

# Response to Ofcom list of major parties document

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I wanted to take this opportunity to respond to Ofcom's report on defining major parties for the upcoming general election (OfCom, 2015) in the light of my own research, especially around television debates in parliamentary democracies around the world (Anstead, 2015).

While it is important acknowledge that debates are a private enterprise with inclusion and formats agreed between broadcasters and the political parties, I would make five points as to the relevance of this research.

1. First, that in their original 4-3-2 format invitation broadcasters were pre-empting Ofcom's likely decision about major party status.
2. Second, and related to this, while debate format is not decided by Ofcom, it is nonetheless the case that any format proposed does have meet broad impartiality requirements laid out by Ofcom for general election coverage (OfCom, 2015: 9).
3. Third, that various political actors, both from political parties and the media, have rhetorically employed the Ofcom decisions in the discussion of TV debates (for one of a great many examples, see Morris, 2015).
4. Fourth, and very importantly, the legitimacy of the major party decision in the public imagination has become bound up with TV debate inclusion, especially among supporters of smaller and regional parties. This presents a major test for Ofcom as it seeks to maintain public confidence.
5. Fifth, and finally, the way in which decisions about debate inclusion and party status are made in other parliamentary democracies can be useful for framing a discussion around major party status in the UK.

My research in this area drew on a range of comparative examples from other parliamentary democracies (in particular Australia, Canada and Germany) that have long traditions of holding televised debates. These examples offer interesting alternative rationales for defining parties in various ways (major or minor, invited to debates or not etc.). As parliamentary democracies, their experience is also more suited to the UK than the better known and more frequently cited US experience.

Based on my study of these countries, I would draw out four lessons for the UK as we discuss the issue of major party status.

## **1. The current consultation document requires major parties to have a relatively high-level of support in comparison with other parliamentary democracies**

The broad problem with the major-minor party discussion in the 2015 election is the fracturing of the UK party system. This is reflected in the rise of UKIP and the Greens as more prominent national political parties, as well as the success of the SNP in Scotland. The UK is not alone in going through this process. Indeed, many advanced post-industrial democracies are seeing similar patterns in their political systems (Dalton & Wattenberg, 2002).

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Of the case studies I have examined, Australia retains a relatively stable two-party system, with the vast majority of seats and votes continuing to go Labor and the Liberals. As such, major party status and access to TV debates remains a duopoly, with the Green Party (the third largest Australian party) excluded.

Canada and Germany though have seen undergone similar or even more dramatic party system fracture than in the UK, with parties that were traditionally dominant in the pre-existing two-party systems seeing a significant decline in support. It is notable that both these countries have opened up the mediated aspects of their campaign to new and smaller parties to a greater degree than the current Ofcom proposals would.

- In Germany, inclusion in the so-called “Elephant Round” debates **requires a single member of the Bundestag**. It should be noted that the German election system requires parties to achieve 5 per cent meet this goal.<sup>1</sup>
- In Canada, debate inclusion is generally regarded as **requiring 1 Member of Parliament as well as consistently scoring 5 points** in the national polls.

If the Canadian system were applied to the major party ruling in the UK, the Green Party would certainly be defined as a major party, along with the Conservatives, Labour, the Liberal Democrats and UKIP (Wells, 2015). Some polls also suggest that the SNP are close to being defined as a major party if the Canadian rules were applied (Ashcroft, 2015).

## **2. The UK lacks a formalised set of criteria for judging major party status**

What is perhaps most striking about the Canadian and German example is how they have formalised and numericised the criteria for debate inclusion, and that these criteria have operated over multiple election cycles. This is something that the major-minor party discussion in the UK could learn from.

The problem with the Ofcom report is not that the data is not excellent and well presented (it is) nor even with its conclusion is inherently wrong. There is no doubt that UKIP enjoys more popular support at this moment than the Greens do. However, the broader question is a hypothetical: what line would the Green Party need to cross in terms of its support to be reclassified as a major party? In the Canadian and German cases, that is relatively clear. It is not in the current UK situation.

Having transparent, long-standing and widely accepted criteria of this kind has another virtue: it makes it much harder for political interference to occur in a specific election cycle. The Canadian TV debates of 2008 provide an example of it. A parliamentary defection meant that the Green Party now fulfilled the criteria for debate inclusion. The pre-existing major parties tried to veto this invitation, but such was the public backlash that this position became unsustainable (Burman, 2008).

## **3. The situation with regional parties could be handled in different ways**

Canada also provides an interesting example of how to handle strong regional parties, with the Bloc Québécois being fully integrated at national level. This is

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<sup>1</sup> It should be noted that this is one of TV debate formats found in Germany. As well as the Elephant Round debates featuring every party represented in the Bundestag, the so-called TV Duel format features the leaders of the two major parties, the CDU and the SPD.

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different from the UK system of designating sub-national major parties in Scotland, Wales and Northern Ireland.

In the context of the current UK party scene, there would be virtues to this approach. In reality, the UK has multiple party systems in England, Wales, Scotland and Northern Ireland. However, it is worth noting that, with the exception of Northern Ireland, these party systems overlap, with the Conservatives, Labour, and the Liberal Democrats competing with the SNP in Scotland and PC in Wales.

There are three arguments in favour of integrating the SNP (and to a lesser extent PC) into the wider UK major party system:

1. **Avoiding any disadvantaging regionally strong parties.** While the SNP and PC are defined as regional major parties, this means that they are competing with other parties that are defined as being major at the UK-level. This arguably has the potential to create a non-level playing field for political competition in Scotland and Wales. It should be noted that this argument does not apply in Northern Ireland, as the NI party system is near to completely segregated from the rest of the UK.
2. **The potential for coalition government after the 2015 election.** Clearly rulings cannot be made based on the future. However, the nature of the emerging party system in the UK makes it increasingly likely that regional parties might play a role in forming a coalition arrangement of some kind after the election. As such their policy platforms could have direct ramifications for citizens outside their geographical areas of political support.
3. **The constitutional significance of the secessionist case.** Given the ultimate purpose of the SNP, their growing level of support has potential to dramatically change the form of the United Kingdom. Where this to happen, it would be of significance to citizens throughout the country. While broadcasters outside of Scotland often provided very poor coverage of the referendum campaign (Revoir, 2014), defining the SNP as a major national party would send a message as to the significance of this issue for everyone in the UK and hopefully promote a genuinely national debate about the constitutional form of the UK.

#### **4. Thinking beyond 2015**

In some ways it is unfortunate that this discussion is taking place at the time it is. Necessarily, any debate about major party status in the run up to the election cannot help but become politicised. Nonetheless, we should try to think in abstract terms about the decisions being made and test them with hypothetical scenarios. The ideal situation is one where a broad set of principles can be carried forward for future elections (as occurs in Canada, for example).

It might also be worth asking in the aftermath of the election whether the relatively blunt instrument of the major-minor party distinction is a useful tool for organising elections? We seem likely to be entering a period where we have a far greater range of different parties of different sizes. The fragmentation of the party system coupled with the UK's multiple electoral systems (in Westminster, devolved assemblies, at the local level and also in European elections) may turn out confusing and contradictory information.

Above all, it is vital than any decisions made and rationale used in 2015 or beyond is seen as legitimate and retains the confidence of the public.

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