

Ofcom Broadcast Bulletin

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Introduction

The Broadcast Bulletin reports on the outcome of investigations into alleged breaches of those Ofcom codes and licence conditions with which broadcasters regulated by Ofcom are required to comply. These include:

- a) Ofcom's Broadcasting Code ("the Code"), the most recent version of which took effect on 20 December 2010 and covers all programmes broadcast on or after 20 December 2010. The Broadcasting Code can be found at:
<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/>.

Note: Programmes broadcast prior to 20 December 2010 are covered by the version of the Code that was in force at the date of broadcast.

- b) the Code on the Scheduling of Television Advertising ("COSTA") which came into effect on 1 September 2008 and contains rules on how much advertising and teleshopping may be scheduled in programmes, how many breaks are allowed and when they may be taken. COSTA can be found at:
<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/advert-code/>.

- c) certain sections of the BCAP Code: the UK Code of Broadcast Advertising, which relate to those areas of the BCAP Code for which Ofcom retains regulatory responsibility. These include:
- the prohibition on 'political' advertising;
 - sponsorship (see Rules 9.2 and 9.3 of the Code for television broadcasters);
 - 'participation TV' advertising. This includes long-form advertising predicated on premium rate telephone services – most notably chat (including 'adult' chat), 'psychic' readings and dedicated quiz TV (Call TV quiz services). Ofcom is also responsible for regulating gambling, dating and 'message board' material where these are broadcast as advertising¹; and
 - the imposition of statutory sanctions in advertising cases.

The BCAP Code can be found at:

www.bcap.org.uk/The-Codes/BCAP-Code.aspx

- d) other licence conditions which broadcasters must comply with, such as requirements to pay fees and submit information which enables Ofcom to carry out its statutory duties. Further information on television and radio licences can be found at: <http://licensing.ofcom.org.uk/tv-broadcast-licences/> and <http://licensing.ofcom.org.uk/radio-broadcast-licensing/>.

Other codes and requirements may also apply to broadcasters, depending on their circumstances. These include 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. Links to all these codes can be found at:
<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/>

It is Ofcom's policy to describe fully the content in television and radio programmes that is subject to broadcast investigations. Some of the language and descriptions used in Ofcom's Broadcast Bulletin may therefore cause offence.

¹ BCAP and ASA continue to regulate conventional teleshopping content and spot advertising for these types of services where it is permitted.

Standards cases

In Breach

BBC News at Ten

BBC1, 23 November 2010, 22:00

Introduction

This news item reported on the announcement made earlier that day that Prince William and Kate Middleton would marry at Westminster Abbey on Friday 29 April 2011.

The item was introduced by News at Ten presenter, Huw Edwards, who handed over to the royal correspondent, June Kelly, live at Westminster Abbey. June Kelly then introduced a pre-recorded news package for this story.

The pre-recorded package included a clip of Prince William and Kate Middleton's photo call at St James's Palace on the day their engagement had been announced the previous week. This clip contained flashing images, caused by flash photography of the couple and of Kate Middleton's engagement ring.

Ofcom received a complaint from a viewer who has photosensitive epilepsy ("PSE"). The complainant was concerned about the amount of flashing images broadcast during the news report and the distress these images could potentially cause to photosensitive viewers. The complainant was particularly concerned that the report contained no warning during or before its broadcast.

Certain types of flashing images present a danger of triggering seizures in viewers who are susceptible to PSE. Rule 2.12 of the Code therefore requires that:

"Television broadcasters must take precautions to maintain a low level of risk to viewers who have photosensitive epilepsy. Where it is not reasonably practicable to follow the Ofcom guidance (see the Ofcom website), and where broadcasters can demonstrate that the broadcasting of flashing lights and/or patterns is editorially justified, viewers should be given an adequate verbal and also, if appropriate, text warning at the start of the programme or programme item".

Ofcom carried out a technical assessment of the flashing images in this news report and found some potentially problematic material. Ofcom therefore wrote to the BBC and asked it to comment with regard to Rule 2.12.

Response

The BBC agreed that this news report should have been preceded by a warning. It said that it did identify a problem with the flashing images in this footage and "an appropriate warning was given by the presenter in the earlier bulletin at 6 o'clock". It said that the news package in the ten o'clock bulletin was not introduced by the bulletin presenter but by a reporter on location at Westminster Abbey. It explained that the reporter on location "should have been instructed to include a warning in her remarks but, unfortunately, this did not happen". The BBC apologised for this oversight.

The BBC said that it “wishes to stress, however, that the fact of an oversight on this occasion should not be taken as evidence that it does not take this issue seriously”, and that “appropriate measures were taken to analyse the footage and identify that there were issues relating to it and that a warning was appropriate”. It said that the oversight “lay in this not being communicated to the reporter on location”. The BBC stated that “since this incident, news teams have been reminded of the importance of making sure that sufficient warnings are given in every case”.

Decision

Given the significant potential harm that can result in viewers with PSE who are exposed to flashing images, Rule 2.12 makes clear that Ofcom expects broadcasters to maintain a low level of risk in this regard.

Further, Ofcom’s Guidance in this area¹ (and the annexed Guidance Note on flashing images which is based on scientific research), are intended to limit the incidence of seizures. The guidance states that “a warning should only be used in place of the guidelines, if editorially justified”.

Ofcom tested this programme against its published Guidance concerning PSE. It found that the sequence involving the flash photography of the couple, and images of Kate Middleton’s engagement ring, contained 13 seconds of flashing where the brightness transitions (‘flashes’) exceeded the “intensity” limits as set out in the Guidance. The sequence contained flashing at an average rate of approximately 11 flashes per second (the limit in Ofcom’s Guidance being no more than three flashes per second). Ofcom noted the BBC’s acceptance that the material did not comply with the appropriate PSE standards.

Ofcom then considered whether there had been sufficient editorial justification for the broadcast of this material. In this case, we noted that the material in question was pre-recorded, but we considered that there was nevertheless editorial justification for including this news item in this report. In these circumstances, appropriate warnings should be given to viewers, as required by Rule 2.12. Ofcom considers that warnings of this type may assist viewers with PSE to avoid instances of flashing images that the broadcaster cannot reasonably control.

We noted that the BBC had taken appropriate measures to check the item, and had identified it as being problematic in advance of its transmission. The BBC had apologised for not including an appropriate warning on this occasion.

Ofcom acknowledges that the omission of a warning was as a result of human error on this occasion, and that the BBC news teams have taken additional compliance measures in response to this. However, the omission of a warning in circumstances where the BBC was aware the material was problematic is a matter of concern to Ofcom, and we do not expect a recurrence.

Breach of Rule 2.12

¹ <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/812612/section2.pdf>

In Breach

Qanooni Mashwary

Ahlebait TV, 16 September 2010, 19:00

Introduction

Ahlebait TV broadcasts news, current affairs and entertainment programmes from an Islamic perspective.

Ofcom received a complaint that during a call-in programme about legal issues, a permanent caption was displayed on screen which gave out contact information and the names of the solicitors presenting the programme, from Denning Solicitors. The caption read:

“Qanooni Mashwary, Live call: 0208 900 1742, Erian K Reilly, Solicitor Advocate, Zeeshan Saqib Mian, Solicitor Advocate, Denning Solicitors, Brought to you by Charles Edward College”.

Ofcom asked Ahlebait TV to clarify whether the programme was sponsored by Charles Edward College; and on what basis the references to the college and Denning Solicitors were included in the programme. Ofcom also asked how the material complied with the following Rules under Section Ten¹ of the Code:

Rule 10.3: “Products and services must not be promoted in programmes”; and

Rule 10.4: “No undue prominence may be given in any programme to a product or service”.

Response

Ahlebait TV said the programme was not sponsored by Charles Edward College but said the caption was included by mistake as the result of an error by a trainee member of staff. The broadcaster said this individual had been suspended and that the programme had also been suspended. The broadcaster apologised for this mistake and assured Ofcom that such an incident would not happen again.

Ahlebait TV said the reference to Denning Solicitors was included only as a factual credit to name the firm the presenters worked for. The broadcaster said it had no commercial arrangement with either Denning Solicitors or Charles Edward College.

Decision

One of the fundamental principles underpinning Section Ten (Commercial References and Other Matters) is to ensure that the broadcaster maintains independent editorial control over programme content, and that programmes are not distorted for commercial purposes.

Ofcom noted that Ahlebait TV admitted that the reference to Charles Edward College was made in error by a trainee member of staff. There was no valid basis to mention the college, as it did not appear to be connected to the programme in any way.

¹ The (September 2010) Code that was in force at the time of the broadcast.

Without any editorial justification for the reference, and in view of the implication that the college had sponsored the programme, Ofcom concluded that this reference amounted to a promotion for the college, in breach of Rule 10.3. The fact this caption was on screen throughout the programme made the reference unduly prominent and in breach of Rule 10.4.

In relation to the reference within the caption to the legal firm with which both of the programme's hosts were associated, Ofcom accepts that such credits can assist in identifying a presenter or guest's experience and profession. However such references must be appropriately limited and brief. In this case, however, the visual reference to Denning Solicitors appeared on-screen throughout the programme and was therefore unduly prominent, in breach of Rule 10.4.

Breaches of Rules 10.3 and 10.4

Resolved

Leah Smith Drive Time

Somer Valley FM, 1 December 2010, 15:50

Introduction

Somer Valley FM is a community radio station serving the communities in and around Midsomer Norton and Radstock in north east Somerset. Output is presented by volunteers. The licence is held by Somer Valley Community Radio Ltd ("Somer Valley").

Ofcom received a complaint that a song played on the station included the word "motherfucker". The listener felt such language was unacceptable at a time when children would be likely to be listening on their way home from school.

Ofcom asked Somer Valley for its comments under Rule 1.14 of the Code which states:

"The most offensive language must not be broadcast.... when children are particularly likely to be listening (in the case of radio)."

Response

Somer Valley apologised "unreservedly" for any offence caused to listeners by the inclusion of this language and fully accepted the broadcast of the material was at odds with the Code.

The broadcaster said the track, "Do It Like A Dude" by Jessie J was requested by a young listener and played out. Somer Valley said the song should not have been on its music system in unedited form. It said this music system is intended for schools and community radio stations and highlights songs that contain explicit content with an advisory warning. Somer Valley said only a limited number of personnel at the station have access to this system or are allowed to load songs onto the station's music library. However, the broadcaster said that, on this occasion, a volunteer who was aware the correct procedure was not being followed (and who has since left the station) accessed the station's music library and downloaded the track into it. Since the incident, the station said only one computer now has access to the music library and that this is closely monitored.

Somer Valley said that, after the offensive language was aired, the song was faded out and replaced with another track before the presenter apologised.

Somer Valley said it "deeply regretted" the language was broadcast, given the station's links to primary and secondary schools in the area, and that further compliance training has been given to volunteers at the station to ensure such an incident is not repeated.

Decision

Ofcom research on offensive language¹ clearly notes that the word “fuck” and its derivatives are considered by audiences to be very offensive. Such language is unacceptable when children are likely to be listening and the inclusion of the word “motherfucker” is clearly at odds with the requirements of Rule 1.14.

We note the compliance procedures in place at the station at the time of the incident to avoid such language were not adhered to, which resulted in the track being played out unedited at a time when children were likely to be listening.

However, Ofcom took into account that an apology was broadcast, and the station has a good compliance record. We also welcome the measures introduced to avoid any recurrence in the future. Given all of these circumstances, Ofcom considers this matter resolved.

Resolved

¹ Audience attitudes towards offensive language on television and radio, August 2010
(<http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>)

Broadcast Licence Condition cases

In Breach

Breach of Licence Condition

Brick FM

Introduction

Brick FM is a community radio station providing a service for the people of St Boswells, Newton St Boswells and the surrounding area in the Scottish Borders. It has been on air since January 2008 and the output is presented by volunteers. The licence is held by Brick FM Ltd.

The station's licence includes as an annex a 'key commitments' document which sets out what the radio station is required to broadcast (which is based on the promises made by the station in its original application for the licence).

We have had some concerns regarding the output broadcast on Brick FM following a complaint from a listener, and have been corresponding with the station over an extended period of time.

In order to assess the delivery of the station's key commitments we asked Brick FM Ltd on 27 April 2010 to provide us with recordings spanning four specified days with a request that specific key commitments be signposted. Some limited analysis of the recordings and signposting information was provided by the licensee but it was inadequate to enable us to properly assess whether the station was delivering against its key commitments.

On 20 August 2010 we again wrote to Brick FM Ltd indicating that further content sampling was required on the basis that we had not been able to verify from the information previously supplied that the station's output was delivering against the key commitments we had specified. In recognition that the information we required would take some time to put together we gave the licensee a full calendar month to comply, i.e. by 20 September 2010.

On 10 September 2010 we were informed by the licensee that the studio had suffered a direct lightning strike which had damaged recording equipment. Brick FM Ltd was given a further deadline (1 November 2010) by which to provide us with the required recordings and information. On 3 November we received eight discs from Brick FM Ltd containing recordings of output broadcast on Brick FM. However, no supplementary information was provided signposting the specific key commitment delivery or indeed the dates or times of broadcast. As this information was material to us to determine whether Brick FM Ltd was delivering against its key commitments, we returned the discs to the licensee and asked that the recordings be re-submitted labelled with the supplementary information required.

