on the particular circumstances of a case. Without exceptional editorial justification, it is necessary for the broadcaster to ensure that a politician does not act as a newsreader, news interviewer or news reporter.
- 1.33 Relevant Ofcom audience research: [Audience attitudes towards politicians presenting on TV and radio report](#)

Ofcom's previous decisions on these issues include:

## In Breach Decisions

[Jacob Rees-Mogg's State of the Nation, GB News, 9 May 2023](#)

[Friday Morning with Esther and Phil, GB News, 12 May 2023](#)

[Saturday Morning with Esther and Phil, GB News, 13 May 2023](#)

[Jacob Rees-Mogg's State of the Nation, GB News, 13 June 2023](#)

[Friday Morning with Esther and Phil, GB News, 23 June 2023](#)

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<sup>4</sup> This is prohibited under Rule 6.6 of the Code.

<sup>5</sup> As required by Rules 5.5 and 5.11 of the Code.

## Not Pursued Decisions

[\*Jacob Rees-Mogg's State of the Nation\*, GB News, 2 May 2023](#)

[\*Saturday Morning with Esther and Phil\*, GB News, 11 March 2023](#) [\*Friday Night with Nadine\*, Talk TV, 3 February 2023](#)

## Rules relating to special impartiality requirements: news and other programmes (Rules 5.4 to 5.13)

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### General

1.34 The 'special impartiality' rules (Rules 5.4 to 5.13 inclusive) apply to national and international matters, although the impartiality due to a non-national matter may be less. To give an example, broadcasters are expected to apply impartiality rules to a subject such as the American Presidential Elections. For those Ofcom licensees who are not broadcasting to the United Kingdom, the impartiality requirements still apply but the amount due may be less depending on the subject matter and the original country of reception.

### Matters of political or industrial controversy and matters relating to current public policy

#### Guidance

#### Meaning of "matters of political or industrial controversy and matters relating to current public policy":

Matters of political or industrial controversy are political or industrial issues on which politicians, industry and/or the media are in debate. Matters relating to current public policy need not be the subject of debate but relate to a policy under discussion or already decided by a local, regional or national government or by bodies mandated by those public bodies to make policy on their behalf, for example non-governmental organisation, relevant European institutions, etc.

1.35 Whether a "matter of political or industrial controversy and matter relating to current public policy" is being dealt with in a programme will depend on a range of factors. Just because a 'political' or 'policy' matter is referred to in a programme, or broadcasters deal with particular matters that elicit strong emotions, does not mean that the special impartiality rules are engaged. Conversely, just because a number of individuals and institutions, or the majority of the audience to a service, share the same viewpoint on a contentious issue, does not necessarily mean that a matter is not, for example, a matter of political or industrial controversy.

1.36 There may be a range of instances where a programme would not necessarily be deemed to be dealing with a matter of political or industrial controversy or a matter relating to current public policy, including:

- where references to a political matter or policy is essentially descriptive and incidental to the main editorial premise for a programme, and where the

programme does not include views or opinions on the merits of a particular political matter or policy;

- where references to political disputes and conflicts are used as descriptive backdrop to a historical drama; and
- ‘personal view’ testimony on particular matters included within factual programming.

1.37 In considering whether an issue is one of “political or industrial controversy” or has been broadly settled, broadcasters should consider relevant factors. These may include, as appropriate, independent reports commissioned by, for example, the UK Parliament and whether the issue has already been scientifically established and does not appear to be challenged by, for example, established political parties or other significant domestic or international scientific institutions. An example of an issue which Ofcom considered to be broadly settled is the scientific principles behind the theory of Anthropogenic Global Warming.

1.38 There is no requirement that there should be any political controversy in the UK’s Parliament about an issue for its treatment in a broadcast to be subject to Section Five. However, a matter can still be a “matter or current public policy” even if the UK Parliament has a settled policy on it.

Ofcom’s previous decisions on these issues include:

## In Breach Decisions

[\*The Truthseeker: Genocide of Eastern Ukraine and Ukraine’s Refugees, 13 and 14 July 2014\*](#)

[\*Item for Free Mawlana Sayeedi Federation UK, Bangla TV, 11 February 2013\*](#)

[\*I Focus, Channel i, 12 and 26 April 2012\*](#)

[\*POAF Complaints Cell, DM Digital, various dates and times\*](#)

[\*Ummah Talk, Islam Channel, 14 October 2009\*](#)

[\*Politics and Beyond, Islam Channel, 16 October 2009\*](#)

[\*The Great Global Warming Swindle, Channel 4, 8 March 2007\*](#)

