

Sanction: Decision by Ofcom

Decision: Sanction: to be imposed on Loveworld Limited (“LL”)

For material broadcast on Loveworld Television Network (“Loveworld”) on 1 December 2020¹.

Ofcom’s Sanction Decision against: Loveworld Limited (“LL” or the “Licensee”) in respect of its service **Loveworld UK** (TLCS000787BA/1).

For: Breach of the Ofcom Broadcasting Code (the “Code”)²:

Rule 2.1: “Generally accepted standards must be applied to the contents of television and radio services [...] so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material”.

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

Decision: To impose a financial penalty (payable to HM Paymaster General) of £125,000

¹ See [Ofcom Broadcast and On Demand Bulletin 418](#), 15 January 2021 (“the Breach Decision”).

² The version of the Code which was in force at the time of the broadcast took effect on 1 January 2019. See [Broadcasting Code](#)

Executive Summary

1. Loveworld is a religious television channel broadcast on satellite providing a service in the UK from an Evangelical Christian denomination with a global network of churches³. The Licence for the Loveworld service is held by Loveworld Limited (“LL” or “the Licensee”).
2. On 1 December 2020, the licensee broadcast a programme called *Global Day of Prayer* which was broadcast from 17:00 on 1 December 2020 until 22:15 on 2 December 2020. The programme was broadcast across 29 hours and 15 minutes.
3. *Global Day of Prayer* was a religious programme featuring sermons and reports from Pastors around the world, as well as scripture readings, worship, hymns and news segments.

The Breach Decision

4. In Ofcom’s Decision (“the Breach Decision”) published on 15 January 2021 in Issue 418 of the Broadcast and On Demand Bulletin⁴, Ofcom found that the programme featured statements about the Coronavirus pandemic that had the potential to be extremely harmful without providing adequate protection to the audience, and did not present news with due accuracy, in breach of Rules 2.1 and 5.1 of the Code.
5. The Breach Decision set out specifically the broadcast material that was in breach, along with reasoning as to why the material had breached the applicable rules of the Code.
6. Ofcom is prioritising cases relating to the Coronavirus which could cause potential harm to audiences. As set out in our published guidance for broadcasters⁵, this could include: health claims related to the virus which may be harmful; medical advice which may be harmful; and inaccuracy or material misleadingness in programmes in relation to the virus or public policy regarding it.
7. Given this prioritisation we informed LL that we considered it was appropriate for us to depart from our normal published procedures to expedite the investigation. When we concluded our investigation, given the serious nature of the breaches in this case, and the lengthy duration of the programme, Ofcom directed the Licensee not to repeat the programme and to broadcast a summary of Ofcom’s Decision three times on 27 January, at 08:00, 13:00 and 19:00. The Licensee complied with this direction.
8. Ofcom put the Licensee on notice that it considered these breaches to be serious and would be considering whether to impose any further sanction in addition to the Direction. An Ofcom Sanctions Panel decided that, given the severity of the breaches, it would be appropriate to consider the imposition of a further sanction. This document sets out Ofcom’s Decision for the consideration of a further sanction.

The Sanction Decision

9. In accordance with Ofcom’s Procedures for the consideration of statutory sanctions in breaches of broadcast licences (the “Sanctions Procedures”⁶), Ofcom considered whether the Code breach was serious, deliberate, reckless or repeated so as to warrant the imposition of a further sanction on the Licensee in this case.

³ The Christian denomination, Loveworld Incorporated (also known as Christ Embassy) was founded by Pastor Chris Oyakhilome who is also its president. It runs seven television channels globally.

⁴ See footnote 1.

⁵ See [Broadcast standards during the coronavirus pandemic](#)

⁶ See Ofcom’s [Sanctions Procedures](#).

10. This paper sets out Ofcom's Decision on the type and level of sanction to be imposed on the Licensee, taking into account all the relevant material in this case and Ofcom's Penalty Guidelines⁷ (the "Penalty Guidelines").
11. Ofcom's Decision is that the appropriate sanction is £125,000.

Legal Framework

Communications Act 2003

12. Ofcom's principal duty, set out in section 3(1) of the Communications Act 2003 ("the Act"), is to further the interests of citizens in relation to communications matters and the interests of consumers in relevant markets.
13. Ofcom has a specific duty under section 319 of the Act to set such standards for the content of programmes in television and radio services as appears to it best calculated to secure the standards objectives set out in section 319(2). These objectives include the application, in the case of all television and radio services, of standards that provide adequate protection to members of the public from the inclusion of harmful material in such services (section 319(2)(f)).
14. The requirement outlined above is reflected in Section Two of the Code. Accompanying Guidance Notes⁸ to each section of the Code are published and from time to time updated on the Ofcom website. The Guidance Notes are non-binding but assist broadcasters to interpret and apply the Code.
15. In performing these duties, Ofcom is required to have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed, and any other principles representing best regulatory practice (section 3(3)); and, where relevant, to have regard to a number of other considerations including the need to secure that the application, in the case of television and radio services, of standards relating to harm and offence is in the manner that best guarantees an appropriate level of freedom of expression (section 3(4)(g)).

Human Rights Act 1998

16. As a public authority, Ofcom must also act in accordance with its public law duties to act lawfully, rationally and fairly, and it has a duty to ensure that it does not act in a way which is incompatible with the European Convention on Human Rights (the "Convention"). In particular, in the context of this case, Ofcom has taken account of the related right under Article 10 of the Convention.
17. Article 10 of the Convention provides for the right to freedom of expression. Applied to broadcasting, this right encompasses the broadcaster's freedom to impart and the audience's freedom to receive information and ideas without interference by a public authority and regardless of frontiers (Article 10(1))⁹. It applies not only to the content of information but also the means by transmission or reception¹⁰. And while subject to exceptions, the need for any restriction must be established convincingly¹¹. The exercise of these freedoms may be subject only to conditions and restrictions which are "prescribed in law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection

⁷ See [Ofcom's Penalty Guidelines](#)

⁸ See: [Ofcom's Guidance Notes on the Code](#)

⁹ *Lindens v Austria* (1986) 8 EHRR 407

¹⁰ *Autronic v Switzerland* (1990) 12 EHRR 485

¹¹ *Steel & Morris v UK* (2005) EMLR 15

of the reputation or rights of others, for preventing the disclosure of information received in confidence or for maintaining the authority and impartiality of the judiciary” (Article 10(2)).

18. Ofcom must exercise its duties in light of these rights and not interfere with the exercise of these freedoms in broadcast services unless it is satisfied that the restrictions it seeks to apply are required by law and necessary to achieve a legitimate aim.

The Ofcom Broadcasting Code

19. Standards set by Ofcom in accordance with section 319 of the Act are set out in the Code.
20. Accompanying Guidance Notes to each section of the Code are published, and from time to time updated, on the Ofcom website. The Guidance Notes are non-binding but assist broadcasters to interpret and apply the Code.
21. The relevant Code rules in this case are set out in full at the beginning of this Sanction Decision.

Remedial action and penalties

22. Under section 325 of the Act, a licence for a programme service issued by Ofcom under the Broadcasting Act 1990 or 1996 must include conditions for securing that the standards set under section 319 are observed by the licensee. In the case of a television licensable content service (“TLCS”) licence, Condition 6 of the licence requires the Licensee to ensure that provisions of any Code made under section 319 are complied with. The Licensee holds a TLCS licence.
23. Where Ofcom has identified that a condition of a TLCS licence has been contravened, its powers to take action are set out in sections 236 to 239 of the Act insofar as relevant to the case.
24. Section 236 of the Act provides Ofcom with the power to direct the holder of a TLCS licence to broadcast a correction or a statement of Ofcom’s findings (or both), or not to repeat a programme which was in contravention of a licence condition. Ofcom imposed this direction in the Breach Decision in this case to quickly remedy the potential significant harm to viewers.
25. Section 237 of the Act provides Ofcom with the power to impose a financial penalty on the holder of a TLCS licence. The maximum penalty which may be imposed in respect of each contravention of a licence condition is whichever is the greater of £250,000 and 5 per cent of the qualifying revenue from the licenced service for the licensee’s last complete accounting period falling within the period for which its licence has been in force.
26. Section 238 of the Act gives Ofcom a duty to revoke a TLCS licence if the licensee is in contravention of a condition of the licence or is failing to comply with a direction and Ofcom is satisfied that the contravention or failure, if not remedied, would justify the revocation of the licence.
27. Section 239 of the Act gives Ofcom a duty to suspend a TLCS licence, pending a decision on whether that licence should be revoked, if satisfied that that the holder of the licence has included in the service one or more programmes containing material likely to encourage or to incite the commission of crime, or to lead to disorder; that, in doing so, it has contravened licence conditions; and that the contravention is such as to justify the revocation of the licence.