Subsequently, the licensee informed us that the recordings and information we requested on 3 November had been sent to us on 13 December 2010. However, six weeks later, we still had not received this information. Brick FM Ltd failed to provide the requested recordings and supplementary information after being reminded by Ofcom that we still required them. We therefore asked the licensee for its comments with regard to Licence Condition 8(2)(b) contained in Part 2 of the Schedule of the licence which states:

“The Licensee shall:

- 8 (2) (a) make and retain, for a period of 42 days from the date of its inclusion therein, a recording of every programme included in the Licensed Service together with regular time reference checks.”
- (b) at the request of Ofcom forthwith produce to Ofcom any such recording for examination and reproduction.”

Furthermore, after numerous reminders by Ofcom, the broadcaster failed to provide the information required and requested by Ofcom concerning our investigations into the delivery of the station’s key commitments. We therefore asked for its comments with regards to Licence Condition 9(1)(d) which states:

“The Licensee shall:

- 9 (1) (d) [provide] such information as Ofcom may reasonably require for the purpose 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”

Response

The licensee said that “we make and retain for a period of 42 days a recording of output. Only on certain occasions do we give time and date, as the format of our station required the shows to repeat at different hours on different days by the request of Brick FM listeners on a 24 hour basis. At the request of Ofcom we have produced to Ofcom recordings for examination and reproduction.”

Brick FM Ltd added that it had “provided such information, for the purpose of determining the objectives and commitments specifice [sic] in the community radio order 2004. We have responded and fulfilled our agreement to the best of our abilities. Brick FM Ltrd [sic] has complied with the licence obligations referred to in respect of the matters outlined and therefore we believe [we] are not in breach of its licence.”

Decision

Ofcom notes that Brick FM Ltd has provided recordings in the past, including a DVD in January 2011. However, these were inadequately labelled and output was not described or sign-posted, or even dated. The DVD received on 7 January 2011 still did not meet the requirements of what we asked for. In addition, we still have not received the recordings and information that the licensee says was posted on 13 December 2010.

By failing to provide the recordings of output and the other information we have requested we have not been able to assess whether the licensee is delivering against its key commitments, which form part of its licence. Therefore we have not been able to reach a decision on the licensee’s compliance in this regard.

The failure by Brick FM Ltd. to supply the recording in this instance is a serious and significant breach of Condition 8(2) of its licence to broadcast and should there be any similar contraventions, Ofcom will consider further regulatory action.

Breach of Licence Condition 8(2) and 9(1) contained in Part 2 of the Schedule to the community radio licence held by Brick FM Ltd (licence number CR135)

In Breach

Breach of Licence Condition

OnFM

Introduction

OnFM is a community radio station providing a service for the people of Hammersmith, west London, and has a particular focus on serving the local Irish community as well as other ethnic groups. It has been broadcasting since May 2008 and the output is presented by volunteers. The licence is held by OnFM Ltd.

The station's licence includes as an annex a 'key commitments' document which sets out what the radio station is required to broadcast (which is based on the promises made by the station in its original application for the licence). In the programming section it says that "daytime output overall will typically comprise 40% music and 60% speech" and "by the end of the first 12 months on air, the service will typically be live, for at least 8 hours per day".

On 17 November 2010 Ofcom received a complaint regarding the amount of live output and the proportion of speech programming broadcast on the station, alleging that the station was not meeting its live broadcasting and speech programming requirements. Accordingly, Ofcom wrote to the licensee, OnFM Ltd, to ask whether it was complying with its key commitment to broadcast 60% speech and to provide at least eight hours live programming per day. At the same time we requested recordings covering two days of output in a specified week which we monitored to ascertain the level of key commitment delivery.

The licensee did not provide comments on the allegations regarding its key commitment delivery on live output and speech programming. Ofcom's analysis of the output provided by the station indicated that OnFM was not delivering against its live output remit and its promise to broadcast 60% speech programming during the day. On this basis, Ofcom again wrote to the licensee to ask how it considered its output complied with the licence condition relating to key commitments delivery. Condition 2(4), contained in Part 2 of the Schedule to the licence, states that:

"The Licensee shall ensure that the Licensed Service¹ accords with the proposals set out in the Annex so as to maintain the character of the Licensed Service throughout the licence period."

Response

The licensee said that it agreed that during the period monitored "we were not able to meet the target of eight hours of live shows and sustain our original undertaking to supply 60 per cent speech between 8am and 8pm."

The licensee said that "OnFM's fulfilment of its promise to deliver a high standard of speech broadcasting throughout the daytime output is well within the current team's capabilities."

¹ The service that the station is licensed to provide, as described in its 'key commitments'.

In addition the licensee has indicated that it intends to apply to Ofcom to amend its key commitments. This will be considered separately.

Decision

By failing to provide the required live output of eight hours per day and 60% speech in daytime programming, OnFM Ltd was not providing the service as described in its key commitments, and therefore is in breach of the licence condition referred to above. Ofcom has therefore formally recorded this breach by OnFM Ltd.

Community radio stations are, under the terms of The Community Radio Order 2004, defined as local radio stations provided primarily for the good of members of the public or for a particular community, rather than primarily for commercial reasons. They are also required to deliver social gain, be run on a not-for-profit basis, involve members of their target communities and be accountable to the communities they serve.

Any organisation applying for a community radio licence is required to set out proposals as to how it will meet these various statutory requirements. If it is awarded a licence, its proposals are then included in the licence so as to ensure their continued delivery. As referred to above this part of a community radio station's licence is known as the 'key commitments', and it is designed to ensure that each community radio station continues to provide the service for which it has been licensed.

Breach of Licence Condition 2(4) in Part 2 of the Schedule to the community radio licence held by OnFM Ltd (licence number CR074)

Fairness and Privacy Cases

Upheld

Complaint by Mr Meredydd Hughes

ITV News, ITV1, 21 January 2010

Summary: Ofcom has upheld this complaint of unfair treatment in the programme as broadcast.

On 21 January 2010, *ITV News* included an item which followed up on a story reported in two programmes earlier in the month entitled “*The Truth About ASBOs*”. The original reports had focused on the allegations of anti-social behaviour made by the neighbours about one particular family in Doncaster who had a total of four Anti-Social Behaviour Orders (“ASBOs”) between them and had included interview footage of Mr Meredydd Hughes, the Chief Constable of South Yorkshire Police, who was questioned about anti-social behaviour and whether the police had enough powers to deal with the problem.

The report broadcast on 21 January 2010 included an extract of interview footage of Mr Hughes that had been used in one of the earlier programmes. It also included a pre-recorded interview between programme’s presenter and the then Prime Minister, Gordon Brown, about anti-social behaviour and, in particular, Mr Hughes’ comments.

Mr Hughes complained that he was unfairly treated in the programme as broadcast.

In summary, Ofcom found as follows:

- Ofcom considered that although Mr Hughes’ edited comments included in the report were not formed from two separate responses, the extracted comments that were included in the programme were used out of the context in which they were given and in a manner that was unfair to Mr Hughes.
- Ofcom considered that the presenter’s comments that Mr Hughes was “*shrugging*” off the problem of anti-social behaviour and that he appeared not to understand the seriousness of the problem and the programme’s failure to reflect Mr Hughes’ views adequately resulted in Mr Hughes being portrayed unfairly in the programme.

Introduction

On 21 January 2010, ITV1 broadcast two editions of its evening news programme (broadcast at 18:30 and 22:00 hours), *ITV News*. This followed up on a story in two earlier *ITV News* programmes in the month entitled “*The Truth About ASBOs*”¹. The earlier programmes reported on the allegations of anti-social behaviour made about Mr Dean Jewell and his family by their neighbours, the Mullins and Reckless families, in Doncaster, South Yorkshire. At the time of the broadcasts, the Jewell family had a total of four ASBOs between them. The second of these earlier reports (broadcast on 5 January 2010) included interview footage of Mr Meredydd Hughes, the Chief Constable of South Yorkshire Police, who was questioned about anti-social

¹ Anti-social behaviour orders (ASBOs) are court orders which forbid specific threatening or intimidating actions.

behaviour (with particular reference to the Jewell family) and whether the police had enough powers to deal with the problem.

The report broadcast on 21 January 2010 summarised the content of the earlier reports concerning the Jewell family and the programme's reporter stated:

"After seeing the attitude of the Jewells, I asked the Chief Constable of South Yorkshire Police how seriously he is taking anti-social behaviour."

Immediately following this comment, an extract of interview footage of Mr Hughes' (filmed for and included in an earlier programme) was shown in which he said:

"let's keep it in perspective, no one's being murdered, no one's being assaulted, no one's being robbed. In this case, we have neighbours who have to get along and we'll do our best to sort it out."

The report also included a pre-recorded interview between the programme's presenter and the then Prime Minister, Gordon Brown, who was visiting a family intervention scheme centre in Stevenage². After an initial question and response, the presenter asked:

Presenter: *"Let me put something specific to you...Meredydd Hughes, Chief Constable of South Yorkshire Police, said to Stephen Douglas [the programme's reporter] in our reports 'no one's being killed, assaulted or robbed'. But you've just said, people like Fiona Pilkington³ are taking their own lives..."*

Gordon Brown responded by talking about the importance of intervention and the family intervention centres which the then Government planned to set up throughout the country. The following exchange then took place:

Presenter: *"Do you think Meredydd Hughes was wrong when he said 'look no one's being killed, there's no serious criminal offence being committed here these are civil disorders'."*

Gordon Brown: *"these civil disorders as stated by that person have to be taken seriously and treated in the way we are doing".*

Presenter: *"But he's not, he's shrugging them off Prime Minister. He said to Stephen Douglas, you know life is like that, people have got to learn to live together. You yourself have admitted in this conversation to me it's a lot worse than that, but you have got a Chief Constable who doesn't seem to get it".*

Gordon Brown: *"Yes, if a Chief Constable doesn't get it, I'm getting it and I am understanding the problem. There are people who make lives of others a misery and that's a problem".*

Mr Hughes complained to Ofcom that he was treated unfairly in the programme as broadcast.

² The Family Intervention Scheme is a Government funded programme set up to give "difficult" families support in the community.

³ In 2007, Fiona Pilkington killed her daughter who had severe learning difficulties and committed suicide after suffering years of torment and abuse in her local community.

The Complaint

Mr Hughes' case

In summary, Mr Hughes complained that:

a) He was portrayed unfairly in the programme as broadcast in that:

i) His contribution was edited unfairly.

Mr Hughes said that the report edited his answers to separate questions to form one response. He said that the second part of this edited answer, in which he referred to *"no one being murdered"* etc, was used out of context.

ii) The presenter wrongly and unfairly characterised him and his views in the continued questions to Gordon Brown.

Mr Hughes said that the presenter's questions alleged that he was incompetent and, in specifically naming him, amounted to a personal attack. Mr Hughes said that the presenter completely misquoted him when he said Mr Hughes had commented that *"there is no serious criminal offence being committed here, these are civil disorders"*. Mr Hughes also said that the presenter said that he was *"shrugging them off"* and that *"you know life is like that, people have got to learn to live together"*.

In the interview with Gordon Brown, Mr Hughes said that the presenter failed to explain that the families concerned have a police officer dedicated to them and that his officers had responded over 100 times to incidents in that area. Mr Hughes said that the presenter stated that he was a *"Chief Constable who doesn't seem to get it"*, which finally brought the reaction he had been seeking from Gordon Brown.

b) He was not given an opportunity to respond.

Mr Hughes said that he was unaware that the report broadcast on 21 January 2010 was to be broadcast and that he was not given the opportunity to respond to any comments made in it. Mr Hughes said that he believed that the report was a slight against him and portrayed him as uncaring, unfeeling and negative towards dealing with incidents of anti-social behaviour.

The Broadcaster's case

In summary, ITV Broadcasting Limited ("ITV") responded to Mr Hughes' complaint as follows:

a) In response to the complaint that Mr Hughes was portrayed unfairly in that his contribution was edited unfairly in the programme as broadcast, ITV said that:

i) & ii) It did not accept that Mr Hughes' interview was unfairly edited in the report nor that he was unfairly characterised by the presenter. ITV said that the report included excerpts from the original report, including the statement by Mr Hughes that the police had *"powers coming out of their ears..."* and that

they had “investigated 111 offences...”. In this way, ITV said that the views expressed by Mr Hughes were fairly summarised.

ITV also said that the presenter highlighted the fact that what Mr Hughes had said in interview was controversial: despite four ASBOs, a criminal conviction and 111 complaints from neighbours of the Jewell family about the problems caused by them and their associates were continuing and were causing distress to those targeted. ITV said that while it was not murder, assault or robbery, the anti-social behaviour was still serious for the individuals concerned and the system seemed to be unable to prevent the problem continuing. ITV said that the programme’s presenter was entitled to put the scenario and Mr Hughes’ comments to Gordon Brown for his reaction.

- b) In response to Mr Hughes’ complaint that he was not given an opportunity to respond, ITV said that this was an interview with Gordon Brown and it focused on what he had to say on the issue of anti-social behaviour. It said that Mr Hughes’ response that had already been given to the programme makers formed part of that discussion. ITV said that, in these circumstances, it was not appropriate to seek Mr Hughes’ response to his own comments or Gordon Brown’s reaction to them.

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 both from unfair treatment in programmes included in such services and unwarranted infringements of privacy resulting from activities carried on for the purposes of such programmes.

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 its decision, Ofcom considered all the relevant material provided by both parties. This included a recording of the programme as broadcast, a transcript of it and written submissions from both parties. It also examined the unedited footage of Mr Hughes’ interview and read a transcript of it.

When considering complaints of 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 the Code. Ofcom had regard to Rule 7.1 when reaching its decisions on the individual heads of complaint detailed below.

- a) Ofcom considered Mr Hughes’ complaint that he was portrayed unfairly in the programme as broadcast in that his contribution was edited unfairly.