## Not in Breach Decisions

[\*Sri Lanka’s Killing Fields: War Crimes Unpunished, Channel 4, 14 March 2012\*](#)

[\*Sri Lanka’s Killing Fields, Channel 4, 14 June 2011\*](#)

[\*An Inconvenient Truth, Channel 4, 4 April 2009\*](#)

## The exclusion of views or opinions

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### Rule 5.4

**Programmes in the services...must exclude all expressions of the views and opinions of the person providing the service on matters of political and industrial controversy and matters relating to current public policy (unless that person is speaking in a legislative forum or in a court of law). Views and opinions relating to the provision of programme services are also excluded from this requirement.**

#### Guidance

- 1.39 'The person providing the service' is a concept used in connection with the legal requirements for the licensing and compliance of broadcasting services. In this rule, it refers to the licensee, the company officers and those persons with an editorial responsibility for the service or part of the service rather than, for example, the programme presenter.
- 1.40 In considering programming under Rule 5.4, Ofcom will consider the available evidence and circumstances to ascertain what the views and opinions of the person providing the service could reasonably be held to be.
- 1.41 If a programme contributor, whom Ofcom deems to be a 'provider of a service', expresses a view on a matter of political or industrial controversy or a matter relating to current public policy within that service, there will be a breach of Rule 5.4 (unless that person is speaking in a legislative forum or in a court of law, or the view or opinion relates to the provision of the programme services themselves). This will be the case whether or not the programme contributor characterises their views on that matter as being a personal opinion, and as not being expressed on behalf of the licensed service.

Ofcom's previous decisions on these issues include:

#### In Breach Decisions

[\*The Live Desk, GB News, 7 July 2023\*](#)

[\*Russian language referendum item, REN TV Baltic and Mir Baltic, November 2011, various dates and times\*](#)

[\*POAF Conference, DM Digital, 25 November 2011\*](#)

[\*Arab Dream, Al Mustakillah Television, 9 and 25 October 2011\*](#)

[\*Various programmes, Aden Live, 27 and 29 October 2010 and 15 and 16 November 2010\*](#)

#### The preservation of due impartiality

### Rule 5.5

**Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service... This may be achieved within a programme or over a series of programmes taken as a whole.**

## Guidance

- 1.42 Broadcasters must ensure due impartiality is maintained in any programme or section of a programme that deals with matters of political or industrial controversy or matters relating to current public policy. However, the preservation of due impartiality does not require a broadcaster to include every argument on a particular subject or to provide, in each case, a directly opposing argument to the one presented in the programme.
- 1.43 It will not always be necessary to present an opposing view which is at odds with the established view of the majority or inconsistent with established fact in order to preserve due impartiality. Further, whether or not due impartiality has been preserved will also be dependent on a range of other factors such as: the nature of the programme; the programme's presentation of its argument; the transparency of its agenda; the audience it is aimed at, and what the audience's expectations are.
- 1.44 It is important to note that the broadcasting of highly critical comments concerning the policies and actions of, for example, any one state or institution, is not in itself a breach of due impartiality. It is, in fact, essential that current affairs programmes are able to explore and examine issues and take a position even if that is highly critical. However, a broadcaster must maintain an adequate and appropriate level of impartiality in its presentation of matters of politically controversy. Depending on the specifics of the issue, it may be necessary, in order to fulfil the due impartiality requirements, that alternative viewpoints are broadcast.
- 1.45 Just because a contentious political issue is receiving little coverage within the media does not obviate the need for the broadcaster to provide alternative viewpoints on such an issue where appropriate.
- 1.46 Due impartiality will not be maintained merely by offering people or institutions likely to represent alternative viewpoints (for example, representatives of a foreign government) the opportunity to participate in programmes, who decline to do so. If a broadcaster cannot obtain, for example, an interview or statement laying out a particular viewpoint on a matter of political or industrial controversy or matter of current public policy, then the broadcaster must find other methods of ensuring that due impartiality is maintained. These might include some of the editorial techniques outlined in [paragraph 1.47](#) below.
- 1.47 It is an editorial matter for the broadcaster as to how it maintains due impartiality. Where programmes handle, for example, controversial policy matters and where alternative views are not readily available (such as a politician or political organisation declines to give an interview or comment), there are a range of editorial techniques for maintaining due impartiality which broadcasters could use. For example:
- interviewers could challenge more critically alternative viewpoints being expressed, for example, by programme guests or audience members, so as to ensure that programme participants are not permitted to promote their opinions in a way that potentially compromises the requirement for due impartiality;
  - where an interviewee is expressing a particular viewpoint, interviewers/presenters could reflect alternative viewpoints through questions to that interviewee;
  - alternative viewpoints could be summarised, with due objectivity and in context, within a programme;
  - having available interviewees to express alternative views; or
  - if alternative viewpoints cannot be obtained from particular institutions, governments or individuals, broadcasters could refer to public statements by such

institutions, governments or individuals or such viewpoints could be expressed, for example, through presenters' questions to interviewees.