Background - The Breach Decision

28. In the Breach Decision, Ofcom found that *Global Day of Prayer* broadcast on Loveworld on 1 December and 2 December 2020 was in breach of Rules 2.1 and 5.1 of the Code.
29. The Breach Decision set out specifically the broadcast material that was in breach, along with the reasoning as to why the material had breached the applicable rules in the Code.

30. The Breach Decision noted that the programme contained potentially harmful, highly contentious, unevidenced conspiracy theories about the Coronavirus, without sufficient challenge or context. This included, but was not limited to, the following claims:
- that the Coronavirus pandemic was *“planned”* and that the *“virus was used as a scam, a scheme to deceive”* that would *“implement a global monetary, research and digital currency technocracy and totalitarian government worldwide”*;
 - that 5G technology was linked to the Coronavirus and that *“it was never the virus. It was the 5G”* that had resulted in illness and deaths globally;
 - that Coronavirus quarantine facilities for travellers entering a country were *“concentration camps”*, *“not limited to people with Covid”* and comparable to concentration camps used by the Nazi regime during the Second World War to implement ethnic cleansing;
 - that face masks were *“evil”* and posed *“a lot of health hazards”*;
 - that Coronavirus testing *“is one of the biggest frauds”* that *“has only brought poverty and degradation to many nations”* by deceiving the public about the scale of the pandemic and the existence of the virus; and,
 - that potential Coronavirus vaccines¹² were part of a plan to introduce a *“New World Order”* in which people that have received a vaccination *“can be controlled”*. Pastor Chris said during a sermon that there had been *“checking and reporting that several of these vaccines include the nanochips”* that would allow for people to be controlled.
31. The programme also contained news reports that broadcast statements that were not duly accurate about the Coronavirus, without sufficient challenge or context, including theories that:
- the Coronavirus pandemic was part of a *“deep state”* conspiracy;
 - lockdown measures in response to the Coronavirus pandemic were fraudulent;
 - testing for the Coronavirus was fraudulent; and,
 - the scale of the pandemic had been exaggerated.
32. As set out in our Breach Decision, the claims were broadcast without credible scientific or other source, without sufficient context or challenge, and despite the fact they had been widely and consistently debunked. Ofcom was concerned that the promotion of these theories by the programme had the potential to undermine confidence in public health advice about the Coronavirus, and compliance with measures intended to safeguard public health during the pandemic. Ofcom stated in the Breach Decision that the breaches of Rule 2.1 and Rule 5.1 of the Code were serious.
33. As explained above, Ofcom sanctioned the Licensee¹³, and put it on notice that it would be considering whether to impose any further sanction in addition to the Direction. The Licensee was given the opportunity to provide representations on Ofcom’s Decision to impose a Direction and representations on whether a further sanction would be appropriate. The

¹² During the broadcast of this programme it was announced that the Pfizer Coronavirus vaccine had been approved for use in the UK. See [New Scientist](#) article.

¹³ Ofcom directed the Licensee not to repeat the programme and to broadcast a summary of Ofcom’s Decision at three times in one day. Loveworld complied with this direction.

Licensee responded, and apologised “for any shortcomings”, “kindly request[ed] that leniency be applied” and “hop[ed] that no further sanction” would be imposed¹⁴.

34. An Ofcom Sanctions Panel decided, given the serious and repeated nature of the breaches, it would be appropriate to consider the imposition of a further sanction.

Ofcom’s Preliminary View to impose a Statutory Sanction

35. As set out in paragraph 1.13 of the Sanctions Procedures, the imposition of a sanction against a broadcaster is a serious matter. Ofcom may, following due process, impose a sanction if it considers that a broadcaster has seriously, deliberately, repeatedly or recklessly breached a relevant requirement.
36. Ofcom issued a Preliminary View (“the Sanction Preliminary View”) that we were minded to impose on the Licensee a further statutory sanction in the form of a financial penalty. Ofcom sent a copy of the Sanction Preliminary View to the Licensee on 19 February 2021 and gave the Licensee the opportunity to provide written and oral representations on it. The Licensee provided its written representations to Ofcom on 12 March 2021 and an oral hearing took place on 19 March 2021.
37. At the hearing, the Licensee requested an adjournment to allow more time to further develop proposals to improve their compliance processes.¹⁵ This request was refused by Ofcom on the basis that the sanction process related to a breach on 1 December 2020 and that, while we took note of LL’s plans to engage a compliance consultant and to continue to identify and make improvements, it would not be appropriate to delay consideration of a sanction for this serious a breach. The Licensee then proceeded to make oral representations in response to the Sanction Preliminary View which, along with the written representations from 12 March 2021, are summarised in paragraphs 38 to 60 below.

The Licensee’s representations

38. The Licensee said it “aspired to achieve high standards in all its programming output and considers itself to be a force for good”. It said it accepted that the programme broadcast “could and should have provided better protection for members of the public” and it recognised the need for a “step change” in ensuring compliance.

The appropriateness and proportionality of the proposed fine

39. The Licensee said they “accepted the blame” for the breaches which occurred. However, LL said that the proposed fine was disproportionate, “draconian” and was not appropriate given that it is a small organisation with 21 employees; the company’s profits “fell significantly” since 2018; and, the channel is broadcast to a “relatively limited number of people in the UK”.
40. In addition to the above factors, it cited the precedent cases referred to in Ofcom’s Sanction Preliminary View and said that in those cases, Ofcom did not “impose a financial penalty anywhere approaching the sum currently sought”. It specifically referenced the precedent case concerning a broadcast on Channel 4 which, it said, “was broadcast on Digital Terrestrial Television, rather than in this case, on a satellite channel (accessible also by internet)”.
41. The Licensee said that the breaches were found by Ofcom in its Sanction Preliminary View to not be deliberate. It said this was an important factor to take into account given that the maximum

¹⁴ As outlined in paragraph 7, the Licensee complied with the direction and broadcast Ofcom’s Decision three times on 27 January, at 08:00, 13:00 and 19:00.

¹⁵ The Licensee also made reference to the existence of a third investigation into a programme broadcast by LL, and the panel confirmed that it was neither aware of the detail of that investigation nor was it a relevant consideration in relation to the present sanction hearing.

potential fine that could be imposed is £250,000. It said that Ofcom sought too high a percentage of the maximum potential fine outlined in the Sanction Preliminary View to be considered appropriate or proportionate.

Intention and financial gain

42. In its representations on Ofcom's Sanction Preliminary View that the breaches were not deliberate, the Licensee said it had not "tried to be provocative or antagonistic" and the breaches occurred "out of naivety" without any "intention to agitate". It added the broadcast was not "a concerted effort by the management, by the controlling minds of Loveworld, to undermine a public health message". LL said the breaches would have been far more serious if they had been intentional.
43. LL also referenced Ofcom's finding in the Sanction Preliminary View that there was "no evidence to suggest that there was any gain (financial or otherwise) made by LL in breach (or any connected body) as a result of the contravention".

The programme

44. LL stressed that, while it agreed the breach was serious, the breaches needed to be "seen against the length of the programme". LL emphasised that the breaches were "intermittent" and if they had occurred in a programme lasting an "hour or two they would undoubtedly be viewed more seriously". LL said that *Loveworld* broadcasts to a small audience in the UK and the passages cited in the Breach Decision were "laced into a very long and compliant broadcast" that did not represent the only subjects covered in the programme and this was an important contextual factor.
45. LL said that it was "unfortunate that the broadcast, which lasted in excess of 29 hours, on occasions breached the Code". LL urged Ofcom to take into account that in "live broadcasts of such extraordinary length, individual presenters can get slightly carried away and be guilty of a forensic flourish here and there". LL said that "any degree of harm would be difficult to quantify and would have to be seen as unguarded comments in a marathon of a broadcast".
46. The Licensee said that there was a "single complaint about the material" and when it came to the attention of LL they made sure there was no repeat of the programme.

Editorial control

47. LL said that the broadcast of *Global Day of Prayer* was intended "to be mainly about prayer" and that "unfortunately there were some unguarded comments". It said that the programme was broadcast via a direct feed from Lagos, Nigeria, and that LL did not have full editorial control over the broadcast on Loveworld UK.
48. In its discussion of the compliance measures it had in place during the broadcast, LL said that there was a seven-second delay mechanism in place at the time, but that neither the broadcast feed nor the delay mechanism was controlled by the Licensee.
49. It said that one employee, with a background in technical engineering, had the overall responsibility for the channel during the broadcast of *Global Day of Prayer* and that they had assistants working with them during the 29-hour programme. LL said that the person responsible for compliance during the broadcast "took their eye off the ball" as it had not been anticipated there would be "anything contentious" in the broadcast. LL said that the individual was supported by two others – one on site and one working remotely.
50. LL said that following these breaches it recognised "where the weakness may be and that needs to be strengthened and strengthened quickly".