In considering this head of complaint, Ofcom had regard to Practice 7.9 of the Code which states that 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. It also had regard to

Practice 7.6 of the Code which state that when a programme is edited, contributions should be represented fairly.

- i) Ofcom first considered Mr Hughes' complaint that his answers to two questions were edited together to form one response and then the second part of the edited answer was used out of context.

Ofcom noted the edited response of Mr Hughes included in the programme as broadcast and the preceding commentary by the programme's reporter:

Reporter: *"...I asked the Chief Constable of South Yorkshire Police how seriously he is taking anti-social behaviour?"*

Mr Hughes: *"Let's keep it in perspective, no one's being murdered, no one's being assaulted, no one's being robbed. In this case, we have neighbours who have to get along and we'll do our best to sort it out"*

Ofcom noted that ITV's statement was incorrect in stating the that programme broadcast on 21 January 2010 had included excerpts from Mr Hughes' interview in which he stated that his police officers "had powers [to deal with anti social behaviour] coming out of our ears" and that "we've investigated 111 offences [in relation to complaints about the Jewell family]". These comments had been included in the earlier report broadcast on 5 January 2010.

Ofcom also examined the full unedited footage of Mr Hughes' interview to assess whether *ITV News* had taken the quote from Mr Hughes out of context and treated the complainant unfairly as alleged. In particular, it took note of the following exchange between the reporter and Mr Hughes:

Reporter: "If you're saying you can't move people out of their home, what is the solution? Do you need more powers?"

Mr Hughes: "We have powers coming out of our ears. We have officers who are working non stop who investigated 111 offences or matters of anti social behaviour in that area and dealt with it effectively and you have taken one small example and somehow said it shows the whole system breaking down. It is not breaking down. This is not a terribly bad community".

Approximately five minutes after this response, Ofcom noted the following exchange:

Reporter: "Is that a big problem for the force in dealing with something like that [i.e. anti social behaviour]? It must be, it sounds incredibly difficult to deal with, to police itself?"

Mr Hughes: "South Yorkshire Police gets over a million calls every year for policing purposes we are the social services of last resort. Two thirds of a police force's work is nothing to do with crime so set it against that context, anti-social behaviour is important to us but frankly I would far rather that people were calling us because people were glaring at them and people calling us because of name calling than

the other forces where I work where they are calling us because their children are being robbed on their way to school or their children are at risk of being knocked down because of difficult road conditions. Anti-social behaviour is important repeated anti social behaviour is difficult and needs tackling but we are not going to solve problems exclusively by the law alone. Sometimes the problems take a long time to sort out but let's keep it in perspective, nobody is being murdered nobody is being assaulted, nobody is being robbed. In this case we have neighbours who have to get along and we will do our best to sort it out".

Ofcom recognises that programme makers can quite legitimately select and edit material from interview footage for inclusion in a programme. This is an editorial decision and, in Ofcom's view, it would be unreasonable for an individual to expect a broadcaster to cede editorial control or to include footage of their contribution in full. However, broadcasters must ensure that when editing they do so in a manner that it fair.

In this case, Mr Hughes' contribution was edited and summarised. Ofcom considered that although the programme makers decided not to present Mr Hughes' responses to the reporter's questions in their entirety, the comments that were included in the programme were not comprised of his responses to two different questions – as alleged in the complaint. It was clear to Ofcom from the unedited footage of Mr Hughes' interview that the comments included in the broadcast derived from the last two sentences of a single response to one of the reporter's questions to him.

However, Ofcom considered that Mr Hughes' response as presented in the report was taken out of context and on this occasion failed to adequately convey the full message that Mr Hughes had said in interview. While Ofcom noted that Mr Hughes' concluded his response in interview with his view that anti-social behaviour must be kept in perspective with more serious criminal offences, his comments had been made in the context of his wider view of the position of the police in responding to anti-social behaviour, which he stated, unequivocally, was important. Further, his comments that "*Let's keep it [anti-social behaviour] in perspective, no-one's been murdered*", must be considered in the context of the whole interview. It was clear to Ofcom that Mr Hughes was not dismissing anti-social behaviour as unimportant (as implied by the programme overall). In fact, he was indicating that while anti-social behaviour was important and needed tackling, he would rather be dealing with anti-social behaviour than even more serious crimes like murder or robbery.

The selected extract of Mr Hughes' interview also has to be seen in light that he said that the police had been working "non stop" and had attended over 100 incidents in the area where the Jewell family lived and his view that the issue of anti-social behaviour was important and repeated anti-social behaviour needed to be tackled. In Ofcom's view, these comments were integral to Mr Hughes' response to how seriously the police took anti-social behaviour and their efforts in dealing with it. Therefore, Ofcom considered that the programme makers' failure to fairly represent these comments and only to rely on the limited extract in the programme as broadcast resulted in Mr Hughes' comments being used out of the full context in which they were

given in interview. Ofcom concluded therefore that to present Mr Hughes' comments out of the context in which they were given resulted in unfairness to him.

- ii) Ofcom went on to consider Mr Hughes' complaint that he was portrayed unfairly in that the presenter wrongly and unfairly characterised him and his views when interviewing Gordon Brown.

In assessing this head of complaint, Ofcom again had regard to Practice 7.9 of the Code which is already provided in Head a) i) of the Decision above.

Ofcom considered the presenter's comments made during the pre-recorded interview with Gordon Brown had the potential to unfairly characterise Mr Hughes and his views.

Ofcom recognised the broadcaster's right to freedom of expression and its role in encouraging debate and the exchange of views on topics of public interest, and it recognised that anti-social behaviour was undoubtedly one such topic. However, with this right came the responsibility for the broadcaster to ensure that material facts are not presented, omitted or disregarded in a way that creates unfairness to an individual or organisation.

Ofcom noted that the presenter's interview with Gordon Brown had followed almost immediately after footage of Mr Hughes' edited interview (as set out in Head a) i) of the Decision above). Ofcom took particular notice of the following exchange between the presenter and Gordon Brown during the interview:

Gordon Brown: *"these civil disorders as stated by that person have to be taken seriously and treated in the way we are doing".*

Presenter: *"But he's not, he's shrugging them off Prime Minister. He said to Stephen Douglas [ITV News reporter], you know life is like that, people have got to learn to live together. You yourself have admitted in this conversation to me it's a lot worse than that, but you have got a Chief Constable who doesn't seem to get it".*

Ofcom considered that the presenter's comments amounted to an unequivocal statement of fact that Mr Hughes was not taking "civil disorders" (which Ofcom understood to refer to anti-social behaviour) seriously, that his attitude towards the problem was dismissive, and that he did not appear to understand that anti-social behaviour was a serious problem.

Ofcom took the view that the response made by Mr Hughes in the unedited interview footage made it clear that he appreciated the problems caused by anti-social behaviour and especially repeated anti-social behaviour and that his police officers had responded to over a hundred incidents in the area. It was also clear to Ofcom from the interview footage that, in his position as a Chief Constable, Mr Hughes understood the limitations that ASBOs and other punitive measures had in situations such as those experienced by the neighbours of the Jewell family and that while anti-social behaviour is a problem, it had to be kept in perspective in as much no one was being the victim of serious criminal offences.

Ofcom considered that the programme failed to represent adequately Mr Hughes' appreciation of the problems caused by anti-social behaviour and his understanding of the effect such behaviour had on those targeted and what action his police officers had taken in the particular case highlighted in the programme. As stated above, it was clear to Ofcom that Mr Hughes was not dismissing anti-social behaviour as unimportant (as implied by the programme overall). In fact, he was indicating that while anti-social behaviour was important and needed tackling, he would rather be dealing with anti-social behaviour than even more serious crimes like murder or robbery.

Ofcom considered that to have included the presenter's unequivocal statement that Mr Hughes was simply "*shrugging them off*" without reflecting Mr Hughes' views (which were already known to the broadcaster) adequately in programme had the potential to mislead viewers as to Mr Hughes' views on anti-social behaviour and for him to be perceived as being dismissive. This, Ofcom concluded, resulted in Mr Hughes being portrayed unfairly in the programme as broadcast.

- b) Ofcom considered Mr Hughes' complaint that he was not given an opportunity to respond to comments made about him in the programme.

Normally, when considering a complaint of this nature, Ofcom would have regard to Practice 7.11 of the Code which states that "if a programme alleges wrongdoing or incompetence or makes other serious allegations, those concerned should normally be given an appropriate and timely opportunity to respond". However, it is clear from the preceding Decisions in Heads a) i) and ii) above, that the broadcaster already had Mr Hughes' comments in relation to anti-social behaviour, the problems it caused and the measures the police were taking to tackle such behaviour. The broadcaster was therefore in a position to present Mr Hughes' views on the issue without needing to give him a specific opportunity to respond.

As already concluded in Heads a) i) and ii) of the Decision above, Ofcom found that the broadcaster had failed to ensure that Mr Hughes' views were fairly presented in the programme as broadcast and that this resulted in portraying him unfairly.

Accordingly, Ofcom has upheld this complaint of unfair treatment in the programme as broadcast.

Ofcom has also directed ITV to broadcast a summary of its adjudication.

Not Upheld

Complaint by Mr Meredydd Hughes

ITV News, ITV1, 5 January 2010

Summary: Ofcom has not upheld this complaint of unfair treatment in the programme as broadcast.

On 5 January 2010, *ITV News* reported on allegations that members of one family were responsible for a series of incidents of anti-social behaviour in a particular neighbourhood of Doncaster. Part of the report included interview footage of Mr Meredydd Hughes, the Chief Constable of South Yorkshire Police, who was questioned on the effectiveness of Anti-Social Behaviour Orders (“ASBOs”) and whether the powers that were available to police officers in dealing with anti-social behaviour were adequate.

Mr Hughes complained to Ofcom that he was treated unfairly in the programme as broadcast.

In summary, Ofcom found the following:

- Mr Hughes was not misled about the nature and purpose of the programme and that he had given his “informed consent” to participating. There was no unfairness to Mr Hughes in this regard.
- Mr Hughes’ contribution was not used out of context and that the edited footage of the interview included in the programme did not portray him unfairly.
- The broadcaster exercised its editorial judgement in not including Mr Hughes’ comments on the wider issues relating to how South Yorkshire Police tackled anti-social behaviour and did so in a way that was not unfair to him.

Introduction

On 5 January 2010, ITV1 broadcast its news programmes, *ITV News*, at 18:30 and 22:00 hours. These featured the second of a two-part report entitled “*The Truth About ASBOs*”¹. The report focused on the allegations of anti-social behaviour about Mr Dean Jewell and his family by their neighbours, the Mullins and Reckless families, who lived in Doncaster, South Yorkshire. The report said that Mr Jewell and his family had a total of four ASBOs between them. The first part of the report broadcast on 4 January 2010 looked at the experience of anti-social behaviour that members of the Mullins and Reckless families claimed that they had endured and included CCTV footage of unidentified persons throwing objects at their houses and calling them offensive names.

The second part of the report broadcast on 5 January 2010 included footage of Mr Jewell being interviewed by a reporter who put to him the allegations made by his neighbours about him and his family’s behaviour. Immediately following this footage, the commentary stated:

¹ Anti-Social Behaviour Orders (ASBOs) are court orders which contain conditions that prohibit an offender from specific anti-social acts or entering into defined areas.

“It’s clear that the Jewell’s didn’t care about being issued with ASBOs so we’ve travelled to Sheffield to ask the Chief Constable of the South Yorkshire Police how seriously he is taking anti-social behaviour. After the death of Fiona Pilkington², he pledged to identify vulnerable people and make sure they’re not slipping through the net”.

The report then went on to show footage from an interview with Mr Meredydd Hughes, the Chief Constable of South Yorkshire Police. During the interview, the following exchange took place between the reporter and Mr Hughes:

- Reporter: *“A lot of people we’ve spoken to say they think that ASBOs haven’t had any effect”.*
- Mr Hughes: *“The ASBOs, statistically and genuinely and in every single regard have had an effect in this particular case”.*
- Reporter: *“What is the solution then if you’re saying that you can’t move people out of their home what’s the solution? Do you need more powers?”*
- Mr Hughes: *“We have powers coming out of our ears. We have officers working non-stop. We’ve investigated 111 offences or matters of anti-social behaviour in that area and dealt with it effectively...But let’s keep it in perspective, no one’s being murdered, no one’s being assaulted, no one’s being robbed. In this case, we have neighbours who have to get along and we’ll do our best to sort it out”.*
- Reporter: *“Do you understand, it might seem low-level crime, name-calling, things like that, but it’s the kind of thing that runs people down”.*
- Mr Hughes: *“I understand that, please see my previous answer”.*

The report concluded with the reporter summing up the experience of anti-social behaviour that the programme makers had witnessed during their time spent filming and the effect it had on those targeted.

Mr Hughes complained to Ofcom that he was treated unfairly in the programme as broadcast.

The Complaint

In summary, Mr Hughes complained that he was treated unfairly in the programme as broadcast in that:

- a) He was misled as to the nature and purpose of the programme.
 - i) In particular, Mr Hughes said that he had wanted to give a live interview but had agreed to a pre-recorded interview based on the details provided by the programme makers. He said that he was unaware that the programme makers had spent three weeks filming in and around the street where the Jewell family lived and that the family would be the focus of the report. Mr

² In 2007, Fiona Pilkington killed her daughter who had severe learning difficulties and committed suicide after suffering years of torment and abuse in her local community.

Hughes said that if he had known this prior to the interview he would have reconsidered agreeing to a pre-recorded interview.

- ii) Mr Hughes said that, before and during the interview, the programme makers had promised to give a longer account of the action of South Yorkshire Police, i.e. more than one minute. However, the interview footage broadcast only lasted one minute.
- b) He was portrayed unfairly in the programme in that:
- i) His contribution was edited unfairly.