- 1.48 In audience participation programmes where viewers or listeners are encouraged to telephone in to a programme, while broadcasters can encourage callers from different perspectives, it should not 'manufacture' them. However, whether or not viewers or listeners make calls, it is the responsibility of the broadcaster to ensure that due impartiality is maintained. Therefore, in the situation where, for example, a matter of political controversy is being covered in an audience participation programme and there are no views being expressed in opposition to the viewpoint being featured, broadcasters must have systems in place to ensure that due impartiality is maintained. For example, if a presenter or broadcaster is aware that they are receiving few audience interventions with an alternative point of view, they could consider some of the editorial techniques listed in [paragraph 1.22 above](#).

Ofcom's previous decisions on these issues include:

## In Breach Decisions

[The Live Desk, GB News, 7 July 2023](#)

[Exclusives, PTC Punjabi, 1 January 2022](#)

[The Incident: Special Investigation, NTV Mir Lithuania, 15 April 2016](#)

[Going Underground, RT, 5 and 23 March 2016](#)

[Professia Reporter, NTV Mir Lithuania, 2 November 2014](#)

[Face to Face, CHSTV, 7, 14 and 21 November 2013](#)

[The Diplomacy of Defence, Russia Today, 5 February 2011](#)

[Sikh Channel Youth Show, Sikh Channel, 26 April 2012](#)

[Coverage of the Baishakhi Mela, Channel S, 8 May 2011](#)

[Bahrain Special, Ahlulbayt TV, 29 March 2011 and 4 April 2011](#)

[Remember Palestine, Press TV, 5 June 2010](#)

[The Land Cries Out for the Blood that Was Shed, Revelation TV, 23 June 2009](#)

## Not in Breach Decisions

[Dispatches: Inside Britain's Israel Lobby, Channel 4, 16 November 2009](#)

### Meaning of "series of programmes taken as a whole":

This means more than one programme in the same service, editorially linked, dealing with the same or related issues within an appropriate period and aimed at a like audience. A series can include, for example, a strand, or two programmes (such as a drama and a debate about the drama) or a 'cluster' or 'season' of programmes on the same subject.

## Guidance

- 1.49 The expression ‘aimed at a like audience’ means that the linked programmes that make up a ‘series’ should be broadcast when it is likely that those who watched or listened to the first programme can choose to watch or listen to the second programme. In other words, if the first programme goes out at 20:00 it is most unlikely that it would be acceptable for a single linked ‘balancing’ programme to go out at 03:00. The broadcaster is not expected, however, to predict the audience make-up and try to achieve a similar audience for the second or subsequent programmes.
- 1.50 In applying due impartiality over editorially linked programmes, broadcasters should comply with Rule 5.6 (see below), concerning the signalling of editorially linked programming.

Ofcom’ previous decisions on these issues include:

## In Breach Decisions

[\*Eyewitness, Ahlulbayt TV, 27 September 2011\*](#)

[\*Politics and Beyond, The Islam Channel, 16 October 2009\*](#)

[\*Ummah Talk, The Islam Channel, 14 October 2009\*](#)

## Rule 5.6

**The broadcast of editorially linked programmes dealing with the same subject matter (as part of a series in which the broadcaster aims to achieve due impartiality) should normally be made clear to the audience on air.**

## Guidance

- 1.51 A previous Ofcom decision in this area is:

## Not in Breach Decision

[\*Location, Location, Location, Channel 4, 4 June 2008\*](#)

## Rule 5.7

**Views and facts must not be misrepresented. Views must also be presented with due weight over appropriate timeframes.**

## Rule 5.8

**Any personal interest of a reporter or presenter, which would call into question the due impartiality of the programme, must be made clear to the audience.**

### Guidance

- 1.52 In understanding what is meant by ‘due weight’, it is useful to refer to the discussion of ‘due’ in the meaning of ‘due impartiality’.
- 1.53 Broadcasters must ensure that they are articulating alternative viewpoints in a duly objective manner. Programme content should not be skewed (e.g. through the editing of views) in a manner that undermines impartiality.
- 1.54 Ofcom would expect that, when dealing with matters covered by special impartiality requirements, broadcasters have put in place procedures so that reporters and presenters are at least aware of this rule and have an opportunity to make a declaration to the broadcaster. If the broadcaster could not reasonably have known of such an interest, then Ofcom would take that into account in the event of a case or complaint. It is not expected that presenters or reporters should make known personal and private medical matters to the public.