Context of the Coronavirus pandemic and vaccination programme

51. In its oral representations, LL said the broadcast came from different parts of the world, all of which were at different stages in their Coronavirus response and vaccination development and rollout. It said that while the broadcast happened during the pandemic, “different countries and continents were at different positions within that global fight” and that this content came from “those that are behind the curve”. It said that the UK Government was “so advanced” in its fight against the Coronavirus and that in consideration of whether people from minority ethnic backgrounds would be more vulnerable to the harmful content in this broadcast, “one can see that actually the vaccine rollout in the UK is pretty immune to that”.
52. LL discussed the consideration of harm in its representations. In its written representations, it said that “[i]t will never be an exact science to be able to make submission on the potential for any harm caused” and that “[a]ny degree of harm would be difficult to quantify”. It concluded its written representations by saying there was “no evidence of harm demonstrated”.

Remedial measures

53. LL acknowledged that many of the steps outlined had previously been articulated to Ofcom last year following the previous breaches of the Code¹⁶. It said it recognised that they are in a similar position to where they were last year and it accepted the “regime was not as rigorous as it should have been”. LL explained that it had “put in certain steps to attempt to deal with live broadcasts from a foreign country” but it was “unfortunate and accepted that those steps did not stop the breaches”.
54. LL said it had taken a number of steps to remedy the contravention and is “anxious to remedy any issues”. It said it would “avoid broadcasting anything controversial concerning Coronavirus and 5G networks”. It said it had brought this matter to the attention of Pastor Chris and would ensure that “live sermons and all other programmes will in future be monitored and broadcast with sufficient delay mechanism to allow for any potentially harmful claims in relation to Covid to be omitted from the broadcast”. LL advised that it had installed a new system which enabled a 20 second delay to live feeds.
55. LL said it had briefed its presenters on Ofcom’s guidance to Broadcasters in relation to the Coronavirus and on Ofcom’s recent enforcement action in relation to content broadcast about the Coronavirus.
56. LL said it would use “disclaimers” in future if it is appropriate to do which will advise “viewers to consult with qualified medical practitioners and/or official government advice”. LL said it had “instructed its presenters to make appropriate challenges to guests making unproven claims and/or expressing views contrary to official government advice and/or mainstream science”. The Licensee acknowledged that it would need to “assess whether disclaimers or challenges provide adequate protection which are not overridden by the weight of contradictory material in the broadcast”.
57. The Licensee said it had arranged three initial sessions, beginning in late March, with an experienced TV and radio compliance consultant to help ensure its content complied with the Code. It said that this consultant would be able to produce a report outlining the compliance measures that had been put in place following the sessions. The Licensee also explained it had recently employed a new Head of News based in its London studio to exercise editorial oversight of its news and current affairs content. LL said that its newly appointed Head of News held a degree in engineering and “is also taking some other classes on news management, news and current affairs management”.

¹⁶ Ofcom found two programmes broadcast on Loveworld in April 2020 breached the Code – see [Ofcom’s Broadcast and On Demand Bulletin Issue 402 published 18 May 2020](#). Following these breach decisions, Ofcom had a compliance meeting with the Licensee to discuss its ongoing compliance with the Code.

58. The Licensee said it had fully complied with Ofcom's direction in its Breach Decision to broadcast a statement of Ofcom's findings.

Reputational risk

59. LL said that there may be "sensational headlines" as a result of Ofcom's Sanction Decision and a financial penalty such as the proposed fine outlined in the Sanction Preliminary View. It said that it would be unfair for Loveworld to be "tarnished" with media attention of that nature.

60. It also said that it had been involved in "good cause" work¹⁷ and that the organisation has religious beliefs at its core. It said that it "accept[ed] that such genuinely held religious beliefs are not to be used as some form of defence to the breaches", but said that this should be taken into account in Ofcom's wider considerations of the nature of the organisation and the sanction to be imposed in this case.

Ofcom's Decision to impose a Statutory Sanction

61. We set out below Ofcom's Decision on its reasons for considering that it is appropriate to impose a further statutory sanction and as to the type and level of sanction Ofcom considers should be imposed on the Licensee, taking into account all relevant material, including the Licensee's representations, and Ofcom's Penalty Guidelines¹⁸.

62. We first considered whether the breaches were serious, deliberate, reckless or repeated.

Serious nature of the breaches

63. The imposition of a sanction against a broadcaster is serious matter and Ofcom may, following due process, impose a sanction if it considers that a broadcaster has seriously, deliberately, recklessly or repeatedly breached a relevant requirement.

64. Ofcom's Decision is that, for the reasons set out below, the breaches of Rule 2.1 and 5.1 were so serious as to warrant the imposition of a further statutory sanction.

65. As set out in paragraphs 30-32, the programme featured highly contentious, potentially harmful theories about the Coronavirus, without sufficient challenge or context. The promotion of these theories in the programme had the potential to undermine confidence in public health advice about the Coronavirus, and compliance with measures intended to safeguard public health during the pandemic, which, in turn, could cause significant harm. Inaccurate news content was broadcast, which reported conspiracy theories about the Coronavirus pandemic as fact, which Ofcom considered would have compounded the potential harm to audiences.

66. Ofcom considered the potential harm from this material was particularly significant given the ongoing Coronavirus crisis and the ongoing measures to limit transmission and to vaccinate vulnerable groups.

67. At the time of broadcast, clinical and human trials to find a successful vaccine against Coronavirus were happening at speed around the world. Indeed, regulators were considering applications to authorise particular vaccines, and widespread availability of approved vaccines appeared to be imminent¹⁹. The possibility and roll-out of a successful Coronavirus vaccine was

¹⁷ It said it had been involved in a fitness programme with Pure Gym in the London Borough of Redbridge; attendance by two Loveworld presenters at London Stanmore College for International Women's Day 2020; "Clean-up operations" near its studios in Silvertown in East London; Generating publicity for charities and foundations, including World Blood Donor Day and a food bank in Birmingham; Offering training and job opportunities, including schemes for undergraduates and apprentices; and, provided support to the Christian community.

¹⁸ See footnote 8

¹⁹ For example, on 1 December 2020 it was reported that it was likely the UK would be the first country to license a Coronavirus vaccine see [Guardian article](#).

widely recognised by the scientific and medical communities as potentially key to ending the pandemic²⁰. On 2 December 2020, during the broadcast of this programme, it was reported that the Pfizer vaccine had been approved for use in the UK²¹. Ofcom was therefore particularly concerned that unchallenged and unsubstantiated statements about Coronavirus vaccinations would be harmful to viewers by undermining confidence in the reasons for the development of a vaccine and influencing the decisions of individuals invited to receive a vaccination in what appeared at the time, and in fact was, an imminent roll-out of the vaccination programme.

68. Ofcom was also concerned with the Licensee's general compliance processes and ability to adequately protect viewers from potentially harmful content. In particular, Ofcom questioned the extent to which LL exercised editorial oversight of content. This is because the Licensee indicated in its representations on our Preliminary View leading to the Breach Decision that "the 29-hour program was strictly meant to be on prayer", but did not step in during or after the broadcast despite the potentially harmful and inaccurate content recurring over the course of the lengthy programme. LL indicated in its representations that, "with various moderators contributing from different parts of the world it became rather difficult to regulate their utterances, given that it was a live transmission".
69. We further consider below the Licensee's representations regarding the degree of seriousness of the breach and the appropriate nature and level of sanction. However, in view of the factors set out above, Ofcom considered that the breaches were serious and warranted the imposition of a further statutory sanction.

Repeated nature of the breaches

70. In reference to the repeated nature of the breaches, Ofcom considered that on 18 May 2020 LL had been sanctioned²² in the form of a direction to broadcast a statement of Ofcom's findings in relation to previous breaches of the Broadcasting Code for potentially harmful and inaccurate news content relating to the Coronavirus. Ofcom was concerned that despite assurances made by LL in their representations during that previous investigation and during a subsequent meeting with Ofcom in relation to their compliance processes, repeated breaches of such a serious nature occurred, as outlined in the Breach Decision.
71. Therefore, Ofcom considered that the breaches were repeated and warranted the imposition of a further statutory sanction.