In particular, Mr Hughes said that the report edited his answers to separate questions to form one response. He said that the second part of this edited answer, in which he referred to "*no one being murdered*" etc, was used out of context.

- ii) Mr Hughes said that the report omitted to refer to information given by him in interview about the action taken by South Yorkshire Police to tackle the issues highlighted in the report. His contribution was therefore not represented fairly.

The Broadcaster's case

In summary, ITV Broadcasting Limited ("ITV") responded to Mr Hughes' complaint of unfair treatment in the programme as broadcast as follows:

- a) In response to the complaint that Mr Hughes was misled about the nature and purpose of the programme, ITV said that as Chief Constable of South Yorkshire Police, Mr Hughes was a significant public figure who held a significant public office. It said that a person in such a position would be experienced in handling media interviews in a professional manner.
- i) ITV said that it was apparent from the email exchange that took place between the programme makers and the Communications Office of South Yorkshire Police ("Communications Office") prior to the interview that both Mr Hughes and his Communications Office were fully briefed in good time about the area and range of issues likely to be raised and that they had every opportunity to carry out enquiries and to consider their position. ITV said that this was something that they clearly did as it was clear, not only from the email exchange, but also from the unedited footage of the interview itself, that Mr Hughes was not only aware that the news item would deal with the issue of the Jewell family and their neighbours, but that he was very well appraised of the facts on even the finest of detail in that respect.

In response to Mr Hughes' assertion that he had not appreciated that the programme makers had spent time with the Reckless and Mullins families, ITV said that it can be seen from the email exchange that Mr Hughes' Communications Office had been made aware of the fact that the programme makers had spent time with the Mullins family. ITV said that there was nothing misleading or unfair to Mr Hughes in this respect: he knew what the interview and the report was to be about and was fully and properly prepared for it.

- ii) In response to the complaint that Mr Hughes was unfairly misled in that he was promised that there would be more than a minute broadcast of his interview, ITV said that this was not the case. ITV said that the programme makers had visited Mr Hughes at his offices on 29 December 2009 and that he was accompanied by a communications officer who had organised the interview. During the interview, ITV said that the reporter did not significantly deviate from the areas of questioning that Mr Hughes and his Communications Office had been given advance notice. Although it was true that at all times it was likely that *ITV News* would include some of Mr Hughes' comments in the final report, ITV said that no guarantees or promises were given in relation to the duration of what would be transmitted. It said that Mr Hughes' contribution to the final report was longer than was normal in a news report. ITV said that it was clear that Mr Hughes was not misled in this respect, and that no unfairness resulted to him in relation to the duration of the transmitted part of his interview.
- b) In summary and in response to the complaint that Mr Hughes was portrayed unfairly in the programme, ITV said the following:
- i) ITV denied that Mr Hughes' contribution was edited unfairly. It said that the unedited footage of Mr Hughes' interview showed the full version of what was said which ranged over a period of about 35 minutes. It said that Mr Hughes was asked about a number of issues and that he was given a fair chance to answer the questions. ITV said that the reporter did not jump in or unfairly interrupt Mr Hughes.

In relation to the allegation that the Jewell family's ASBOs were not working, ITV said that Mr Hughes' response reflected his insistence that the ASBOs had had their intended effect in this instance:

"The ASBO's statistically and genuinely in every regard have had an effect in this particular case".

In relation to whether he felt that the police should have greater powers to deal with anti-social behaviour in order to be able to deal with problems such as those posed by the Jewell family, ITV said that Mr Hughes' response in interview was:

"We have powers coming out of our ears. We have officers who are working non-stop who investigated 111 offences or matters of anti social behaviour in that area and dealt with it effectively and you have taken one small example and somehow said it shows the whole system breaking down. It is not breaking down. This is not a terribly bad community".

ITV said that the gist of Mr Hughes' response insofar as it related to the Jewell family case was that he felt that his police officers had sufficient powers to deal with anti-social behaviour and that they had worked hard in dealing effectively with the 111 complaints they had received. Therefore, ITV said that what was included in the transmitted item was:

"We have powers coming out of our ears. We have officers who are working non-stop who investigated 111 offences or matters of anti social behaviour in that area and dealt with it effectively".

ITV said that the perception of the Mullins and Reckless families was that the police considered anti-social behaviour to be a low priority and that, as a result, their problems did not receive the police attention they felt they deserved. In interview, Mr Hughes insisted that his police officers had:

“done a good job in dealing with these incidents time after time and in trying to bring peace and harmony to a very difficult area which has not had that peace for a long time in one small road”.

ITV said that Mr Hughes was then asked by the reporter whether anti-social behaviour was an easy matter to police:

Mr Hughes: “South Yorkshire Police gets over a million calls every year for policing purposes we are the social services of last resort. Two thirds of a police force’s work is nothing to do with crime so set it against that context, anti-social behaviour is important to us but frankly I would far rather that people were calling us because people were glaring at them and people calling us because of name calling than the other forces where I work where they are calling us because their children are being robbed on their way to school or their children are at risk of being knocked down because of difficult road conditions. Anti social behaviour is important, repeated anti- social behaviour is difficult and needs tackling but we are not going to solve problems exclusively by the law alone. Sometimes the problems take a long time to sort out but let’s keep it in perspective, nobody is being murdered nobody is being assaulted, nobody is being robbed. In this case we have neighbours who have to get along and we will do our best to sort it out”.

Reporter: “But do you understand that it might seem like low level crime name calling things like that but if it happens all the time it is the kind of thing that really runs people down and can really get to people”.

Mr Hughes: “I understand that, please see my previous answer”.

Reporter: “Is there anything else you want to get out?”

Mr Hughes: “No that’s ok”.

ITV said that the report as broadcast included the following extract of the above dialogue:

Mr Hughes: *“let’s keep it in perspective, nobody is being murdered nobody is being assaulted, nobody is being robbed. In this case we have neighbours who have to get along and we will do our best to sort it out”.*

Reporter: *“Do you understand it might seem low level crime name calling things like that, but it’s the kind of thing that runs people down”.*

Mr Hughes: *“I understand that, please see my previous answer”.*

ITV said that the parts of the interview used in the broadcast did reflect fairly what Mr Hughes had said. It was clear from the unedited footage of the interview that the real thrust of his comments specific to the Jewell family case was that the ASBOs had worked; that the police had effectively dealt with numerous complaints about the Jewell family; and, that anti-social behaviour and general bullying through name calling and glaring were not serious crimes. ITV said that although the police had, in Mr Hughes' view, sufficient powers to deal with anti-social behaviour, he suggested that the bottom line was that no-one was suffering from serious crime and that these were neighbours who should learn to get along with each other. ITV said that Mr Hughes' comments were not taken out of context at all as they related specifically to the Jewell family case. ITV said that Mr Hughes' comments were fairly reflected in the programme as broadcast.

- ii) ITV said that the report dealt largely with one case, detailing the problems and their effects in a specific road involving specific families. It said that Mr Hughes did make wider comments about the performance of South Yorkshire Police, but it was felt by the programme makers that these factors did not have a direct relevance to the focus of the report, that is the historic and current situation faced by the Mullins and Reckless families. Therefore, ITV said that it was a perfectly reasonable editorial judgement not to include his comments on the performance of South Yorkshire Police.

Mr Hughes' comments

In summary, Mr Hughes responded to ITV's statement as follows:

- a) Mr Hughes said that he was fully aware that the interview was for a news programme, however his communications officer had been told by the programme makers that his contribution would be longer than a usual interview because it was a special, week-long series of features. Mr Hughes said that although a list of 13 questions were provided by the programme makers, only three of these were included in the report and his answers to which totalled only 39 seconds of airtime.

Mr Hughes said that he was aware that the programme makers had spent time with the Mullins and Reckless families, but he was not informed until the day of the interview that it had been three weeks. Mr Hughes said that had he known in advance, he would have been more likely to request a live interview rather than a pre-recorded interview as the latter can be, and was, heavily edited. Given the length of time filming, and the total length of the broadcast, Mr Hughes said that he did not consider that 39 seconds represented an appropriate or fair allocation of time for his response to the points raised.

- b) Mr Hughes said that he believed that his answers to the few questions aired, from what had been a lengthy interview, were unfairly edited. Mr Hughes said that ITV's assertion that the "real thrust" of his comments relating to the Jewell family case were that "the ASBOs had worked, that his police had effectively dealt with numerous complaints about the Jewell family..." were not the points that were made during the interview. Therefore, on the face of it, Mr Hughes said that what was broadcast was an inaccurate reporting of his views as he had expressly stated that a number of people, as measured by an accredited poll, are more

confident, and that colleagues have worked hard but, and this is of considerable importance, “the law will not deal with all anti-social behaviour all of the time”.

Mr Hughes said that his comment, *“let’s keep it in perspective, nobody is being murdered, nobody is being assaulted, nobody is being robbed. In this case we have neighbours who have to get along and we will do our best to sort it out”* which was broadcast in the programme crucially did not contain his further reply that, “antisocial behaviour is important, repeated antisocial behaviour is difficult and needs tackling but we are not going to solve problems exclusively by the law alone”.

Mr Hughes also said that his next reply that, *“I understand that, please see my previous answer”* would have made no sense to viewers, as they would have only seen and heard half of that previous answer and also will not have heard the full context of his comment, namely that the imposition of ASBOs has effectively reduced the level of criminality suffered by the victims, from violent assaults to less violent offences.

With these answers, along with others given during the full interview, Mr Hughes said that he was trying to put the situation into perspective. However, at no time did he state that anti-social behaviour was not a serious matter. Mr Hughes said that his comments were reported in a truncated form to infer an uncaring attitude.

Mr Hughes said that he answered a question about an incident of egg pelting and the apparent lack of response by police. He said that he had answered this matter in full, stating how unpleasant such incidents were and that he told the reporter that the police had contacted the family just over two hours after the initial call. Mr Hughes also said that he had explained that arrangements were made for the local police officers who had been working closely with the Mullins family, to visit them and review the CCTV footage they had taken and that Mr Mullins had told the police not to bother as it was not possible to identify the perpetrators. None of this, Mr Hughes said, was included in the footage of his interview broadcast in the programme.

ITV’s final statement in response

In summary, ITV commented as follows:

- a) ITV said that a list of questions was sent in advance of the interview to Mr Hughes so that he was aware of the potential areas of questioning. The reporter had focused on these areas and Mr Hughes was not taken by surprise. ITV said that the selection of Mr Hughes’ responses did not misrepresent the relevant parts of his interview. ITV said that Mr Hughes had known that the programme makers had spent time with the Mullins and Reckless families. It also said that he was aware of the areas of questioning in advance and that it was not accepted that the amount of time spent by programme makers with the families was material to the complaint. ITV said that whether the interview was a live interview or a pre-recorded interview, this again was a matter of editorial judgement and control. Even had Mr Hughes requested a live interview, ITV said that it was unlikely that such a request would have been granted in these circumstances.

As to the length of the contribution in the programme, ITV said that it was always a matter of editorial judgement and, as stated in its first statement, some of Mr Hughes’ comments were likely to be included in the final report, but no guarantee

of duration was given to him. ITV said that the report was not a general piece about South Yorkshire Police's reaction to anti-social behaviour, but was a report specifically about the events surrounding the Jewell family and their neighbours. ITV said that Mr Hughes may have wanted the report to be a more general analysis or a broader picture, but that was not what the report was about.

ITV said that the general remarks made by Mr Hughes in interview were not relevant to the particular case under discussion. The programme makers had believed that that the comment "*nobody is being murdered, nobody is being assaulted, nobody is being robbed. In this case we have neighbours who have to get along*" was controversial, given the facts, and that it may have been something that a public figure might regret making with hindsight. However, ITV said that an individual in the senior public position that Mr Hughes held should expect questioning as to the appropriateness of what he had said.

- b) ITV said that it did not accept that Mr Hughes' comments were unfairly edited in the context of the report.

ITV said that the comments about the egg pelting incident made by Mr Hughes were reflected in the report. It was not stated that the police had done nothing about the incident. It said that the egg pelting incident: illustrated that it can cause distress and worry to those targeted; complaints were made but that the Mullins and Reckless families; and, the police were unable take the matter further due to evidential difficulties, despite a backdrop of a number of ASBOs being in place and complaints made over many years about the Jewell family.

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 unfair treatment and unwarranted infringement of privacy in, or in the making of, programmes included 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 its decision, Ofcom considered all the relevant material provided by both parties. This included recordings of the programmes as broadcast, a recording of the unedited footage of Mr Hughes' interview, a transcript of both the programmes and the unedited footage and written submissions and supporting material from both parties.

When considering complaints of 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 the Code. Ofcom had regard to Rule 7.1 when reaching its decisions on the individual heads of complaint detailed below.

- a) Ofcom first considered the complaint that Mr Hughes was misled as to the nature and purpose of the programme.

Ofcom also considered whether the programme makers were fair in their dealings with Mr Hughes as a potential contributor to the programme (as outlined in Practice 7.2 of the Code). In particular, it considered whether Mr Hughes gave his informed consent to participate in the programme, as outlined in Practice 7.3 of the Code which sets out that in order for a potential contributor to a programme to be able to make an informed decision about whether to take part, they should be given sufficient information about: the programme's nature and purpose; their likely contribution; be informed about the areas of questioning and wherever possible, the nature of other likely contributions; and, any changes to the programme that might affect their decision to contribute.

- i) Ofcom first considered the information that was available to Mr Hughes about the nature and likely content of the programme and the nature of his contribution to it in advance of giving an interview. Ofcom was provided with copies of a number of emails between Mr Hughes' Communications Office and the programme makers during the programme making process.

