

Ofcom Broadcast and On Demand Bulletin

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News

Type of case	Broadcast Standards
Outcome	Resolved/Not in breach
Service	Sky News
Date & time	10 September 2022, 13:15
Category	Due Accuracy
Summary	During news coverage of the death of Queen Elizabeth II, the presenters inaccurately described images shown of the protests held in London relating to the death of Chris Kaba as a crowd going to pay tribute to the Queen. The Licensee broadcast a subsequent clarification. We considered the matter resolved.

Introduction

Sky News is a 24-hour news channel. The licence for Sky News is held by Sky UK Limited (“Sky” or “the Licensee”).

On 10 September 2022, the programme included live coverage of the events following the death of Queen Elizabeth II two days before.

On the day of the broadcast, crowds of people were travelling through London towards Buckingham Palace to pay their respects to the late Queen Elizabeth II.

On the same day, a march was held between Parliament Square and Scotland Yard, through Trafalgar Square, to protest the death of Chris Kaba, a 24 year-old man who had been shot dead by police in London on 5 September 2022.

Ofcom received 590 complaints that Sky News incorrectly reported images of the “Justice for Chris Kaba” march as images of people walking to pay tribute to the late Queen Elizabeth II. Several complainants also considered that the clarification provided by Sky later on in its programming was not sufficient and/or was not timely enough.

During the broadcast, on-screen text read *“THE QUEEN DIES: The Speaker and selected Members of Parliament are taking oath of allegiance to the new King Charles III”*. The presenter (“Presenter One”) of the programme was based in an outside broadcast location opposite Buckingham Palace. Also, a reporter (“the Reporter”) was broadcasting within the crowds at Buckingham Palace. After an interview with a member of the public, at approximately 13:15, live footage was shown, which consisted of an aerial view looking down on crowds of people walking (with a number holding placards) towards Trafalgar Square. The Reporter said:

Reporter: *“So the weight of this historic moment really felt here at the Gates of Buckingham Palace and thousands of people still arriving to pay their respects to the Queen”*.

Commenting on the footage being shown, Presenter One then said:

Presenter One: *“Trafalgar Square. Look at that, look at the crowds of people. For those of you who don’t know central London too well, Trafalgar Square just at the bottom of the Mall. So the crowds winding their way down there, I think they’ve probably come from Embankment. They’re just coming around Trafalgar Square and they’ll be working their way up the Mall and what a walk that is. There are thousands of people lining that route, it really is an incredible sight. They’ll work their way up the Mall, very slowly, meeting new friends along the way. So many people talking to each other about their journey here, why they wanted to come, their memories of the Queen, their good wishes for the new King. They’ll make their way up here to Buckingham Palace. They’re actually being diverted away from the Gates of Buckingham Palace now. The floral tribute has been moved into Green Park. Which is next door to the Palace”*.

When the camera panned away from Trafalgar Square and the images of the crowd of people, Presenter One then said *“That’s very much going to be the focal point for those feeling that they want to come to pay their respects”*. The footage of the crowds walking through Trafalgar Square was shown for approximately 83 seconds.

At approximately 16:58, the following clarification was broadcast by a second presenter (“Presenter Two”):

Presenter Two: *“Now I’d just like to clarify something we said in our reporting a little earlier today. Earlier this afternoon we showed pictures of a crowd of people in Trafalgar Square and described them as being on their way to Buckingham Palace. We’d just like to make it clear that those pictures were actually of a protest that was taking place over the death of Chris Kaba who was shot and killed by a police officer in South London, and we’ll be reporting in full on that story a little later today”*.

We considered that the content raised potential issues under the following Code rules:

Rule 5.1: *“News, in whatever form, must be reported with due accuracy and presented with due impartiality”*.

Rule 5.2: “Significant mistakes in news should normally be acknowledged and corrected on air quickly...Corrections should be appropriately scheduled...”.

Ofcom requested comments from the Licensee on how the programme complied with the due accuracy element of this rule.

Response

Sky acknowledged that it had incorrectly reported on the images of the “Justice for Chris Kaba” march but explained it was an unintentional error that had occurred, and that, when it had become aware of this, it had broadcast a correction.