Reckless nature of the breaches

72. Following the breach and sanction decisions in relation to broadcasts on 7 April 2020²³, the Licensee was aware of the need to protect audiences from potentially harmful content and to ensure news was presented with due accuracy, specifically in relation to the Coronavirus. Additionally, we took into account that the Licensee had attended a compliance meeting²⁴ as a result of the previous breaches and sanctions to discuss its compliance procedures with Ofcom and was familiar with the requirements for compliance with harm and due accuracy in news rules.

²⁰ For example, [see NHS information](#) and [WHO information](#) on coronavirus vaccine research. There has been increased debate about whether concerns about a future vaccine could be detrimental to its overall success (see [Guardian article](#)).

²¹ See [New Scientist](#) article.

²² See <https://www.ofcom.org.uk/about-ofcom/latest/bulletins/content-sanctions-adjudications/decision-loveworld-limited>

²³ See [Ofcom's Broadcast and On Demand Bulletin 402](#), 18 May 2020

²⁴ This compliance meeting was held in August 2020

73. We also considered that the Coronavirus pandemic remained a subject of high public concern between LL's contraventions of the Code, and that the impact that the pandemic was having on public health had not eased in this time. We also considered that at the time of broadcast audiences were likely to be looking to broadcasters to provide insight and information regarding potential vaccines. We therefore considered that the Licensee should have been vigilant to protect audiences against potentially harmful content and present duly accurate news in relation to any material concerning the Coronavirus, particularly in relation to vaccinations. As noted above, the Licensee said it proceeded on a presumption that the lengthy programme would not include material relevant to the Coronavirus. However, the material recurred during the programme indicating a lack of adequate oversight of the programme.
74. For the reasons explained above Ofcom considered that the contravention occurred recklessly. We did not consider, however, that there was evidence that the breaches were deliberate.

Ofcom Decision on the appropriate sanction

75. Ofcom therefore considered which of the sanctions available to it were appropriate in the present case. The following paragraphs set out the enforcement action we have considered and the sanctions we have decided to impose.

Imposition of sanctions other than a financial penalty

Direction to licensee to take remedial action

76. Section 236 of the Act provides Ofcom with the power to direct the holder of a TLCS licence to broadcast a correction or a statement of Ofcom's findings (or both). Section 236 of the Act also provides Ofcom with the power to direct the licence holder not to repeat a programme which was in contravention of a licence condition.
77. The purpose of directing a licensee to broadcast a statement of Ofcom's findings in relation to harmful breaches is to inform audiences of Ofcom's findings and ensure they are aware of the specific way in which the programme breached the Code. As set out at paragraphs 7 and 33, as part of the Breach Decision and in order to remedy the potential harm caused as quickly as possible, Ofcom directed the Licensee not to repeat the programme and to broadcast a summary of our Decision.
78. We took into account the Licensee's compliance with Ofcom's Direction. However, it is Ofcom's view that, on their own, these directions would not adequately reflect the level of seriousness of the breaches in this case or provide adequate deterrence to the Licensee or other broadcasters from repeating similar breaches of the Code in the future. Therefore, it is Ofcom's Decision that these directions should be combined with another category of sanction, to act as an effective deterrent and to incentivise compliance.

Revocation of a licence

79. Section 238 of the Act provides Ofcom with the power to revoke a TLCS licence where a licensee is failing to comply with a condition of such a licence or a direction thereunder and the failure, if not remedied, is such as to justify revocation of the licence.
80. In our consideration of whether it was appropriate to revoke LL's licence, we took account of the nature of the content that was broadcast, and considered the Code breaches in this case were very serious and capable of causing significant harm to viewers during a global pandemic.
81. While there was no evidence the breaches were deliberate, we considered this was a repeated and reckless breach of the Code. Despite previously being sanctioned for broadcasting potentially harmful and inaccurate content about the Coronavirus, the Licensee has failed to adequately protect viewers from similar potential harm or to present news with due accuracy.

82. In its representations on the Preliminary View of the Breach Decision on 14 December 2020 the Licensee advised Ofcom that it was “aware of Ofcom regulations and always seek to comply with this”. In its representations on Ofcom’s Sanction Preliminary View on 4 January 2021, LL said that it had been “monitoring the station even more closely” and “[was] currently exploring tighter mitigative measures” to ensure its content complied with the Code in future.
83. Ofcom also noted that, whilst the Licensee has said in its representations during Ofcom’s investigation of the Breach Decision that it understands its responsibilities as a Licensee and seeks to comply with the Code, it also referred to the serious breach as “unfortunate” and “a slip”. It added that, in relation to inaccurate news reports about the Coronavirus found in breach, in its view, “the speakers did not seem to make any utterances found to be inappropriate”. Ofcom therefore questioned the extent to which the Licensee recognised the seriousness of the breach and the need to protect audiences from harmful and inaccurate news content in future.
84. In considering whether to propose the revocation of a licence, Ofcom must have regard to the broadcaster’s and the audience’s rights under Article 10 of the Convention. We recognise revocation is a major interference with freedom of expression as it prevents the broadcaster from broadcasting and restricts the number of voices being heard and the range of programming available to audiences. There is therefore a high threshold for revoking a licence. In the consideration of this case, Ofcom took into account that, prior to the two recent Breach Decisions²⁵ about content related to the Coronavirus pandemic, the Licensee had a good compliance record overall, given the length of time it has held a licence and the quantity of breach decisions against it in this time.
85. A decision to revoke a licence may only be taken by Ofcom if it is satisfied that it is a proportionate response to the Licensee’s failure to comply with its licence conditions. Any sanction we impose must be proportionate, consistent and targeted only at cases where action is needed. A relevant factor for Ofcom to consider in this regard is whether any sanction short of revocation could ensure that the Licensee would, in future, comply with the Code.
86. Given the high threshold for the revocation of a licence, the Licensee’s compliance record prior to its repeated breaches in relation to the Coronavirus pandemic, the steps it said it was taking to improve compliance since these breaches and the Licensee’s and the audience’s Article 10 rights, we did not consider it proportionate to revoke the licence in the circumstances of this case. We considered that for this second repeated Breach, a sanction short of revocation could protect audiences from harm and ensure that the Licensee would, in future, comply with the Code.

Suspension of a licence

87. Section 239 of the Act gives Ofcom a duty to suspend a TLCS licence, pending a decision on whether that licence should be revoked, if satisfied that that the holder of the licence has included in the service one or more programmes containing material likely to encourage or to incite the commission of crime, or to lead to disorder; that, in doing so, it has contravened licence conditions; and that the contravention is such as to justify the revocation of the licence.
88. Ofcom noted that there is currently an elevated risk associated with the content subject to this breach. That is because the Coronavirus pandemic is ongoing, and invitations are being made to individuals to receive vaccinations. We considered individuals continue to be particularly reliant at this time on reliable public health information being provided by trusted sources. Such circumstances suggest there may be merits in a temporary suspension. However, the legislation only allows for suspension in limited circumstances in the case of a TLCS licence. We considered

²⁵ See Ofcom's previous [Loveworld Limited Decision: Loveworld News and Your Loveworld](#), and Ofcom’s [Loveworld Limited Decision: Global Day of Prayer](#).

carefully whether the harm in this case was likely to encourage or to incite the commission of crime, or to lead to disorder. Despite significantly potential harmful and inaccurate material being broadcast in this programme, we did not consider the content in the programme amounted to a call to action that would incite viewers to commit a crime or acts of disorder. Therefore, we considered this duty was not relevant in this particular case.

Imposition of a financial penalty

89. Ofcom next considered whether it would be appropriate to determine that a financial penalty should be applied in this case.
90. Section 237 of the Act provides Ofcom with the power to impose a financial penalty on the holder of a TLCS licence. The maximum penalty that can be imposed on the holder of a TLCS licence in respect of each contravention of a TLCS licence condition is the greater of either £250,000 or five per cent of the qualifying revenue from the licensed service for the licensee's last complete accounting period falling within the period for which its licence has been in force.
91. For the purposes of determining the maximum penalty in this case, Ofcom requested from Loveworld Limited financial data setting out its qualifying revenue for the last accounting period.
92. Based on the figure provided by the Licensee, the maximum penalty that Ofcom could impose in this case was £250,000.
93. Ofcom's Penalty Guidelines²⁶ state (in paragraph 11) that: "Ofcom will consider all the circumstances of the case in the round in order to determine the appropriate and proportionate amount of any penalty. The central objective of imposing a penalty is deterrence. The amount of any penalty must be sufficient to ensure that it will act as an effective incentive to compliance, having regard to the seriousness of the infringement. Ofcom will have regard to the size and turnover of the regulated body when considering the deterrent effect of any penalty".
94. In this case, Ofcom's Decision is that a financial penalty is necessary to reflect the serious nature of the Code breach recorded against the Licensee, and to act as an effective incentive to comply with the Code, both for the Licensee and other licensees (see paragraph 1.4 of the Penalty Guidelines).