Ofcom noted that on 14 December 2009, the programme makers sent an email to Mr Hughes' Communications Office requesting an interview with him on the subject of "anti-social behaviour". The email stated that *ITV News* would be highlighting "the plight of those affected" and who believed that anti-social behaviour was not being taken seriously by the police. On 15 December 2009, Ofcom noted that a member of the Communications Office emailed the programme makers requesting further information about the programme and whether the programme would be "agreeing with the viewpoints" of the residents they had spoken to. The email also sought clarification as to whether: the programme would be focusing on a particular area of Doncaster; it would be focusing on particular incidents of anti-social behaviour; and, Mr Hughes would be expected to answer questions about particular incidents or give a general overview.

Ofcom noted that on 22 December 2009, the programme makers sent a detailed email to the Communications Office which set out the purpose of the programme and explained that the programme makers had been involved with the Mullins and Reckless families who had contacted them about the anti-social behaviour targeted at them and others where they lived. The email went on to outline the historical background to the families' problems and that their belief that members of the Jewell family were responsible. The email also explained that the Mullins and Reckless families held the view that ASBOs did not work and that they had not reported many incidents because they believed nothing would happen and that often they received no response from the police. Ofcom noted that the email said that the programme makers had "spent some time" with the Mullins family and had experienced a couple of incidents including one of egg pelting which was reported to the police who had told them that someone would contact them within 24 hours. Nobody from the police contacted them. Ofcom took note that the email concluded with a request to Mr Hughes for an interview that would last "approx 15-20 minutes" to address "these matters and find out what South Yorkshire Police policies are in relation to anti-social behaviour".

On 23 December 2010, the programme makers emailed to Mr Hughes' Communications Office a list of 13 questions that they intended to form the focus of the interview. Ofcom noted that five of the questions related directly to the issues surrounding the Mullins, Reckless and Jewell families and that the remaining questions related to how the police dealt with anti-social

behaviour in more general terms and the powers they had at their disposal. The email concluded by stating that “the interview would be longer than a normal *ITV News* piece as this is a major feature on *ITV News*”. Ofcom noted that before the interview took place at South Yorkshire Police Headquarters, the programme makers showed Mr Hughes some of the footage that they had filmed during their time with the Mullins and Reckless families.

Ofcom noted that throughout the email exchange between Mr Hughes’ Communications Office and the programme makers that there was no suggestion or request for the interview to be conducted live. It was clear that the programme makers had been explicit in making Mr Hughes aware of the format that the interview would take.

Ofcom also noted the unedited footage of the interview with Mr Hughes that had been provided to it by the broadcaster. It noted that before the interview began, the programme makers played Mr Hughes a DVD of footage that appeared to be of an incident of verbal abuse being directed at a police officer. During the discussion between Mr Hughes and the reporter, Mr Hughes acknowledged that the police officer involved had “nicked this family [the Jewell family] loads of times”. Ofcom noted that immediately before the interview started, the reporter explained to Mr Hughes the format the questioning would take:

Reporter: “I want to start off by asking you, you know, broadly about the problem that you have or the difficulties you are having enforcing anti-social behaviour. Then move on to talk about the Jewells particularly their ASBOs what’s being done with them...”.

Ofcom also noted that later on in the interview, the reporter told Mr Hughes that “we are not trying to tell a bigger story about Doncaster” and “we are focussing on the people that have approached us”.

Taking all of the above factors into account, Ofcom considered that the programme makers had made it clear to Mr Hughes that the programme would be focusing on anti-social behaviour and in particular, the incidents that involved the Jewell family. While Ofcom appreciated that it did not appear that the programme makers had explicitly informed Mr Hughes or his Communications Office that they had spent three weeks filming with the Mullins and Reckless families, Ofcom considered that the exact length of time the programme makers had spent with the families was not material, in this case, to the obtaining of Mr Hughes’ informed consent. Ofcom was satisfied, from the information provided to him prior to the interview, that it was reasonable to conclude that Mr Hughes would have understood that the programme makers had “spent some time” with the families concerned and had obtained footage of incidents of anti-social behaviour that formed the purpose of the programme.

Ofcom then considered the programme as broadcast and whether its contents reflected the nature and purpose as explained to Mr Hughes during the programme making process. Ofcom noted that the programme reported on anti-social behaviour and the effect it had on those targeted. In particular, the report focused on the experiences of members of the Mullins and Reckless families in Doncaster and the Jewell family who had four ASBOs between them. It also included footage from the interview with Mr Hughes in

which he spoke about ASBOs and the powers available to the police. Ofcom was therefore satisfied, having taken into account all the pre-transmission correspondence, that the content of the programme was in line with the information Mr Hughes was given when agreeing to contribute to the programme.

Given the amount of information provided to Mr Hughes and his Communications Office by the programme makers during the programme making process, Ofcom was satisfied that Mr Hughes was sufficiently informed about the programme and that he had given his "informed consent" to participating in it.

- ii) Ofcom then considered Mr Hughes' complaint that he was misled in relation to the time given in the programme to his account of the action of South Yorkshire Police.

Ofcom noted that the programme makers had indicated to Mr Hughes' Communications Office in their email of 23 December 2009 that "Like I said on the phone, the interview would be longer than a normal *ITV News* piece as this is a major feature on *ITV News*". (Ofcom was not provided with any contemporaneous notes from any telephone conversations between the programme makers and Mr Hughes' communications office). Ofcom considered that the comment in the email, although giving the expectation that the time given in the report to Mr Hughes' comments would be "longer than normal", did not give any indication as to the actual duration of that time.

In this particular case, Ofcom was satisfied that the programme makers had informed Mr Hughes that his contribution would be included in the programme and that it would be longer than usual. Indeed, Mr Hughes' edited interview (including the reporter's questions) was included in the programme and lasted for just over a minute (which was longer than usual). In these circumstances, Ofcom concluded that Mr Hughes had been sufficiently informed about the likely duration of his contribution (though there was nothing in the material made available to Ofcom to suggest a specific time duration was promised to him) and that the broadcast did not create any unfairness to him.

In light of all the factors referred to above, Ofcom concluded that Mr Hughes was not misled about the nature and purpose of the programme and that he had given his "informed consent" to participating. It therefore found no unfairness to him in this regard.

- b) Ofcom considered Mr Hughes' complaint that he was portrayed unfairly in the programme as broadcast in that his contribution was edited unfairly.

In considering this head of complaint, Ofcom had regard to whether the portrayal of Mr Hughes was consistent with the broadcaster's obligation to ensure that material facts had not been presented in a way which was unfair (as outlined in Practice 7.9 of the Code). It also had regard to Practice 7.6 of the Code which states that when a programme is edited, contributions should be represented fairly.

- i) Ofcom first considered Mr Hughes' complaint that his answers to two questions were edited together to form one response and then the second part of the edited answer was used out of context.

Ofcom noted the particular edited answer referred to by Mr Hughes and included in the programme as broadcast:

Reporter: *“What is the solution then if you’re saying that you can’t move people out of their home what’s the solution? Do you need more powers?”*

Mr Hughes: *“We have powers coming out of our ears. We have officers working non-stop. We’ve investigated 111 offences or matters of anti-social behaviour in that area and dealt with it effectively...But let’s keep it in perspective, no one’s being murdered, no one’s being assaulted, no one’s being robbed. In this case, we have neighbours who have to get along and we’ll do our best to sort it out”.*

Ofcom acknowledged that the response given by Mr Hughes and included in the programme as broadcast was composed of two separate responses that he had made to two different questions in interview. Ofcom noted the full responses given by Mr Hughes in the unedited footage of his interview:

Reporter: “If you’re saying you can’t move people out of their home, what is the solution? Do you need more powers?”

Mr Hughes: “We have powers coming out of our ears. We have officers who are working non-stop who investigated 111 offences or matters of anti social behaviour in that area and dealt with it effectively and you have taken one small example and somehow said it shows the whole system breaking down. It is not breaking down. This is not a terribly bad community”.

Ofcom took note that approximately five minutes after this response, the following exchange took place:

Reporter: “Is that a big problem for the force in dealing with something like that [anti-social behaviour]? It must be, it sounds incredibly difficult to deal with, to police itself?”

Mr Hughes: “South Yorkshire Police gets over a million calls every year for policing purposes we are the social services of last resort. Two thirds of a police force’s work is nothing to do with crime so set it against that context, anti-social behaviour is important to us but frankly I would far rather that people were calling us because people were glaring at them and people calling us because of name calling than the other forces where I work where they are calling us because their children are being robbed on their way to school or their children are at risk of being knocked down because of difficult road conditions. Anti social behaviour is important repeated anti social behaviour is difficult and needs tackling but we are not going to solve problems exclusively by the law alone. Sometimes the problems take a long time to sort out but let’s keep it in perspective, nobody is being murdered nobody is being assaulted, nobody is being robbed. In this case we have neighbours who have to get along and we will do our best to sort it out”.

Ofcom recognises that programme makers can quite legitimately select and edit material from interview footage for inclusion in a programme. This is an editorial decision and would be, in Ofcom's view, unreasonable for an individual to expect a broadcaster to cede editorial control or to include footage of their contribution in full. Broadcasters must, however, ensure that where it is appropriate to represent the views of a contributor to a programme that it is done in a fair manner.

In this case, Mr Hughes' contribution (taken from an interview that lasted for approximately 35 minutes) was edited and summarised as set out above. Ofcom considered that although the programme makers decided not to present Mr Hughes' responses to the reporter's questions in their entirety, the comments that were included in the programme did set out Mr Hughes' position, and that of South Yorkshire Police, in relation to their response to anti-social behaviour.

Ofcom acknowledged that the response given by Mr Hughes and included in the programme was composed of two separate responses that he had made to two different questions in interview. It also took note that the two questions had been put to Mr Hughes approximately five minutes apart. In particular, Ofcom noted that the second part of Mr Hughes's response that began with the words "*But let's keep it in perspective...*" had been part of a response he had given to a question about how the police dealt with difficult incidents such as anti-social behaviour and to which Mr Hughes had explicitly stated that he recognised that "Anti-social behaviour is important"; and that "repeated anti-social behaviour is difficult and needs tackling". Ofcom considered that the editing of Mr Hughes' responses in this way had the potential to mislead viewers and be unfair to him.

However, Ofcom considered that Mr Hughes' edited response included in the programme and, taken in its entirety, made it sufficiently clear to viewers that, in his view: his police officers had sufficient powers at their disposal to tackle anti-social behaviour; police officers had investigated and dealt effectively with a large number of incidents in the area where the Mullins and Reckless families lived; and, anti-social behaviour should be kept in perspective in that although distressing to those targeted, serious criminal offences were not being committed. Ofcom also noted that in response to the reporter's final question in the programme, Mr Hughes said that he understood that anti-social behaviour, although low-level crime, could "run people down". Although it would have been preferable for the programme to have included Mr Hughes' comments about the importance of anti-social behaviour and that repeated anti-social behaviour was difficult and needed to be dealt with, Ofcom considered that by making it clear that the police had investigated a large number of incidents of anti-social behaviour, it would have been sufficiently clear to viewers that this was an issue that the police took seriously. Viewers would have understood that Mr Hughes appreciated the problems caused by anti-social behaviour and, in his position as a Chief Constable, that he understood the limitations that ASBOs and other punitive measures had in situations such as those experienced by the Mullins and Reckless families.

Taking all the factors referred to above into account, Ofcom was satisfied that the edited interview footage of Mr Hughes reflected his position in relation to anti-social behaviour and how the police had responded to the concerns of

the Mullins and Reckless families. Furthermore, Ofcom was satisfied that Mr Hughes' contribution was not used in a different context and that the edited footage of the interview included in the programme did not portray him in a way that was unfair and that viewers would have been able to form their own opinion of Mr Hughes and his position towards tackling anti-social behaviour. Ofcom therefore found no unfairness to Mr Hughes in this respect.

- ii) It also considered his complaint about the omission of information from his interview about the action taken by the police to tackle the issues highlighted by the report.

Ofcom went on to consider Mr Hughes complaint that the report omitted information provided by him in interview about the action taken by South Yorkshire Police in tackling anti-social behaviour. Again, Ofcom recognised that selecting and editing material from interview footage for inclusion in a programme was an editorial decision for the broadcaster and that such editing should be done in a fair manner. As already set out in head a) of the Decision above, the programme makers had made it clear to Mr Hughes that the focus of the programme was on anti-social behaviour and, in particular, the experiences of the Mullins and Reckless families who said that they were the target of abuse from the neighbouring Jewell family. Although some of the reporter's questions put to Mr Hughes covered more general issues relating to the powers available to his police officers and how they dealt with anti-social behaviour, Ofcom considered that it was clear from the exchange between Mr Hughes and the reporter during the interview that this was to provide background to the specific case at the centre of the report. Ofcom noted from the unedited footage of the interview that when Mr Hughes began to talk about wider issues relating to anti-social behaviour in Doncaster, the reporter said "...we are not trying to tell a bigger story about Doncaster..." and "we are focussing on the people that have approached us [namely, the Mullins and Reckless families]".

Given that Mr Hughes was made aware that the focus of the programme was to look specifically at the case of the Mullins and Reckless families, Ofcom was satisfied that the broadcaster exercised its editorial judgement reasonably by not including his comments on the wider issues relating to how South Yorkshire Police tackled anti-social behaviour and that it did so in a way that did not result in unfairness to Mr Hughes in the programme as broadcast.

Accordingly, Ofcom has not upheld Mr Hughes' complaint of unfair treatment in the programme as broadcast.