The Licensee provided details of the circumstances surrounding the broadcast and suggested that this context should be taken into account when considering this matter. It said that the passing of the Queen Elizabeth II was “an event of national significance that dominated news coverage in the UK and around the world from the moment of her death until after the State funeral on 19 September 2022”. Sky added that: “The organisation and focus required across the broadcasters was unparalleled...[i]ncluding having to organise and deliver the coverage of multiple events in multiple locations on a continuing basis”. It further added that “news organisations were working at beyond normal operating capacities”.

Describing the events that led up to broadcast of the footage of the “Justice for Chris Kaba” march, the Licensee said that:

- “the newsroom had pictures coming in from multiple sources” and that the “BBC and Sky commissioned [a] helicopter to gather footage of mourners throughout London gathering to pay their respects to Her Majesty throughout the day”;
- Sky said it was “not aware of any plan to gather footage of the ‘Justice for Chris Kaba’ march, and it was not immediately apparent to the Sky Newsroom that the helicopter had moved on to gather picture of the separate event”; and
- geographically the “Justice for Chris Kaba” march and crowds of mourners for the late Queen Elizabeth II “were in close proximity to each other and ... those working in the gallery and the presenter who was based in an outside location believed the footage they were showing was as described of mourners processing through London”.

The Licensee said that Presenter One, who had made the error, finished broadcasting from her outside broadcast location at 15:00 that day and she became aware through social media that “a mistake had been made in the description on the element of the helicopter footage”. Sky added that, shortly after 15:00, she raised her concerns with the Head of News Output, who “quickly investigated and established that an error had been made” it was decided that a correction would need to be broadcast. It added that “wording was drafted and approved” and a clarification was broadcast at 16:58 by Presenter Two. The Licensee considered that it was important to ensure it had established the facts before issuing a correction, given the importance of covering “significant and sensitive events” and that the correction should be broadcast “during a prime-time slot” by one of Sky’s “most senior presenters”.

The Licensee said that Presenter One issued the following personal apology on her own Twitter account:

“I made a mistake on air, I wrongly identified crowds in Trafalgar Sq as some of the thousands heading to Palace when at that moment it was people turning out for Chris Kaba, I’d like to personally apologise to those involved. We are covering the march & it’s significance later today”.

Sky also said that it “reported extensively on events surrounding the death of Chris Kaba and the events that followed” and also said that it had spoken directly with members of Mr Kaba’s family to apologise for the error.

In summary, the Licensee concluded that this “was an unintentional error on live TV at an extremely busy time for all broadcasters” and that the mistake had been “acknowledged and corrected”.

Ofcom took this response into account in reaching its Preliminary View, which was that while the news had not been reported with due accuracy in the programme, Ofcom considered the breach was resolved, and that the programme did not breach Rule 5.2. In accordance with our published procedures, we gave the Licensee an opportunity to submit representations on Ofcom’s Preliminary View. It did not submit representations in response.

Decision

Reflecting our duties under the Communications Act 2003¹, Section Five of the Code requires that the due accuracy and due impartiality requirements are met.

In applying the rules in the Code, Ofcom takes account of the audience’s and the broadcaster’s right to freedom of expression, as set out in Article 10 of the European Convention on Human Rights.

Rule 5.1

Rule 5.1 requires that news, in whatever form, must be reported with due accuracy and presented with due impartiality. The rule is primarily intended to ensure that audiences can trust news broadcasters to report the facts of the news, and the factual background to it, with appropriate accuracy. It goes to the heart of the relationship of trust between a news broadcaster and its audience.

Ofcom’s published Guidance to Section Five² makes clear that “due” means adequate or appropriate to the subject and nature of the programme. For example, where a matter is of particular public interest, the requirement to present that matter with due accuracy will be correspondingly higher. The approach may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience.

Ofcom first considered whether the news material in this case was duly accurate. We recognised that the death of Queen Elizabeth II on 8 September 2022 was of significant public interest. It is important

¹ [Communications Act 2003 \(legislation.gov.uk\)](https://legislation.gov.uk)

² [Guidance Notes, Section 5 \(ofcom.org.uk\)](https://www.ofcom.org.uk)

that broadcasters are able fully to inform the audience of developments in an event of such significant public interest. In doing so, it is also important to ensure that audiences are not misled, and that such events are reported with “due” accuracy.