Factors taken into account in determining the sanction penalty

95. In considering the appropriate sanction for the Code breaches in this case, Ofcom has taken account of the specific relevant factors set out at paragraph 12 of the Penalty Guidelines as set out below:

The seriousness and duration of the contravention

96. Ofcom regarded the breaches to be serious for the reasons set out in our full Breach Decision.
97. As stated in the Breach Decision, Ofcom took account of the audience's and broadcaster's right to freedom of expression set out in Article 10 of the European Convention on Human Rights, ("ECHR"). In applying the Code, Ofcom must seek to balance broadcasters' rights, including freedom of expression, against our duties as regards the protection of audiences.
98. Ofcom also had regard in the exercise of its functions to the degree of significant potential harm which could be caused by this content.
99. Broadcasters may transmit programmes taking a critical view of any subject and may broadcast opinions about these subjects that challenge Government responses to a public health crisis, particularly when public freedoms are substantively restricted, as it is clearly in the public

²⁶ See footnote 8

interest to do so. However, when broadcasting material of this nature, broadcasters must comply with all relevant rules of the Code.

100. Ofcom regards any breaches of Rule 2.1 and Rule 5.1 of the Code in relation to the Coronavirus pandemic as a potentially serious matter because of the potential for such content to cause significant harm.
101. In this case, we were of the view that the breaches were serious for the reasons set out at paragraphs 63 to 69 above, Ofcom has placed particular weight on the fact that there were multiple instances throughout the lengthy programme of potentially harmful and inaccurate claims related to the Coronavirus.
102. Ofcom took into account the Licensee's representations on the Sanction Preliminary View that the breaches were "laced into a very long and compliant broadcast" and should be considered in that context. We also considered LL's representations that if the breaches had occurred in a programme lasting an "hour or two they would undoubtedly be viewed more seriously". Ofcom disagreed that the duration of the programme, or the fact that material in breach of the Code was interspersed through the lengthy broadcast, mitigated the potential for serious harm in this case. In Ofcom's view, this compounded the seriousness of the contravention as it demonstrated a sustained failure by the Licensee to comply content over a significant period of time.
103. Ofcom also took into account LL's representations that "individual presenters can get slightly carried away and be guilty of a forensic flourish here and there" and that these "have to be seen as unguarded comments in a marathon of a broadcast". Ofcom considered that while some of the comments made by presenters were broadcast live as part of individual and potentially spontaneous discussion, this did not detract from the seriousness of the breaches in this case. Ofcom also noted that some of the content which was found in breach of the Code was not live programming but part of pre-recorded reports, including news reports.
104. Ofcom considered these breaches to be to be a serious failure of compliance.
- The degree of harm, whether actual or potential, caused by the contravention, including any increased cost incurred by consumers or other market participants*
105. Ofcom regarded the breaches of Rules 2.1 and 5.1 to be particularly serious in the context of a worldwide health emergency. The potential harm in this case was significant because the programme gave a platform to individuals to present inaccurate and potentially harmful claims about the Coronavirus that had been widely discredited elsewhere, without challenge or sufficient context. As a result, this may have led viewers to act against advice from government and public health authorities intended to protect the public, with potentially serious consequences for their own and others' health.
106. Ofcom took into account the Licensee's representations that any degree of harm would be "difficult to quantify" and there was "no evidence of harm demonstrated in this case". However, to impose a sanction Ofcom is not required to establish causal effect of actual harm to viewers, only to determine whether there had been a potential for harm as a consequence of the breach. For the reasons already stated here and in our Breach Decision,²⁷ it is our view that there was such a potential for serious harm in this case.
107. We considered the references to vaccination exacerbated the potential for harm by the fact that, at the time of broadcast, it was apparent that vaccine approval and roll-out was imminent and therefore came at a time when some viewers would have been actively considering how to respond to an invitation to receive a vaccine. Recent research into Covid-19 vaccination

²⁷ See footnote 1

hesitancy²⁸ found evidence of greater vaccine hesitancy amongst those with strong religious beliefs. In response to data regarding vaccination acceptance, UK faith leaders have recently taken action to dispel vaccination concerns²⁹. These factors suggest that the audience of a religious service such as Loveworld were potentially more susceptible to messaging that might encourage fear or suspicion around any potential Coronavirus vaccine. Ofcom considered that people with strong religious beliefs were potentially more likely to be at risk of harm from vaccine-related content breaching the Code where it involved statements by respected and authoritative religious leaders or figures or on the news on a religious service.

108. Ofcom also took into account that this religious channel is associated with the Christian denomination Christ Embassy, which was founded and is headquartered in Lagos in Nigeria. Therefore, Ofcom considered it is likely that a significant proportion of the channel's audience are of Black British ethnicity and/or of Nigerian heritage. It has been widely reported that the Covid-19 death rate is higher among people from minority ethnic backgrounds, with people of Black backgrounds found most likely to be diagnosed with the virus³⁰. Since the rollout of vaccinations for the Coronavirus in the UK began, it has also been widely reported in the media that people from minority ethnic backgrounds have been less likely to take up the offer of a vaccine³¹. Ofcom considered therefore that Loveworld's audience were likely to be more vulnerable than average to the Coronavirus and to have concerns about accepting a vaccination once the rollout of approved vaccines began, which started shortly after the broadcast of this programme³², and therefore to be particularly interested in receiving reliable information on vaccination. We considered that the potential heightened vulnerability of the audience in addition to the harmful messages related to a potential vaccine in this programme added to the seriousness of the harm in this case.

109. Ofcom took into account the Licensee's representations that the relative progress of the vaccine rollout in UK in comparison to other countries in the fight against the Coronavirus mitigated the potential for harm. However, we considered Loveworld is broadcast to a UK audience and no context about the UK public health position on the Coronavirus or the vaccination rollout was included in this programme to adequately protect audiences from potential harm. Ofcom disagreed that the "vaccine rollout in the UK is pretty immune" to harmful or and inaccurate statements that might mislead people from minority ethnic backgrounds and those with strong religious faith who are considering whether or not to accept an offered vaccination. We note that, whilst uptake of the vaccine in the UK has been high overall, there is evidence that this varies between groups and that there is evidence of a greater degree of hesitancy among minority ethnic communities and those with strong religious beliefs.

110. Ofcom considered the breach of Rule 5.1 to compound the potential for significant harm in this case as audiences search for and rely on accurate news during a global health crisis.

Any gain (financial or otherwise) made by the regulated body in breach (or any connected body) as a result of the contravention

111. We have no evidence to suggest that the Licensee made any financial or other gain from these breaches of the Code. The Licensee also confirmed in its representations it had not made any financial gain from the breaches.

²⁸ See [Murphy, J., Vallières, F., Bentall, R.P. et al. Psychological characteristics associated with COVID-19 vaccine hesitancy and resistance in Ireland and the United Kingdom. Nat Commun 12, 29 \(2021\)](#)

²⁹ See [Guardian article](#)

³⁰ See [Guardian article](#)

³¹ See [Guardian article](#) reporting on a survey that found 72% of black people in the UK were unlikely to have the coronavirus vaccine. Also see [BMJ article](#) that found black people over 80 in England are half as likely as white people to have been vaccinated.

³² The first Covid-19 vaccine was given on 8 December 2020.