Not Upheld

Complaint by the British Medical Association

Inside Out, BBC1 London, 18 October 2010

Summary: Ofcom has not upheld this complaint of unfair treatment made by the British Medical Association (“the BMA”).

On 18 October 2010, *Inside Out* examined the arrival in the UK of Project Prevention, an American charity founded by Ms Barbara Harris to provide cash incentives to drug addicts volunteering for long-term birth control, including sterilisation. The programme followed Ms Harris’ efforts to launch her charity in the UK and showed her visiting the offices of the BMA, which was examining the issue during her UK campaign.

In summary, Ofcom found that the programme makers took reasonable steps in presenting material facts and did not assert either that the BMA had met specifically to discuss the issue of paying for drug addicts to become sterilised, or that Ms Harris had held a meeting with BMA representatives about the issue.

Introduction

On 18 October 2010, BBC1 London broadcast an edition of *Inside Out*, called *Selling Sterilisation*, which examined the arrival of Project Prevention into the UK. Project Prevention is an American charity which provides cash incentives to drug addicts volunteering for long-term birth control, including sterilisation. The introduction to the programme stated:

“Barbara Harris, founder of Project Prevention, pays addicts £200 cash if they agree to be sterilised, now that is a pretty extreme idea and one that has stirred up much controversy. But with more and more addicts signing up it’s an idea that is almost becoming impossible to ignore”.

The programme included interviews with adoptive parents of children who suffered from the effects of their biological parents’ drug and alcohol abuse and parents in the USA who had volunteered for sterilisation. The programme also followed Ms Harris’ efforts to launch her charity in the UK and showed her visiting the BMA’s offices during her UK campaign. The narrator’s statements that Ms Harris would like the BMA’s backing, that the BMA was meeting that day to decide whether it was ethical to pay addicts to be sterilised, and that Ms Harris wanted to know the result of the meeting were illustrated with footage of the exterior of BMA House.

Ms Harris was also interviewed by the programme’s reporter as she left BMA House and said that, although the BMA had met the day before, nobody seemed to have any information and that the BMA would rule on the issue at a later date. When asked about how much the BMA’s endorsement mattered to her, Ms Harris said that it did not matter and that, although she would have liked the BMA’s support, a ruling against the issue would not have stopped her campaign.

Professor Vivienne Nathanson, Head of Science and Ethics at the BMA, complained to Ofcom on behalf of the BMA that it was treated unfairly in the programme as broadcast.

The Complaint

The BMA's case

In summary, the BMA complained that it was treated unfairly in the programme as broadcast in that its role and actions were purposefully and unfairly misrepresented as the programme wrongly led viewers to believe that the BMA was meeting specifically to discuss Project Prevention and that Ms Harris was emerging from BMA House having had a meeting with BMA representatives.

By way of background, the BMA said that its members had taken this view from the programme and were unhappy with the BMA, as they considered it appeared that the BMA had helped give the project a high profile and unwarranted credibility.

The BBC's response

The BBC said that the programme fairly represented the BMA, the extent to which it engaged with Project Prevention and Ms Harris and said that it did not believe viewers would have understood from the broadcast that the BMA was meeting specifically to discuss Project Prevention.

The BBC said that it was a matter of record that the BMA's Medical Ethics Committee ("the MEC") met and that Ms Harris' project was on the agenda. The BBC noted that the BMA's website described the work of the MEC as follows:

"The Committee debates ethical issues on the relationship between the medical profession, the public and the state. It also liaises with the General Medical Council (the "GMC") on all matters of ethics affecting medical practice".

The BBC said that such a committee could be expected to consider the ethical implications of agenda items, which at the meeting in question included Project Prevention. The BBC said the script said that "*they*", i.e. the BMA, were meeting to discuss the ethics of sterilisation of addicts, but that it did not follow that this would have been the only item under discussion or that the meeting was for that purpose alone.

The BBC said that it did not believe that, even if viewers had mistakenly assumed that the BMA's discussion of Ms Harris' project took place during a meeting to discuss that issue alone, this would have been significant to the audience or that any misunderstanding on this point would have resulted in viewers having an unfair impression of the meeting or the discussions.

The BBC said that it was not stated or implied that Ms Harris had formally met with the BMA. The narrator said that Ms Harris would like the BMA's backing, that the BMA was meeting to decide if it was ethical to pay addicts to be sterilised and that Ms Harris wanted the result. The programme showed her entering the BMA's headquarters in the hope of learning the result of the meeting. Although the programme makers had been led to understand that the meeting was on the day in question, in fact, as Ms Harris discovered, the meeting had taken place the day before. The BBC said that it would have been apparent from the explicit reference to the fact that Ms Harris was keen to know the result of the meeting that she herself had not been present at it.

The BBC said that Ms Harris informed the programme makers that on entering the BMA offices she had spoken to someone in the reception, who made inquiries and

informed her that the BMA was going to rule on the issue and would get back to her in the future. The BBC said that it had no grounds not to believe this version of events, which Ms Harris also expressed on camera.

The BBC said that nothing in Ms Harris' account included in the programme would have given audiences the impression that she had formally met with the BMA or had any interaction other than the brief exchange she explained to the interviewer. It would have been clear that Ms Harris had not been involved in the meeting, as, had she been, she would not have had to seek details of what had happened and would have known that the meeting did not take place on the day of filming. The BBC said that Ms Harris's remark that "*nobody seemed to have any information*" would not have suggested to viewers that she had been able to speak to anyone in a position of authority or with knowledge of the BMA's position and that seemed unlikely therefore that viewers would have concluded that she had met with the BMA or done anything other than pursue an interest in learning the results of the meeting which discussed Project Prevention.

The BBC said that Ms Harris' project was not of great interest to the BMA and that the BMA's opinion of it was not crucial to Ms Harris. The BBC said that this was reinforced by the exchange which followed her unsuccessful attempt to engage with the BMA, which would have ensured that viewers were clear that Ms Harris had not been able to secure the support of the BMA or even to get a clear view of their opinion and that, in any case, the question of their position was of limited importance since she intended to pursue her campaign regardless.

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 unfair treatment and unwarranted infringement of privacy in, or in the making of, programmes included 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 its decision, Ofcom considered all the relevant material provided by both parties. This included a recording of the programme as broadcast and transcript, both parties' written submissions and their supporting materials.

When considering complaints of 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 the Code. Ofcom had regard to Rule 7.1 when reaching its decisions on the individual heads of complaint detailed below.

Ofcom considered whether the BMA's role and actions were purposefully and unfairly misrepresented as the programme wrongly led viewers to believe that the BMA was meeting specifically to discuss Project Prevention and that Ms Harris was emerging from BMA House having had a meeting with BMA representatives.

In considering the BMA's complaint, Ofcom had regard to Practice 7.9 of the Code which makes clear that when broadcasting a factual programme 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.

Ofcom examined the references made to the BMA in the programme. First, the reporter said:

“Meanwhile, she’d like the backing of the British Medical Association. Today they’re meeting to decide if it’s ethical to pay addicts to be sterilised. Barbara wants the result”.

Ofcom noted that this statement was illustrated by footage of BMA House.

Ofcom considered that this excerpt contained three assertions. First, that Ms Harris wanted the support of the BMA as part of her charity’s campaign, secondly, that the BMA met to decide on whether paying addicts to be sterilised was ethical and thirdly, that Ms Harris wanted to know the outcome of that meeting. Ofcom noted that none of these specific points was disputed by either party. Ofcom considered that this excerpt did not state that the BMA was meeting solely to discuss this issue or indeed that it was meeting to discuss Project Prevention specifically, and that it was fair and accurate for it to state that the BMA had a meeting in which a decision on the issue of paid sterilisation was to be made.

Ofcom then considered Ms Harris’ next contribution, filmed on camera outside BMA house, after she was shown walking out of the main entrance. Ms Harris said:

“They said that they met yesterday but nobody seemed to have any information, they said they’re gonna rule on it and get back with us in the future”.

Ofcom noted the BBC’s submission that Ms Harris had told the programme makers she had spoken with the BMA’s reception desk and the BMA’s submission that Ms Harris had not met with the MEC or its secretariat. Ofcom considered that these submissions were not contradictory and that Ms Harris’ statement demonstrated that she was visiting the BMA, having not been told about when the BMA had actually held their meeting in which the issue was discussed. Ofcom then noted the phrase, *“nobody seemed to have any information”*, and further took the view that this would have suggested to viewers that Ms Harris was visiting BMA house to make enquiries as to what, if any, developments had been made. Ofcom felt that it was clear, given such statements as *“they met yesterday”* and *“nobody seemed to have any information”*, that Ms Harris had no direct contact with the relevant BMA representatives.

Ofcom then considered the following exchange:

Reporter: *“How much does what the BMA think matter to you?”*

Ms Harris: *“It would have been nice to have their support and to know that they understand but even if they ruled against it they are not going to stop us from doing what we are doing.”*

Reporter: *“So you’re going to carry on in Britain at any rate?”*

Ms Harris: *“Right! We are going to carry on. It’s a free world right?”*

Ofcom took the view that this exchange made clear that Ms Harris was not given any substantive information by the BMA, which one would have expected had the BMA held a meeting with her. Ofcom therefore found no suggestion that Ms Harris had met with BMA representatives to discuss the issue.

Ofcom concluded that the programme did not assert that the BMA had met specifically to discuss the issue of paying for drug addicts to become sterilised or that Ms Harris had held a meeting with BMA representatives about the issue.

Accordingly, Ofcom has not upheld the BMA's complaint of unfair treatment in the programme as broadcast.

Not Upheld

Complaint by Ms Lydia Bell

Night Cops 2, Sky Three, 7 October 2010

Summary: Ofcom has not upheld this complaint of unfair treatment and unwarranted infringement of privacy in the programme as broadcast made by Ms Lydia Bell.

The programme followed the work of police units on night-shifts across the UK, focusing in particular on alcohol-related incidents. Ms Bell was involved in one of the incidents featured on the programme, in which viewers saw her initially being aided by police, who believed she was locked out of her house, – but eventually arrested for being drunk and incapable, when they discovered she did not live at the property in question. Ms Bell was named in the programme, her face was clearly shown and her voice could be heard. Ms Bell complained that she was treated unfairly and that her privacy had been unwarrantably infringed in the programme as broadcast.

Ofcom found the following:

- The programme did not portray Ms Bell or the events in which she was involved in a way that was either misleading or unfair to her.
- Ms Bell's privacy was not unwarrantably infringed in the programme as broadcast as any limited expectation of privacy that she had was outweighed by the public interest in showing the police dealing with the incident.

Introduction

On 7 October 2010, Sky 3 broadcast a repeat of an edition of its reality series *Night Cops 2*, which follows the work of police units on night shifts across the United Kingdom. This edition focused in particular on alcohol-related crime and included a number of individual incidents, reflecting a range of negative effects of excessive alcohol consumption, from minor cases of over-indulgence to serious incidents featuring violence and arrests.

As the programme was drawing to a close, two officers in Swindon were seen driving back to their station at the end of their night shift. One of the officers saw a woman sitting on a low wall outside a house, and, assuming she had been locked out of her house, stopped to see if she required assistance. The voiceover stated:

“The woman says she’s locked out of the house ... clearly worse for wear, she believes her boyfriend is in the house with her key”.

A resident of the house eventually opened the door and explained that the woman had not lived at the house for four years. The officers then attempted to take the woman home but she would not give her address, made a series of unclear statements about events that had taken place earlier in the evening, and refused to leave the property. As a result, the officers arrested her for being drunk and incapable and she was taken to a police station where she was shown having fallen asleep while waiting to be seen at the custody desk.

Ms Lydia Bell, who was the woman involved in this incident, complained to Ofcom that she was treated unfairly and that her privacy was unwarrantably infringed in the programme as broadcast.

The Complaint

Ms Bell's case

In summary, Ms Bell complained that she was unfairly treated in the programme as broadcast in that:

- a) She was portrayed unfairly as being so drunk that she had forgotten where she lived.

By way of background, Ms Bell explained that she was at the property where the officers found her because this was where her boyfriend, with whom she had split up that evening, lived.

In summary, Ms Bell complained that her privacy had been unwarrantably infringed in the programme as broadcast in that:

- b) Her face was shown in the programme and her name mentioned.

The Broadcaster's case

In summary, British Sky Broadcasting Limited, ("BSkyB") responded to Ms Bell's complaint that she was treated unfairly in the programme as follows:

- a) BSkyB agreed that the programme showed Ms Bell as drunk, given that she was shown being unsteady on her feet and incoherent, giving unclear responses to the police, swearing and playing up to the camera. The warnings by the officers reflected their opinion that she was drunk and the programme stated that she was eventually issued with a fixed penalty notice for being drunk and incapable.

However, BSkyB disagreed that the programme unfairly showed Ms Bell as having forgotten where she lived, because it clearly indicated, in its narration and by including the responses of a current resident, that Ms Bell used to live at the property. BSkyB argued that the programme showed an initial misunderstanding on the part of the police, which was then clarified by Ms Bell, who was heard stating "I told you I didn't live here". BSkyB also said that repeated questions by the police as to where Ms Bell did live remained unanswered.

BSkyB said that the programme did not state that Ms Bell had forgotten where she lived and left viewers to decide whether she was forgetful or uncooperative.

In summary and in response to Ms Bell's complaint of unwarranted infringement of privacy in the making of the programme, BSkyB responded:

- b) BSkyB said that Ms Bell was shown, she referred to her own first name and her identity was not obscured. Her actions were observed from a busy public highway, including by the passers-by who appear in the programme.