On 10 September 2022, Sky News was reporting on events following the death of Queen Elizabeth II and live aerial footage was shown of crowds of people marching towards Trafalgar Square in protest of the death of Chris Kaba, a 24 year-old man shot dead by the police on 5 September 2022. As the images were broadcast, the Reporter referred to the footage as *“thousands of people still arriving to pay their respects to the Queen”*. Describing the footage further, Presenter One explained that the crowd of people marching towards Trafalgar Square would be *“working their way up the Mall...talking to each other about their journey here, why they wanted to come, their memories of the Queen, their good wishes for the new King. They’ll make their way up here to Buckingham Palace. They’re actually being diverted away from the Gates of Buckingham Palace now. The floral tribute has been moved into Green Park. Which is next door to the Palace”*.

The reference to the crowd of people gathering in central London to pay their respect to the late Queen Elizabeth II was an inaccurate description of the footage which, in fact, showed people who had gathered to march peacefully to protest the killing of Chris Kaba by the Police.

The Licensee did not dispute that an error had occurred. We considered that the fact that it was not immediately obvious that the live aerial images broadcast were of the march for Chris Kaba provided some limited mitigation for the inaccuracy during a live report. We also considered that the fact that both the Reporter and Presenter One, the latter at some length, inaccurately described “Justice for Chris Kaba” march as a crowd of mourners for the late Queen Elizabeth II was a significant error. We therefore concluded that the news was not reported with due accuracy.

We took the view that the significance of the error was heightened by the fact that it was broadcast at a time of national mourning for the Head of State, when there was increased interest in news reporting during the mourning period for the late Queen Elizabeth II. We considered the error was therefore likely to have caused distress to some members of the audience – in particular those who were mourning and protesting about the circumstances surrounding the death of Chris Kaba.

We took into consideration the Licensee’s explanation of the circumstances surrounding the broadcast. We also acknowledged the unique circumstances at the time and that reporting on an event of such national significance would have involved swift editorial judgments under particularly high pressure and while broadcasting in challenging live situations. We also took into account that, soon after Sky was alerted to the error, it swiftly investigated it and broadcast a clarification at 16:58. The Licensee also clearly signalled to the audience that there would be a full report broadcast on the circumstances surrounding the death of Chris Kaba later in the evening on Sky News. Ofcom took into account the Licensee’s representation that issuing a correction was a “significant step that requires senior editorial sign off” and that it was important that the clarification was “carefully considered and broadcast at an appropriate time and handled with sensitivity”, and that this would have delayed the timing of its broadcast in this case. The Licensee further confirmed that Presenter One, who made the error, posted a correction and apology on her personal Twitter account at 17:25 and Sky contacted the family of Chris Kaba directly to issue an apology.

We also considered that the inaccuracy had the potential to cause offence to some members of the audience, as it did to a number of complainants. However, we took into account the steps the Licensee took to mitigate the potential offence by acknowledging and correcting the mistake on air.

Taking all of the above into account, Ofcom's Decision in this case is that news was not reported with due accuracy, but in light of the steps taken by the Licensee and, in particular, the clarification it broadcast, this matter is resolved in relation to Rule 5.1.

Rule 5.2

Rule 5.2 requires that significant mistakes in news should normally be acknowledged and corrected on air quickly and that corrections should be appropriately scheduled.

As discussed above, we took into account the various steps Sky told us it had taken in this case including: undertaking a timely investigation as soon as it became aware of the error: and broadcasting a clarification at 16:58. We also took into account the Licensee's representation that issuing a correction was a "significant step that requires senior editorial sign off" and that it was important that the clarification was "carefully considered and broadcast at an appropriate time and handled with sensitivity", and that this would have delayed the timing of its broadcast in this case. Given all the above, we considered that the Licensee complied with Rule 5.2.

Decision:

Rule 5.1: Resolved

Rule 5.2: Not in breach