Whether in all the circumstances appropriate steps had been taken by the Licensee to prevent the contraventions

112. We considered that the Licensee’s compliance procedures were inadequate to prevent the breach of the harm and due accuracy requirements in the Code. In particular, we were concerned that the breach was a repeated instance of LL failing to adequately protect audiences from potential harm and to present news with due accuracy in relation to content concerning the Coronavirus.
113. Following the previous, recent breaches and sanction decisions related to its broadcast on 7 April 2020³³, Ofcom met with the Licensee to discuss its compliance in this area. Accordingly, we considered that the Licensee ought to have been familiar with how to comply with the harm and due accuracy rules in this context and ought to have taken appropriate steps to prevent further breaches of these rules of the Code in relation to these issues. We also took into account that in its representations on the Preliminary View of the breach decisions for the broadcasts on 7 April 2020, LL outlined a number of remedial steps it intended to take, detailed in paragraph 129, which it had clearly failed to carry out in its broadcast of *Global Day of Prayer*.
114. Ofcom acknowledged the Licensee’s recognition that the programme broadcast “could and should have provided better protection for members of the public” and it was in a similar position to when the previous breaches occurred relating to the Coronavirus pandemic on 7 April 2020. We noted that it accepted on this occasion its compliance function “was not as rigorous as it should have been” and the remedial steps it undertook to implement following the 7 April 2020 breach “did not stop the breaches”.
115. Ofcom was concerned by LL’s representations that the broadcast of *Global Day of Prayer* was provided via a live stream from Lagos, Nigeria, which meant that LL did not have full editorial control. There were also serious limitations in the process of exercising oversight of that feed. In particular, there was significant reliance on presumptions made about the nature of the content in the *Global Day of Prayer* and on a broadcast manager with a technical rather than editorial background. Further, the Licensee accepted that the delay mechanism was not under its control. Ofcom considered this demonstrated a serious failure in compliance procedures, in particular given the assurances that LL had given to Ofcom as a result of its previous breach and detailed in paragraph 129.
116. We also noted that, in its representations to Ofcom during the investigation leading to the Breach Decision, the Licensee told Ofcom that “with various moderators contributing from different parts of the world it became rather difficult to regulate their utterances, given that it was a live transmission”. While we acknowledged that there can be challenges in ensuring live programming complies with the Code, we considered that the Licensee ought to have had appropriate procedures in place to ensure the adequate protection of audiences from harm. In particular, the programme was broadcast across 29 hours and 15 minutes and throughout this time the Licensee took no steps to minimise potential harm to audiences even though content in breach of the Code was spanning across many hours of the programme. We considered that this demonstrated a serious lack of adequate compliance and it is our Decision that LL should have been prepared to comply live content across a lengthy programme, and that it had clearly failed to do so.
117. Ofcom took into account that the Licensee said the breach occurred because an individual responsible for the compliance across the 29 hours and 15 minutes, “took their eye off the ball”. Ofcom noted that this individual has a background in engineering. Based on this information, and LL’s representations that it has recently hired a Head of News with an engineering

³³ See footnote 1

background, Ofcom remains concerned about the Licensee's ability to exercise appropriate editorial oversight to comply its content.

118. We noted that the news reports found in breach of Rule 5.1 of the broadcast content were pre-recorded. Ofcom also considered that other highly problematic content in the programme included pre-recorded footage of Claire Edwards and Ontario Parliament. We noted the Licensee's representations that the programme was provided from a live stream via Lagos, and that this constrained its ability to review content due to the short delay mechanism. However, Ofcom would have expected the Licensee to have had the opportunity to review these reports prior to broadcast. We would have expected such a review to have identified the programme's failure to preserve due accuracy in relation to the matters dealt with in the report.
119. Given the factors above, Ofcom was concerned that the circumstances of this case demonstrated that the Licensee had an ineffective approach to compliance with the Code and did not take appropriate steps to prevent the contraventions.
120. Ofcom noted that during its oral representations, the Licensee provided Ofcom with information about the steps it had taken since the Breach Decision to prevent contraventions in future. These included:
- arranging three initial sessions with a TV and radio compliance consultant beginning in late March;
 - the employment of a new Head of News based in its London studio to have editorial oversight of its news and current affairs content; and,
 - the installation of a new system which enabled a 20 second delay on live content.
121. Ofcom noted that these were positive steps, but were mindful that earlier discussions between Ofcom and the Licensee following the April 2020 breach had not led to improvements in its compliance procedures to prevent the breach that is the subject of this Decision. Ofcom also noted that the effectiveness of the above measures would depend on factors including implementation of recommendations by the consultant, and effective use of the 20 second delay by individuals with knowledge of the issues involved in exercising editorial oversight.
- The extent to which the contravention occurred deliberately or recklessly, including the extent to which senior management knew, or ought to have known, that a contravention was occurring or would occur*
122. Ofcom took into account that LL's previous breaches and sanctions in relation to material broadcast about the Coronavirus pandemic included the broadcast of Pastor Chris delivering sermons, whether in the form of a clip (as in *Loveworld News*) or in a full sermon (as in *Your Loveworld*). Pastor Chris made statements very similar in content and tone to those that were made during the broadcast of *Global Day of Prayer*. Ofcom considered that the Licensee should have taken into account the breach and sanction decision related to its broadcast on 7 April 2020 in its preparations for the broadcast of *Global Day of Prayer*. In particular, we considered the Licensee should have been aware of the potential for a contravention to occur and for Pastor Chris to make statements that had the potential to cause harm to audiences in relation to discussion of the Coronavirus pandemic and either taken steps to prevent this or provide appropriate context. We considered this was a significant failing in the Licensee's compliance processes given the clear similarities between Pastor Chris' comments in both programmes and the breaches and sanctions that followed.
123. Ofcom acknowledged the Licensee's representations that it "aspired to achieve high standards in all its programming output" and that it was "anxious to remedy any issues". We also took into account that Licensee said the broadcast of the material in breach of the Code was not deliberate and the breaches occurred "out of naivety" not an "intention to agitate" or "a

concerted effort by the management, by the controlling minds of Loveworld to undermine a public health message”.

124. We have no evidence that the breaches occurred deliberately or with the knowledge of Loveworld Limited’s senior management. However, as noted above, these breaches were the second set of serious contraventions of the Code in relation to potentially harmful content about the Coronavirus. We did not consider the Licensee had taken sufficient steps to ensure a serious breach of this nature would not occur again, despite a compliance meeting following the first breach and sanction for content broadcast on 7 April 2020. We considered the repeated nature of these breaches raises questions about the Licensee’s willingness or ability to comply with the Code. We therefore considered this second contravention to be reckless.

125. In its representations, the Licensee emphasised Ofcom’s finding that the breaches were reckless rather than deliberate. Whilst this is correct, we do not make the finding of recklessness lightly. These were very serious failings, and the measures taken to avoid a repetition following the April breach were demonstrably wholly inadequate, illustrating a lack of genuine concern by the Licensee at that time to avoid further breaches.

Whether the contravention in question continued, or timely and effective steps were taken to end it, once the regulated body became aware of it

126. The Licensee did not appear to be aware of the issues concerning the programme that Ofcom found in breach until we wrote to the Licensee on 4 December 2020 to inform it that in light of a complaint, Ofcom had assessed some of the programme and considered it may raise potentially serious issues under the Code in relation to comments about the Coronavirus pandemic. We also said that we wanted to alert LL to the potentially problematic material as soon as possible because Loveworld’s published programme schedule indicated the channel was planning to repeat parts of the broadcast throughout the weekend. Ofcom acknowledged the Licensee’s representations that it did not repeat the problematic material after Ofcom alerted LL to it.

Any steps taken for remedying the consequences of the contravention

127. The Licensee complied with Ofcom’s direction that the Licensee broadcast a statement of findings on 27 January 2021 at 08:00, 13:00 and 19:00 and not to repeat the programme.

Whether the regulated body in breach has a history of contraventions (repeated contraventions may lead to significantly increased penalties)

128. Ofcom has made the following findings in relation to Loveworld. These findings were published in Ofcom’s Broadcast and On Demand Bulletin:

129. In our breach and sanction decisions regarding *Loveworld News* and *Your Loveworld*³⁴ broadcast on 7 April 2020 at various times, Ofcom found LL in breach of Rule 2.1 in both programmes in addition to Rule 5.1 in the case of *Loveworld News*³⁵. Our investigations found that a report on *Loveworld News* included unsubstantiated claims that 5G was the cause of the pandemic, and that this was the subject of a “global cover-up”. Another report during the programme presented the anti-malarial medication hydroxychloroquine as a “cure” for Covid-19, without acknowledging that its efficacy and safety as a treatment was clinically unproven, or making clear that it has potentially serious side effects. These reports were presented as facts without evidence or challenge. A sermon broadcast on *Your Loveworld* also included unsubstantiated claims linking the pandemic to 5G technology; as well as claims which cast serious doubt on the need for lockdown measures and the motives behind official health advice

³⁴ See footnote 18

³⁵ For Ofcom’s final sanction decision, to impose no further sanction, see [Ofcom Broadcast and On Demand Bulletin Issue 405](#), 22 June 2020

on Covid-19, including in relation to vaccination. These views were presented as facts without evidence or challenge. In its representations on the Preliminary Views of the breach decisions for the broadcast of these programmes, LL gave a list of remedial steps it intended to take, which included:

- reviewing all of its broadcasts carefully in future to omit any potentially harmful claims in relation to COVID-19 and 5G, unless there is at the same time adequate protection for the public;
- ‘live’ parts of *Loveworld News* and “all other such programmes” would in future be monitored, and broadcast with a sufficient delay mechanism, to allow time for any potentially harmful claims in relation to COVID-19 and 5G to be omitted “unless there is in place adequate protection for the public”;
- “Pastor Chris...ha[d] generously agreed **not** to repeat the statements...identified or similar statements, during the course of any of his sermons...to be broadcast by the Licensee in future” (emphasis added by Licensee);
- it had taken “careful note” of Ofcom’s published guidance and had “briefed its presenters” on:
 - i. Ofcom’s guidance to broadcasters in relation to COVID-19;
 - ii. Ofcom’s recent published decisions covering programmes featuring COVID-19 discussions;
 - iii. the use of “disclaimers in future if appropriate, advising viewers to consult qualified medical practitioners and official government advice, before making any decision based on any broadcasts relating to Covid-19 or 5G”
 - iv. making appropriate challenges in response to guests making unproven claims, or expressing views contrary to official government advice or mainstream science; and,
 - v. taking account of the impact of “their role on viewers and the need for them to take particular care and act responsibly, in accordance with the Code, and giving due weight to official government advice and mainstream science”.