BSkyB said that even if Ms Bell could be said to have a legitimate expectation of privacy in these circumstances, there was a clear public interest in showing the work of the police and highlighting the consequences of committing a criminal

offence, however minor. BSkyB said it had a policy of identifying for a reasonable period of time offenders found guilty of, or accepting fixed penalties for, any offence and that the broadcast fell within a reasonable period of time from the date of the event in November 2008.

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 unfair treatment in programmes included in such services and unwarrantable infringement of privacy in the broadcast and in the making of programmes included 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. Ofcom considered the complaint and the broadcaster's response, together with a recording and a transcript of the programme as broadcast. In its considerations, Ofcom took account of the Code.

Unfair treatment

- a) Ofcom considered Miss Bell's complaint that the programme portrayed her unfairly as being so drunk that she had forgotten where she lived.

In considering this part of the complaint, Ofcom took account of Rule 7.1 of the Code. Ofcom also had regard to Practice 7.9 which states that broadcasters must take reasonable care not to present, disregard or omit material facts in a way that is unfair to an individual.

Ofcom noted that the programme set out to demonstrate the work of police officers who patrol the UK's cities and towns at night and the type of incidents they come across. In particular, this edition focused on public order contraventions caused by overconsumption of alcohol.

Ofcom examined the programme as broadcast and noted that the relevant section of the programme showed two officers discovering Ms Bell sitting on a wall outside a house at three in the morning. One of the officers said that he thought "*she's just locked out to be honest*". The officers stopped to offer Ms Bell assistance. As they approached, she asked "*Can you get me in?*" to which one of the officers replied "*No, I'm not a burglar*". The commentary then stated:

"The woman says she's locked out of the house and for the moment there's only one thing the night cops can suggest [to bang loudly on the door]".

Eventually the door of the house opened and a resident was heard informing the police that the woman on the doorstep no longer lived there. Ms Bell then said to the officers:

"I told you I didn't live here."

One officer denied that this was the case and the other said “*You’re joking.*” The two then attempted to establish where Ms Bell did live. However their questioning elicited responses such as:

“I took him to the Arts Centre for a night out and he left me. Oh, David. Do you know what happened? Look at him. Nutcase...Do you know I’m mental? What do you want to know?..That’s fucking crazy”.

At no point did Ms Bell give her address to the officers or agree to leave the property, resulting in her arrest for being drunk and incapable.

Ofcom considered that initial commentary on Ms Bell’s actions from the police seemed to indicate that the officers assumed at first that Ms Bell was locked out of her own home. The narration would, in Ofcom’s view, have further supported that impression, as might her albeit ambiguous question “*can you get me in?*”.

Ofcom considered that, when it was revealed that Ms Bell did not live at the property, viewers might have initially assumed that she did not know that this was not her home. However, it appeared to Ofcom that they might also have concluded that Ms Bell was deliberately misleading the police on that point. In any event, the development of the story and further footage of Ms Bell included in the programme, along with the accompanying commentary, made clear that – irrespective of her initial motives – she was aware that she did not live in the house. In Ofcom’s view the programme presented the situation as faithfully as possible given Ms Bell’s confusing answers at the scene.

Ofcom considered that it was clear from the footage included in the programme that Ms Bell was inebriated, had, whatever her motivation, come to a house she did not live in and was refusing to leave or to give the police her real address. Her statement that she had told the officers that she did not live in the house was included in the programme.

Taking all the factors referred to above into account, Ofcom was satisfied that the programme did not portray Ms Bell or the events in which she was involved in a way that was either misleading or unfair to her. Ofcom considered that the programme makers took appropriate care to satisfy themselves that the programme represented the incident in which she was involved fairly.

Ofcom, therefore, found no unfairness to Ms Bell in this regard.

Privacy

- b) Ofcom then went on to consider Ms Bell’s complaint that, by showing her name and face, the programme as broadcast had unwarrantably infringed her privacy.

In Ofcom’s view, the individual’s right to privacy has to be balanced against the competing right of the broadcaster to freedom of expression. Neither right as such has precedence over the other and where there is a conflict between the two, it is necessary to focus on the comparative importance of the specific rights. Any justification for interfering with or restricting each right must be taken into account and any interference or restriction must be proportionate.

This is reflected in how Ofcom applies Rule 8.1 of the Code which states that any infringement of privacy in programmes or in connection with obtaining material included in programmes must be warranted.

In considering whether Ms Bell's privacy was unwarrantably infringed in the programme, Ofcom first considered the extent to which Ms Bell could reasonably have expected that the information would not be disclosed without her prior consent.

Ofcom noted that Ms Bell was clearly visible in the footage shown and that she mentioned her own name after handcuffs had been applied to her, when she turned to the camera and stated:

"They're trying to make out they're really cool. Lydia is in distress. Oh".

Ms Bell turned to face the camera again as she was being led into the police van and stated *"I love you"*.

Ofcom also noted that Ms Bell was shown in a state of drunkenness and in a potentially embarrassing situation. Ofcom therefore considered that Ms Bell may not have expected that footage taken of her in this situation would be broadcast in a television programme.

However, Ofcom also noted that Ms Bell was filmed and shown in a public place, namely a busy road, and that at least one passer-by witnessed the incident in which she was involved, although it took place at around three in the morning. Ms Bell also appeared to be aware of the camera filming her, as indicated by the way in which she spoke to it.

Ofcom also took note that the programme concluded with one of the officers' own summary of the situation:

"She'll be issued with a penalty notice for disorder. Cost her £50 for the privilege of being arrested this evening".

In these circumstances, Ofcom considered that Ms Bell had only a limited expectation that footage of her in the circumstance in which she found herself would not be broadcast.

Ofcom then went on to weigh the broadcaster's competing right to freedom of expression and the audience's right to receive information and ideas without unnecessary interference. In the circumstances of this particular case, Ofcom considered that the right to freedom of expression and the public interest in the programme examining the work of the police in handling alcohol related crimes and incidents, and in developing the public's understanding of the range of situations dealt with by the police outweighed Ms Bell's limited expectation of privacy in relation to the footage of her which was broadcast.

Taking all of these factors into account, Ofcom therefore found that there was no unwarranted infringement of Ms Bell's privacy in the broadcast of the programme.

Accordingly, Ofcom has not upheld Ms Bell's complaint of unfair treatment and unwarranted infringement of privacy in the programme as broadcast.

Other Programmes Not in Breach

Up to 31 January 2011

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
10 O'Clock Live	Channel 4	20/01/2011	Generally accepted standards	1
10 O'Clock Live	Channel 4	20/01/2011	Offensive language	2
10 O'Clock Live	Channel 4	20/01/2011	Religious/Beliefs discrimination/offence	6
10 O'Clock Live	Channel 4	22/01/2011	Generally accepted standards	1
10 O'Clock Live	Channel 4	27/01/2011	Materially misleading	1
118 118's sponsorship of ITV Movies	ITV2	15/01/2011	Violence and dangerous behaviour	1
118 118's sponsorship of ITV Movies	ITV4	14/01/2011	Generally accepted standards	1
118 118's sponsorship of ITV Movies	Quest	17/01/2011	Materially misleading	1
4thought.tv	Channel 4	24/01/2011	Scheduling	1
5 Live Drive	BBC Radio 5 Live	06/01/2011	Race discrimination/offence	1
Advertising volume	Various	n/a	Advertising/editorial separation	1
Background music	Various	n/a	Outside of remit / other	1
Baking Made Easy	BBC2	17/01/2011	Harm	1
BBC Local News	BBC	01/10/2009	Fairness & Privacy	1
BBC News	BBC 1	30/12/2010	Age discrimination/offence	1
BBC News	BBC News Channel	13/01/2011	Generally accepted standards	1
BBC News	BBC Radio 4	23/01/2011	Due impartiality/bias	1
BBC News at Six	BBC 1	12/01/2011	Generally accepted standards	1
BBC News at Six	BBC 1	21/01/2011	Due impartiality/bias	2
BBC News at Six	BBC 1	21/01/2011	Generally accepted standards	1
BBC News at Ten	BBC 1	21/01/2011	Due impartiality/bias	1
BBC Radio 4	BBC Radio 4	17/01/2011	Due impartiality/bias	1
Being Victor	STV	19/10/2010	Offensive language	3
Being Victor	STV	26/10/2010	Generally accepted standards	5
Big Fat Gypsy Weddings	Channel 4	18/01/2011	Materially misleading	3
Big Fat Gypsy Weddings	Channel 4	18/01/2011	Race discrimination/offence	31
Boulton & Co	Sky News	24/01/2011	Generally accepted standards	1
Breakfast	BBC 1	19/01/2011	Sexual orientation discrimination/offence	1
Breakfast	BBC 1	26/01/2011	Gender discrimination/offence	1
Breakfast Show	Radio Hafren 756	20/01/2011	Format	1

Brilliant Creatures	CITV	19/12/2010	Violence and dangerous behaviour	1
British Comedy Awards	Channel 4	22/01/2011	Offensive language	2
British Comedy Awards: The Nominations	Channel 4	15/01/2011	Generally accepted standards	1
British Comedy Awards: The Nominations	Channel 4	15/01/2011	Offensive language	1
BRMB 96.4	BRMB	29/10/2010	Materially misleading	1
Capital Breakfast	Capital Radio	05/01/2011	Sexual orientation discrimination/offence	1
Celebrity Five Go to...	Channel 4	12/01/2011	Offensive language	1
Channel 4 News	Channel 4	05/01/2011	Due accuracy	1
Channel 4 News	Channel 4	12/01/2011	Generally accepted standards	1
Channel promotion	Gold (Virgin Media)	05/01/2011	Materially misleading	1
Channel promotion	ITV4	23/12/2010	Generally accepted standards	1
Chris Moyles Show	BBC Radio 1	31/01/2011	Outside of remit / other	1
Cities of the Underworld	History	15/01/2011	Crime	1
Come Dine with Me	Channel 4	22/01/2011	Offensive language	1
Come Dine with Me	Channel 4	23/01/2011	Generally accepted standards	1
Come Dine with Me	Channel 4	23/01/2011	Nudity	1
Come Fly with Me	BBC 1	20/01/2011	Generally accepted standards	4
Come Fly with Me	BBC 1	22/01/2011	Generally accepted standards	1
Comedy Rocks with Jason Manford	ITV1	16/01/2011	Disability discrimination/offence	1
Comic's Choice	Channel 4	20/01/2011	Transgender discrimination/offence	1
Coming of Age (trailer)	BBC3	12/01/2011	Sexual material	1
Coronation Street	ITV1	31/12/2010	Violence and dangerous behaviour	1
Coronation Street	ITV1	10/01/2011	Disability discrimination/offence	1
Coronation Street	ITV1	10/01/2011	Violence and dangerous behaviour	1
Coronation Street	ITV1	13/01/2011	Generally accepted standards	1
Coronation Street	ITV1	21/01/2011	Generally accepted standards	3
Coronation Street	ITV1	28/01/2011	Materially misleading	2
Coronation Street	ITV1	n/a	Generally accepted standards	1
CSI / Dharma and Greg (trailers)	Fiver	07/01/2011	Violence and dangerous behaviour	1
CSI: New York	Five	22/01/2011	Generally accepted standards	1
Dancing on Ice	ITV1 Granada	16/01/2011	Generally accepted standards	1
Dancing on Ice	ITV1	16/01/2011	Competitions	1
Dancing on Ice	ITV1	16/01/2011	Generally accepted standards	2

Danny Kelly	Talksport	08/01/2011	Generally accepted standards	2
Deal or No Deal	Channel 4	21/01/2011	Undue prominence	1
Digital onscreen graphics	Various	n/a	Outside of remit / other	1
Doctors	BBC 1	17/11/2010	Nudity	1
Doctors	BBC 1	14/01/2011	Sexual material	1
Doctors	BBC 1	24/01/2011	Generally accepted standards	1
EastEnders	BBC 1	09/12/2010	Generally accepted standards	1
EastEnders	BBC 1	17/01/2011	Generally accepted standards	1
EastEnders	BBC 1	18/01/2011	Generally accepted standards	1
EastEnders	BBC 1	21/01/2011	Drugs, smoking, solvents or alcohol	1
EastEnders	BBC 1	21/01/2011	Offensive language	1
EastEnders	BBC One	28/01/2011	Generally accepted standards	1
Eddie Stobart: Smart Truckers	ITV4	17/12/2010	Undue prominence	1
Electronic Programme Guide	n/a	n/a	Outside of remit / other	1
Emmerdale	ITV1	17/01/2011	Generally accepted standards	1
Emmerdale	ITV1	19/01/2011	Drugs, smoking, solvents or alcohol	1
Emmerdale	ITV1	20/01/2011	Race discrimination/offence	1
Emmerdale	ITV1	25/01/2011	Generally accepted standards	1
FA Cup 3rd Round Replay Highlights	ITV1	18/01/2011	Outside of remit / other	1
Five Daughters	BBC 4	20/01/2011	Fairness & Privacy	1
Flashing images	Various	n/a	Flashing images/risk to viewers who have PSE	2
Fone Girls	Dirty Talk	05/01/2011	Participation TV - Harm	1
Football	Sky Sports	n/a	Product placement	1
Format	Global Radio	n/a	Format	1
Format	Kiss	n/a	Format	1
Four Lions	BBC1	23/01/2011	Generally accepted standards	1
Four Weddings US (trailer)	Living	27/01/2011	Race discrimination/offence	1
Freshly Squeezed	Channel 4	17/01/2011	Sexual material	1
Glee	E4	17/01/2011	Generally accepted standards	1
GMTV competitions	ITV1	n/a	Competitions	1
Gordon Ramsay: Shark Bait	Channel 4	16/01/2011	Offensive language	4
Graffiti: From Tags to Riches	Sky Arts 1	30/12/2010	Crime	1
Greg James	BBC Radio 1	27/01/2011	Age discrimination/offence	1
Harry Hill's the Best of TV Burp	ITV1	15/01/2011	Generally accepted standards	1