Previous Ofcom decisions in this area are:

### In Breach Decisions

[\*Do the Right Thing with Eamonn and Ruth, Channel 5, 29 March 2018\*](#)

[\*The Newspapers, Latest TV, 24 October 2014\*](#)

### Not in Breach Decisions

[\*Location, Location, Location, Channel 4, 4 June 2008\*](#)

[\*Dispatches: The Court of Ken, Channel 4, 22 January 2008\*](#)

### Meaning of “personal view” and “authored”:

“Personal view” programmes are programmes presenting a particular view or perspective. Personal view programmes can range from the outright expression of highly partial views, for example by a person who is a member of a lobby group and is campaigning on the subject, to the considered “authored” opinion of a journalist, commentator or academic, with professional expertise or a specialism in an area which enables her or him to express opinions which are not necessarily mainstream.



## Rule 5.9

**Presenters and reporters (with the exception of news presenters and reporters in news programmes), presenters of "personal view" or "authored" programmes or items, and chairs of discussion programmes may express their own views on matters of political or industrial controversy or matters relating to current public policy. However, alternative viewpoints must be adequately represented either in the programme, or in a series of programmes taken as a whole. Additionally, presenters must not use the advantage of regular appearances to promote their views in a way that compromises the requirement for due impartiality. Presenter phone-ins must encourage and must not exclude alternative views.**

### Guidance

- 1.55 Broadcasters are free to include 'issue-led' presenters in their programming, as long as they maintain due impartiality as appropriate. In clearly signalled 'personal view' programmes, many in the audience are comfortable with adjusting their expectations of due impartiality. However, in order to maintain due impartiality, alternative viewpoints should be adequately represented.
- 1.56 In audience participation programmes, for example, where viewers and listeners are encouraged to telephone, email or text in to the programme, broadcasters do not necessarily have to ensure an equal number of points of view are featured in any one programme or even across the series as a whole.
- 1.57 Broadcasters must ensure that if alternative views are included within a 'personal view' programme to maintain due impartiality, such views must not be included in a way that they are merely dismissed by the presenter and used as a further opportunity to put forward the presenter's own views. For example, a presenter should not use alternative viewpoints, contrary to the presenter's own, only in a dismissive way, and only as a means of punctuating the presenter's own viewpoint.
- 1.58 If a presenter has strongly held views, and there are few, if any, alternative views expressed by the audience, then the broadcaster must take appropriate action and have systems in place to ensure that due impartiality is maintained in the same programme or over a series of programmes taken as a whole.

Previous Ofcom decisions in this area include:

### In Breach Decisions

[Syrian Diary, Russia Today, 17 March 2013](#)

[Comment, Press TV, 18 February 2010, 27 May 2010 and 3, 10, 17 & 24 June 2010](#)

[George Galloway, Talksport, 10 August 2007](#)

### Not in Breach Decisions

[James O'Brien Show \(presented by Sadiq Khan\), LBC, 27 October 2017](#)

## Not Pursued Decisions

[Newsnight, BBC 2, 26 May 2020](#)

### Rule 5.10

**A personal view or authored programme or item must be clearly signalled to the audience at the outset. This is a minimum requirement and may not be sufficient in all circumstances. (Personality phone-in hosts on radio are exempted from this provision unless their personal view status is unclear.)**

#### Guidance

- 1.59 The signalling of an item or programme as a personal view or authored is a matter for the broadcaster.
- 1.60 Broadcasters should be aware that complying with Rule 5.10 on its own does not mean that a broadcaster has preserved due impartiality.

## Matters of major political or industrial controversy and major matters relating to current public policy

### Meaning of “matters of major political or industrial controversy and major matters relating to current public policy”:

These will vary according to events but are generally matters of political or industrial controversy or matters of current public policy which are of national, and often international, importance, or are of similar significance within a smaller broadcast area.