130. Given the above remedial steps the Licensee said that it would take, and the assurances it gave about carrying out these steps in the compliance meeting it attended with Ofcom, we were particularly concerned following the latest breach that LL had clearly failed to do the things that it said it would do as part of its representations in relation to the previous breaches and sanctions against content broadcast on 7 April 2020 in relation to the Coronavirus.

131. In our Decision *The Healing School* broadcast 10 November 2017 at 06:30 and 10:00³⁶, Ofcom found LL in breach of Rule 2.1. Our investigation found that two programmes about a place called The Healing School, described on its website at the time as “a healing ministry of Rev. Chris Orakhilome (Ph.D) which takes divine healing to the nation”³⁷ included accounts of people that had been healed of illnesses through attending The Healing School. Ofcom found that viewers of the programme may have been led to believe that conventional medicine was unlikely to be able to cure or treat their illnesses effectively, but that The Healing School was able to remedy those ailments completely. Although the programme contained no direct instruction to reject conventional medicine, there was the potential that viewers may have either failed to seek conventional medical advice or stopped following a course of recommended

³⁶ See [Ofcom Broadcast and On Demand Bulletin Issue 358](#), 18 July 2018

³⁷ Link quoted in the Decision, see <http://www.enterthehealingschool.org/about-us.html>

medical treatment as a result of what they had seen in the programmes. Ofcom considered that the Licensee had not taken steps to provide viewers with adequate protection from the claims made in the programme. For instance, no warning about seeking advice from a GP or additional information regarding the continuation of conventional medical treatments were included in the programmes.

132. The above investigations involved breaches of Rule 2.1 and concerned matters that had the potential to harm the audience in relation to physical health.
133. Ofcom has also found LL in breach of TLCS Licence Conditions in one decision. The Licence Conditions concerned late payment of licence fees (one breach)³⁸.
134. Ofcom has therefore recorded three breaches of standards rules and licence conditions and one sanction decision against LL since its licence for Loveworld started on August 2004.

The extent to which the regulated body in breach has cooperated with our investigation.

135. In Ofcom's view, the Licensee has been cooperative. For example, it provided representations on short timescales in response to Ofcom's formal requests for information relating to the material broadcast and it complied with Ofcom's direction to broadcast a statement of Ofcom's findings on 27 January 2021 at 08:00, 13:00 and 19:00.

Precedent

136. In accordance with the Penalty Guidelines, in coming to this Decision, Ofcom has had regard to relevant precedents set by previous cases including sanctions involving content about the Coronavirus pandemic, and other sanctions under Rule 2.1 and 5.1 of the Code³⁹.

Sanctions involving content about the Coronavirus pandemic

137. **1 November 2020, Afro Caribbean Millennium Centre (New Style Radio)**⁴⁰ Ofcom directed the Licensee to broadcast a statement of findings on its service New Style Radio for a breach of Rule 2.1 of the Code. At the time of this Sanction Decision being drafted, Ofcom was in the process of considering whether to impose any further sanction in addition to the direction. *The Family Programme* was a two-hour programme dedicated to the discussion of a number of highly contentious, unevicenced conspiracy theories about the Coronavirus, without sufficient challenge or context. The theories in the programme included claims that: the Coronavirus pandemic was "*pre-planned*" to decrease the global population and "*facilitate a totalitarian takeover*"; face masks caused "*neurological and respiratory damage*" and put "*people's lives and health at risk*"; and, that a potential Coronavirus vaccination contained an "*electronic cat nanochip marker, intended to mark and control seven-billion humans*". Ofcom found that the promotion of these theories by the programme had the potential to undermine listeners confidence in public health advice about the Coronavirus, and compliance with measures intended to safeguard public health during the pandemic.
138. **8 April 2020, ESTV Ltd (London Live)**⁴¹ Ofcom directed the Licensee to broadcast a statement of findings on its service London Live for a breach of Rule 2.1 of the Code⁴². *London Real: Covid-19* featured an 80-minute interview with David Icke, who expressed his view that "*a cult*" was using the Coronavirus to establish a "*beyond Orwellian global state in which a tiny few people dictate to everyone else*" and that national governments and organisations such as the

³⁸ See [Ofcom Broadcast and On Demand Bulletin 373](#), published on 25 February 2019

⁴⁰ See [Ofcom Broadcast an On Demand Bulletin Issue 416](#), 7 December 2020

⁴¹ See [Ofcom Broadcast and On Demand Bulletin](#), 20 April 2020

⁴² Ofcom did subsequently consider whether imposing any further sanction in addition to the direction would be appropriate in this case. Ofcom's decision not to impose any further sanction on ESTV was published on 8 June 2020. See [Ofcom Broadcast and On Demand Bulletin, Issue 404](#).

World Health Organisation (WHO) were all working to serve this covert agenda and not to protect public health. He also made statements that: cast doubt on the use of vaccines, suggested that the World Military Games in Wuhan may have served as a front for releasing the virus, and suggested that the significant impact of the virus in Iran was due to its geopolitical differences with Israel and the West. These statements went largely unchallenged and Ofcom found that the Licensee did not provide adequate protection for viewers from the inclusion of potentially harmful material in this programme.

139. **7 April 2020, Loveworld Limited (Loveworld)**⁴³ Ofcom directed the Licensee to broadcast a statement of Ofcom’s findings on its service Loveworld for a breach of Rule 2.1 of the Code for its broadcast of *Your Loveworld* and a separate statement of Ofcom’s findings for its breach of *Loveworld News*⁴⁴. *Loveworld News* included unsubstantiated claims that 5G was the cause of the Coronavirus pandemic, and that this was the subject of a “*global cover-up*”. Another report during the programme presented hydroxychloroquine as a “*cure*” for Covid-19, without acknowledging that its effectiveness and safety as a treatment was clinically unproven, or making clear that it has potentially serious side effects. These reports were presented as facts without evidence or challenge. A sermon broadcast on *Your Loveworld* also included unsubstantiated claims linking the pandemic to 5G technology; as well as claims which cast serious doubt on the necessity for lockdown measures and the motives behind official health advice on Covid-19, including in relation to vaccinations. These views were presented as facts without evidence or challenge. Ofcom found that in both programmes, the potentially harmful statements made were not put into context and risked undermining viewers’ trust in official health advice, with potentially serious consequences for public health. Loveworld Limited therefore failed to ensure that viewers were adequately protected.
140. **28 February 2020, Uckfield Community Radio Limited (Uckfield FM)**⁴⁵ Ofcom directed the Licensee to broadcast a statement of Ofcom’s findings on its service Uckfield FM for a breach of Rule 2.1 of the Code. A programme included a 20-minute segment in which the presenter interviewed a guest who was introduced as a “*registered nurse*” who: made claims that the Coronavirus outbreak was linked to the rollout of 5G technology, cast doubt over the reported symptoms of the Coronavirus being indicative of the virus and suggested to listeners that the public were being misled by information about the virus by governments and public health officials and organisations. Ofcom found that statements made by the guest in the interview had the potential to undermine people’s trust in the advice of public health officials and had the potential to cause significant harm. The presenter provided extremely limited challenge to the guest, which they immediately and robustly dismissed as incorrect, ignorant or not based on facts. Overall, Ofcom concluded that the Licensee did not provide adequate protection for listeners from the inclusion of potentially harmful material in this programme.