Harry Hill's the Best of TV Burp	ITV2	19/01/2011	Generally accepted standards	1
Harry Hill's the Best of TV Burp	ITV2	21/01/2011	Generally accepted standards	1
Heart Breakfast	Heart Sussex	12/01/2011	Generally accepted standards	1
Hirsty's Daily Dose	Capital FM 105	14/01/2011	Sexual material	1
Hirsty's Daily Dose	Capital Yorkshire	05/01/2011	Generally accepted standards	1
Hollyoaks	Channel 4	18/01/2011	Suicide and self harm	1
Hollyoaks Omnibus	Channel 4	n/a	Materially misleading	1
Home Alone 2: Lost in New York	Living	13/01/2011	Violence and dangerous behaviour	1
Honey Days	Filth	05/01/2011	Participation TV - Harm	1
Honey Days	Filth	05/01/2011	Participation TV - Harm	1
Horizon	BBC 2	24/01/2011	Materially misleading	1
Horrible Histories	BBC 2 CBBC	22/01/2011	Violence and dangerous behaviour	2
Horrid Henry	CITV	31/01/2011	Generally accepted standards	1
How Drugs Work	BBC 3	06/01/2011	Due impartiality/bias	1
How Drugs Work	BBC 3	16/01/2011	Drugs, smoking, solvents or alcohol	1
How Drugs Work	BBC 3	16/01/2011	Due accuracy	1
Hugh's Big Fish Fight	Channel 4	11/01/2011	Advertising/editorial separation	1
I'm Sorry I Haven't a Clue	BBC Radio 4	16/01/2011	Sexual material	1
Inside Out	BBC 1	17/01/2011	Due accuracy	1
Inside Out	BBC 1	17/01/2011	Due impartiality/bias	1
ITV News and Weather	ITV1	05/01/2011	Due impartiality/bias	1
ITV News at Ten and Weather	ITV1	04/01/2011	Due impartiality/bias	2
ITV Sport	ITV3	29/01/2011	Generally accepted standards	1
Jeff Randall Live	Sky News	24/01/2011	Due impartiality/bias	1
K-9	Five	23/12/2010	Television Access Services	1
Ken Livingstone	LBC 97.3FM	01/01/2011	Due accuracy	1
Kidnap and Ransom	ITV1	13/01/2011	Race discrimination/offence	1
Kidnap and Ransom	ITV1	20/01/2011	Undue prominence	1
Lions Behaving Badly	Nat Geo Wild	25/01/2011	Violence and dangerous behaviour	1
Logan's Run	Film 4	26/11/2010	Nudity	1
Logan's Run	Five	16/01/2011	Nudity	1
Looney Tunes	Boomerang	08/01/2011	Sexual material	1
Loose Women	ITV1	05/01/2011	Gender discrimination/offence	1
Loose Women	ITV1	20/01/2011	Gender discrimination/offence	1
Loose Women	ITV1	21/01/2011	Animal welfare	1
Loose Women	ITV1	24/01/2011	Gender	5

			discrimination/offence	
Loose Women	ITV1	25/01/2011	Gender discrimination/offence	4
Loose Women	ITV1	26/01/2011	Gender discrimination/offence	10
Loose Women	ITV1	27/01/2011	Gender discrimination/offence	4
Loose Women	ITV1	28/01/2011	Due impartiality/bias	1
Loose Women	ITV1	28/01/2011	Gender discrimination/offence	1
Loose Women	ITV1	28/01/2011	Generally accepted standards	1
Loose Women	ITV1	n/a	Gender discrimination/offence	7
Mad Dogs (trailer)	Sky Sports News	12/01/2011	Violence and dangerous behaviour	1
Mary Portas: Secret Shopper	Channel 4	19/01/2011	Generally accepted standards	5
Mary Portas: Secret Shopper	Channel 4	26/01/2011	Generally accepted standards	1
Meridian Tonight	ITV1	03/01/2011	Generally accepted standards	1
Midsomer Murders	ITV1	21/01/2011	Offensive language	1
Midsomer Murders	ITV1	24/01/2011	Scheduling	1
Monk	STV	30/01/2011	Offensive language	1
My Big Fat Gypsy Wedding	Channel 4	17/01/2011	Generally accepted standards	1
My Big Fat Gypsy Weddings	Channel 4	18/01/2011	Due accuracy	1
My Big Fat Gypsy Weddings	Channel 4	18/01/2011	Gender discrimination/offence	1
My Big Fat Gypsy Weddings	Channel 4	18/01/2011	Generally accepted standards	1
My Big Fat Gypsy Weddings	Channel 4	18/01/2011	Materially misleading	1
My Pet Shame (trailer)	Sky 1 HD	24/01/2011	Animal welfare	1
Nestor Radio	87.5	25/01/2011	Religious/Beliefs discrimination/offence	1
News	BBC 1 and ITV	n/a	Fairness	1
News programming	Various	n/a	Outside of remit / other	1
Newsnight	BBC 2	06/01/2011	Sexual orientation discrimination/offence	3
Newsround	CBBC	13/01/2011	Due impartiality/bias	1
NFL Sunday	Sky Sports 2HD	16/01/2011	Race discrimination/offence	1
Not Going Out	BBC 1	20/01/2011	Generally accepted standards	2
Not Going Out	BBC 1	20/01/2011	Religious/Beliefs discrimination/offence	1
Only Connect	BBC4	17/01/2011	Gender discrimination/offence	1
Panorama	BBC 1	17/01/2011	Due impartiality/bias	3
PM	BBC Radio 4	13/01/2011	Due impartiality/bias	1
Pointless	BBC 2	31/01/2010	Materially misleading	2

Posh and Posher: Why Public School Boys Run Britain	BBC 2	26/01/2011	Due impartiality/bias	1
Programme promotions	Virgin Media Catch Up	n/a	Scheduling	1
Programming	BBC channels	n/a	Due impartiality/bias	2
Programming	BBC channels	n/a	Outside of remit / other	1
Programming	BBC channels	n/a	Product placement	1
Programming	Capital London	16/01/2011	Offensive language	1
Programming	Romney Marsh FM	n/a	Elections/Referendums	1
Programming	Tynedale FM	n/a	Outside of remit / other	1
Programming	Various	n/a	Outside of remit / other	1
QI	Dave	25/01/2011	Offensive language	1
Question Time	BBC 1	27/01/2011	Generally accepted standards	6
Red Sea Jaws	Five	25/01/2011	Offensive language	1
Regional News and Weather	BBC 1	25/01/2011	Outside of remit / other	1
Regional News and Weather	BBC 1	26/01/2011	Due impartiality/bias	1
Rugby World Cup (trailer)	ITV1	n/a	Offensive language	1
Sabki Labli Bebo	Star Plus	19/01/2011	Violence and dangerous behaviour	1
Saints and Scroungers	BBC 1	17/01/2011	Race discrimination/offence	1
Shameless	Channel 4	18/01/2011	Generally accepted standards	1
Shameless	Channel 4	18/01/2011	Race discrimination/offence	1
Shameless	Channel 4	25/01/2011	Materially misleading	1
Silent Witness	BBC 1	17/01/2011	Generally accepted standards	1
Skins (trailer)	E4	10/01/2011	Nudity	5
Sky News	Sky News	19/01/2011	Due impartiality/bias	2
Sky News	Sky News	20/01/2011	Due accuracy	1
Sky News	Sky News	24/01/2011	Gender discrimination/offence	1
Sky News at Ten	Sky News	22/01/2011	Generally accepted standards	1
Sky Sports News	Sky Sports News	18/01/2011	Fairness	1
Soccer AM	Sky Sports 2	08/01/2011	Race discrimination/offence	1
Something for the Weekend	BBC 2	23/01/2011	Gender discrimination/offence	2
South Park (trailer)	Comedy Central Extra	20/01/2011	Offensive language	1
Special Agent Oso	Playhouse Disney	12/01/2011	Materially misleading	1
Star Gazing	BBC2	21/01/2011	Due accuracy	1

Star Wars: Episode III - Revenge of the Sith	ITV1 London	22/01/2011	Violence and dangerous behaviour	1
Steg and Benji's Lock In	Somer Valley FM	04/01/2011	Offensive language	1
Steve Allen	LBC 97.3FM	21/01/2011	Generally accepted standards	1
Subtitling	Digital TV	n/a	Television Access Services	1
Subtitling	Various	n/a	Outside of remit / other	2
Subtitling	Various	n/a	Television Access Services	1
Subtitling	Virgin Media	n/a	Outside of remit / other	1
Sunrise	Sky News	19/01/2011	Sexual orientation discrimination/offence	1
Supercasino	Five	08/12/2010	Participation TV - Misleadingness	1
T4	Channel 4	23/01/2011	Sexual material	1
Take It Or Leave It	Challenge TV	17/01/2011	Competitions	1
Take Me Out	ITV1	22/01/2011	Generally accepted standards	1
Take Me Out	ITV1	22/01/2011	Race discrimination/offence	1
Take Me Out	ITV1	29/01/2011	Materially misleading	1
Take Me Out	ITV1	n/a	Materially misleading	1
Teletext	Sky 3	n/a	Outside of remit / other	1
The 50 Funniest Moments 2010	Channel 4	21/01/2011	Animal welfare	11
The 50 Funniest Moments 2010	Channel 4	21/01/2011	Generally accepted standards	2
The 50 Funniest Moments 2010	Channel 4	21/01/2011	Sexual material	1
The 50 Funniest Moments 2010	Channel 4	21/01/2011	Sexual orientation discrimination/offence	1
The 50 Funniest Moments 2010	Channel 4	21/01/2011	Under 18s in programmes	3
The Alan Titchmarsh Show	ITV1	n/a	Product placement	1
The Apprentice	BBC1	19/12/2010	Outside of remit / other	1
The Big Questions	BBC 1	16/01/2011	Religious/Beliefs discrimination/offence	1
The Chris Moyles Show	BBC Radio 1	24/01/2011	Generally accepted standards	1
The Fifth Element	Five	23/01/2011	Offensive language	1
The Fifth Element	Five	23/01/2011	Sexual material	1
The Jeremy Kyle Show	ITV1	21/01/2011	Fairness	1
The Joy of Teen Sex	Channel 4	19/01/2011	Generally accepted standards	1
The Joy of Teen Sex	Channel 4	19/01/2011	Sexual material	1
The Joy of Teen Sex (trailer)	Channel 4	15/01/2011	Sexual material	1
The Magicians	BBC 1	15/01/2011	Animal welfare	4
The Magicians	BBC 1	15/01/2011	Harm	1
The Million Pound Drop	Channel 4	28/01/2011	Age discrimination/offence	1

The Million Pound Drop Live	Channel 4	28/01/2011	Age discrimination/offence	1
The Million Pound Drop Live	Channel 4	29/01/2011	Materially misleading	1
The National Television Awards 2011	ITV1 London	26/01/2011	Generally accepted standards	1
The National Television Awards 2011	ITV1 London	26/01/2011	Offensive language	1
The National Television Awards 2011	ITV1 London	26/01/2011	Voting	3
The One Show	BBC 1	18/01/2011	Harm	1
The One Show	BBC 1	20/01/2011	Offensive language	1
The Race	Sky Movies Family	15/12/2010	Offensive language	1
The Random Jottings of Hinge and Bracket	BBC Radio 7	21/01/2011	Advertising/editorial separation	1
The Royal Variety Show / Harry Hill	BBC1 / ITV1	16/12/2010	Generally accepted standards	1
The Sanctuary	Beacon Radio	14/12/2010	Fairness	1
The Today Programme	BBC Radio 4	26/01/2011	Due impartiality/bias	1
The Weakest Link	BBC 1	19/01/2011	Generally accepted standards	2
The Weakest Link	BBC 1	24/01/2011	Disability discrimination/offence	1
The Wright Stuff	Five	18/01/2011	Offensive language	1
The X Factor	ITV1	n/a	Competitions	1
The X Factor	ITV1	05/12/2010	Materially misleading	1
This Morning	ITV1	03/01/2011	Sexual material	1
This Morning	ITV1	19/01/2011	Nudity	14
This Morning	ITV1	19/01/2011	Sexual orientation discrimination/offence	1
This Morning	ITV1	21/01/2011	Outside of remit / other	1
This Morning	ITV1	25/01/2011	Generally accepted standards	1
This Morning	ITV1	27/01/2011	Nudity	11
This Morning (trailer)	ITV1	26/01/2011	Offensive language	1
Thorne: Scaredy Cat	Sky2	24/01/2011	Generally accepted standards	1
Three Men in a Boat	Dave	02/01/2011	Disability discrimination/offence	1
Tool Academy	E4	10/01/2011	Generally accepted standards	1
Tool Academy	E4	10/01/2011	Offensive language	1
Tool Academy	E4	10/01/2011	Sexual orientation discrimination/offence	1
Tool Academy	E4	17/01/2011	Materially misleading	1
Top Gear	BBC 2	23/01/2011	Due impartiality/bias	1
Top Gear	BBC 2	23/01/2011	Generally accepted standards	2
Top Gear	BBC 2	23/01/2011	Harm	2
Top Gear	Dave	17/01/2011	Offensive language	1
Top Gear Special	BBC 3	05/01/2011	Offensive language	1

Will My Crash Diet Kill Me?	Channel 4	19/01/2011	Materially misleading	2
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