### Rule 5.11

**In addition to the rules above, due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service...in each programme or in clearly linked and timely programmes.**

### Rule 5.12

**In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented.**

## Guidance

- 1.61 These additional rules are necessary because of the nature of the subject matter concerned: a matter of major political and industrial controversy or major matter relating to current public policy is of a significant level of importance and is likely to be of the moment.
- 1.62 As Rule 5.11 makes clear, if a programme is dealing with a matter of major political or industrial controversy and major matter relating to current public policy, broadcasters should be aware that Rules 5.4 to 5.10 still apply.
- 1.63 Rule 5.12 makes clear that if matters of major political or industrial controversy and major matters relating to current public policy are being dealt with then, firstly, an appropriately wide range of significant views must be included in the programme (or in clearly linked and timely programmes), and second, such views must be given due weight.
- 1.64 ‘Significant views’ could include the viewpoint of nation states whose policies are considered to be matters of major political and industrial controversy and major matters relating to current public policy.
- 1.65 As part of treating viewpoints with ‘due weight’ a broadcaster may debate and discuss such views. However, broadcasters must not dismiss or denigrate such viewpoints and include them in a programme simply as a means to put forward their own views.
- 1.66 Where programmes handle matters of major political or industrial controversy and major matters relating to current public policy, and where alternative views are not readily available, broadcasters might consider employing one or more of the editorial techniques listed in [paragraph 1.22](#) above.

Previous Ofcom decisions in this area include:

## In Breach Decisions

[\*Martin Daubney \(standing for Laurence Fox\), GB News, 16 June 2023\*](#)

[\*Saturday Morning with Esther and Phil, GB News, 11 March 2023\*](#)

[\*World at One, BBC Radio 4, 24 February 2021\*](#)

[\*News, RT, 27 February 2022\*](#)

[\*The World Today, CGTN, 21 November 2019\*](#)

[\*Today, NTV Mir Baltic, 2 April 2018\*](#)

[\*Various Programmes, RT, 17 March to 4 May 2018\*](#)

[\*George Galloway, Talk Radio, 16 March 2018\*](#)

[\*Hannity, Fox News, 31 January 2017\*](#)

[\*Russian language referendum item, REN TV Baltic Mir Baltic, November 2011\*](#)

[\*Various programmes, Aden Live, 27 October to 16 November 2010\*](#)

[\*Sky News Leader’s Debate and other programmes, Sky News, 22 April to 10 May 2010\*](#)

[\*First Leaders’ Debate \(Scottish National Party complaint\), ITV 1\*](#)

[\*First Leaders’ Debate \(Plaid Cymru complaint\), ITV 1, 15 April 2010\*](#)

[\*Comment and Real Deal, Press TV, January 2009, various dates and times\*](#)

[\*George Galloway, Talksport, various dates and times\*](#)

[The Great Global Warming Swindle, Channel 4, 8 March 2007](#)

[Insider, TV3, 14 September 2006](#)

## Not in Breach Decisions

[Worlds Apart, RT, 1 April 2018](#)

[News, RT, 4 May 2018](#)

## Not Pursued Decisions

[Newsnight, BBC 2, 26 May 2020](#)

[Coverage of the Scottish Government's Coronavirus Update, Various programmes, BBC 1 Scotland and BBC Scotland, various dates](#)

[Coverage of issues surrounding the UK's exit from the EU Various programmes, BBC Radio 4, 4 October 2017 to 29 March 2018](#)

The prevention of undue prominence of views and opinions on matters of political or industrial controversy and matters relating to current public policy

### Meaning of “undue prominence of views and opinions”:

Undue prominence is a significant imbalance of views aired within coverage of matters of political or industrial controversy or matters relating to current public policy.

### Meaning of “programmes included in any service...taken as a whole”:

Programmes included in any service taken as a whole means all programming on a service dealing with the same or related issues within an appropriate period.

## Rule 5.13

**Broadcasters should not give undue prominence to the views and opinions of particular persons or bodies on matters of political or industrial controversy and matters relating to current public policy in all the programmes included in any service...taken as a whole.**

### Guidance

- 1.67 Rule 5.13 applies only to local radio services (including community radio services), local digital sound programme services (including community digital sound programme services) and radio licensable content services.
- 1.68 Just because a broadcaster covered by Rule 5.13 includes only a single viewpoint on a matter of political or industrial controversy and matter relating to current public policy does not mean that there has been undue prominence given to that viewpoint on such matters. For Rule 5.13 to be breached there would have to have been a significant imbalance of views aired across all programming on a relevant radio service dealing with a matter of political or industrial controversy or matters relating to current public policy within an appropriate period. By contrast, national radio services, for example, are required to maintain due impartiality within a programme or more than one programme of the same series.
- 1.69 In judging whether there has been a significant imbalance of views by particular persons or bodies aired on a service, Ofcom will consider how often a particular viewpoint is included across all programming.

Previous Ofcom decisions in this area include:

### In Breach Decisions

[\*Items for Friends of Al Aqsa, EAVA FM, 22 June to 31 July 2014, various times\*](#)

[\*Pre-recorded interview with Brian Madderson, Unity 101, 2 and 4 December 2012\*](#)

### Not in Breach Decisions

[\*Jeni Burnett, LBC 97.3, 7 January 2009\*](#)