Sanctions under Rule 2.1

141. **28 January 2018, Greener Technology Ltd (Ben TV)**⁴⁶ Ofcom imposed a financial penalty of £25,000, directed the licensee not to repeat the programme and directed the Licensee to broadcast a statement of Ofcom’s findings on its service Ben TV for a breach of Rule 2.1 of the Code. *Peter Popoff Ministries* included a series of invitations to viewers to order the ministry’s “*FREE MIRACLE SPRING WATER*”. These were broadcast alongside testimonies from attendees of

⁴³ See footnote 18

⁴⁴ Ofcom did subsequently consider whether imposing any further sanction in addition to the directions would be appropriate in this case. Ofcom’s decision not to impose any further sanction on Loveworld Limited was published on 22 June 2020. See footnote 24

⁴⁵ See [Ofcom Broadcast and On Demand Bulletin, Issue 400](#), 6 April 2020

⁴⁶ See [Broadcast and On Demand Bulletin, Issue 367](#), 3 December 2018 and [Ofcom Sanction Decision October 2019](#)

Mr Popoff's services about the effect of the water. The attendees claimed, or strongly implied, that the water had cured them of serious illnesses, such as cancer and kidney failure. Ofcom found that the claims had the potential to cause harm because members of the audience may have been led to believe that the "miracle spring water" alone was sufficient to cure their health conditions and that it was unnecessary to rely on, or continue receiving, conventional medical treatment. This could have a damaging effect on vulnerable viewers targeted by the presenter's offer of the "miracle spring water". The programme contained no information to alert viewers to the importance of seeking conventional medical advice from qualified doctors about the health conditions mentioned in the programme, nor was any challenge provided. Ofcom considered that given the religious nature of the programme, there was an increased risk that viewers would be susceptible to claims about the water's effectiveness. Ofcom therefore found that Greener Technology Ltd had failed to adequately protect viewers from potentially harmful material in the programme.

Sanctions under Rule 5.1

142. **22 March 2017, Channel 4**⁴⁷ Ofcom directed the Licensee to broadcast a statement of Ofcom's findings on its service Channel 4 for a breach of Rule 5.1 of the Code. *Channel 4 News* included a breaking news report about a terror attack in London in which the programme focused on a man who *Channel 4 News* incorrectly identified as the person responsible for the terror attack who had just been shot dead by the police. The person named on *Channel 4 News*, was in prison at the time of the attack. Separate to this serious breach, Channel 4 had been found in breach of the requirement to report news with due accuracy three times in the preceding three years. After Channel 4's third breach of Rule 5.1, Ofcom asked the Licensee to attend a meeting to discuss its compliance, during which Channel 4 gave a number of assurances about improvements it was making to its compliance processes. In light of this, Ofcom was particularly concerned that a further serious breach of Rule 5.1 occurred, in particular given that in the course of the breach investigation, the Licensee confirmed that it had not followed its own referral procedures as part of its compliance of this news item.

Summary of sanctions precedents

143. Ofcom considered the nature and the content in the cases listed in paragraphs 137-142 to be relevant to the current case. However, we note that under the Penalty Guidelines⁴⁸, Ofcom may depart from precedents set by previous relevant cases, depending on the facts and context of each case.

144. Ofcom considered that the previous decisions in which Ofcom had not imposed additional sanctions against licensees for breaches of protection from harm requirements in the Code in relation to the Coronavirus pandemic were of some relevance, as the nature of those breaches were, to some extent, similar in nature to the issues set out in this Decision. For example, a number of cases involved the broadcast of potentially harmful theories that had the potential to undermine people's trust in the advice of public health officials and therefore had the potential to cause significant harm.

145. However, we noted that there were a number of significant differences in this particular case:

- *Global Day of Prayer* is the third programme the Licensee has broadcast in breach of Rule 2.1 and second programme the Licensee has broadcast in breach of Rule 5.1 that included content with the potential to cause harm to audiences in relation to the Coronavirus pandemic;

⁴⁷ See [Ofcom Broadcast and On Demand Issue 336](#)

⁴⁸ See footnote 8

- despite assurances made by Loveworld in their representations on the Breaches recorded against programmes broadcast on 07 April 2020 and during a meeting with Ofcom in relation to their compliance processes, further and similar breaches of such a serious nature have occurred;
- despite its recent engagement with Ofcom in relation to other similar breaches and sanctions, Ofcom considered that the Licensee did not recognise the seriousness of the breach in this case or the need to protect audiences from harmful and inaccurate content. Ofcom noted, in particular, LL's reference to the serious breach as a "slip" and its view that, in relation to inaccurate news reports about the Coronavirus found in breach, "the speakers did not seem to make any utterances found to be inappropriate";
- Ofcom also noted that in its representations, it said it was "unfortunate that the broadcast...on occasions breached the Code" and that "individual presenters can get slightly carried away and be guilty of a forensic flourish here and there" which, we considered indicated the Licensee did not recognise the seriousness of the breaches. However, Ofcom does acknowledge that the Licensee "accepted the blame" for the breach which occurred and said that it recognised "where the weakness may be and that needs to be strengthened and strengthened quickly";
- this programme lasted more than 29 hours and contained multiple instances of harmful content and inaccurate news. We disagreed with the Licensee's representations that, as the harmful and inaccurate content was "laced into a very long and compliant broadcast", it lessened the potential for harm and if the breaches had occurred in a programme lasting an "hour or two they would undoubtedly be viewed more seriously". The compliant material did not serve to contextualise the material of concern, for example by offering alternative narratives. In Ofcom's view the repeated breaches over such a lengthy broadcast showed a sustained lack of compliance across a substantial amount of programming, and a failure to take action when it should have been clear that the programme was not as the Licensee anticipated and included potentially harmful content. Ofcom was particularly concerned that in its representations on the Sanction Preliminary View, LL said that it did not have full editorial control over the broadcast and that the compliance responsibility over material on the broadcast feed was with an individual who "took their eye off the ball";
- the potential harm from this material was particularly significant given the ongoing Coronavirus crisis, the ongoing measures to limit transmission and the extent to which roll-out of the vaccine to vulnerable groups appeared to be (and in fact was) imminent at the point of broadcast.

The size and turnover of the regulated body when considering the deterrent effect of any penalty

146. As set out in our Penalty Guidelines, the central objective of imposing a penalty is deterrence. The amount of any penalty must be sufficient to ensure that it will act as an effective incentive to ensure compliance, having regard to the seriousness of the infringement. Any proposed penalty must be proportionate taking into account the size and turnover of the Licensee, its rights under Article 10 of the Convention and the fact that deterrence is the central objective of imposing a penalty.

147. In reaching its Decision on the imposition and level of a sanction, Ofcom has taken account of the Licensee's qualifying revenue for the last accounting period. Ofcom also took into account the Licensee's representations that the breaches were not deliberate, and it is a small organisation and that its profits had fallen from 2018 to 2019. For all the reasons set out above, Ofcom considers it is proportionate to impose a financial penalty on the Licensee of £125,000.

Decision

148. Ofcom acknowledged the Licensee's representations in relation to the changes it said it intended to take in its compliance. This included arranging three initial sessions with an experienced TV and radio compliance consultant, the employment of a new Head of News based in its London studio to have editorial oversight of its news and current affairs content, and the installation of a new system with a delay function for live broadcasts controlled by LL. Given Ofcom's previous enforcement action against LL and its failure to adequately implement any of the remedial measures which it had previously outlined to protect audiences, Ofcom expects to see an urgent and sustained improvement in LL's internal processes and its ongoing compliance with the Code. Ofcom would like to reiterate to the Licensee that it remains concerned about its compliance procedures. Ofcom will be following up on the assurances given by LL and will require confirmation that it has carried out the changes it said it would undertake. Ofcom will also take the assurances given in this case into account in considering any future breaches committed by this Licensee.
149. To achieve Ofcom's central objective of deterrence, we have carefully considered the nature and level of statutory sanction that should be imposed. In doing so, we have taken account of the particular seriousness, recklessness and repeated nature of the breaches, the Licensee's representations, the Licensee's size and financial position, and relevant precedent cases. We have also had regard to our legal duties, as set out in the Breach Decision, including the need to ensure that any sanction we impose is proportionate, consistent and targeted only at cases where action is needed.
150. Having regard to all the factors set out above, Ofcom's Decision is that it is appropriate to impose a statutory sanction for the Code breaches and it would be proportionate (i) to impose a financial penalty of £125,000 (payable to HM Paymaster General).
151. In Ofcom's view, this sanction is appropriate and proportionate in the circumstances of this case and should send a clear message of deterrence, both to the Licensee and also to other broadcasters, against any future breaches of a similar nature.

Ofcom
30 March 2021