

## Decision by Ofcom's Sanction Panel – Loveworld Limited

<b>Type of case</b>	Broadcast Standards
<b>Outcome</b>	The Sanction Committee has decided not to impose any further sanction on Loveworld Limited in relation to breaches of the Broadcasting Code in two programmes. Loveworld Limited had already been required to broadcast summaries of Ofcom's findings.
<b>Programme</b>	Loveworld News Your Loveworld
<b>Service</b>	Loveworld
<b>Date &amp; time</b>	7 April 2020, various times
<b>Category</b>	Harm and due accuracy in news.
<b>Summary</b>	<p><i>Loveworld News</i> and <i>Your Loveworld</i> had both featured potentially harmful statements about the Coronavirus pandemic without providing adequate protection to viewers, in breach of Rule 2.1 of the Broadcasting Code. <i>Loveworld News</i> also breached Rule 5.1 by presenting statements in a news programme without due accuracy.</p> <p>Loveworld had been directed to broadcast a statement of Ofcom's findings in the cases.</p>

Loveworld Television Network ("Loveworld") is a religious channel broadcast on satellite in the UK. The licence for Loveworld is held by Loveworld Limited ("the Licensee").

The decisions related to two programmes. Firstly, an edition of *Loveworld News* featuring reports on the Coronavirus pandemic. Secondly, a two-hour sermon on themes relating to the Coronavirus pandemic given by a Pastor Chris Oyakhilome (“Pastor Chris”) on a programme called *Your Loveworld*.

## **Breach decisions**

Ofcom’s Decisions published in [Issue 402 of Ofcom’s Broadcast and On Demand Bulletin](#) on 18 May 2020, found that *Loveworld News* featured potentially harmful statements about the Coronavirus pandemic, failed to protect viewers from that harm and was not duly accurate, in breach of Rule 2.1 and Rule 5.1 of the Broadcasting Code (“the Code”). *Your Loveworld* also featured potentially harmful statements about the Coronavirus pandemic and failed to protect viewers from that harm, in breach of Rule 2.1 of the Code:

Rule 2.1: “Generally accepted standards must be applied to the content 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”.

In one report, *Loveworld News* made unsubstantiated and unchallenged claims attributing deaths, which public health authorities around the world had reported as being due to the Coronavirus, to 5G. The report also alleged a global cover-up. Ofcom considered that the material had the potential to cause significant harm by raising the risk that viewers’ trust in public health advice, such as social distancing and lockdown measures, could be undermined, with potentially serious consequences for their own and others’ health. The claims were made as unchallenged statements of fact, and Ofcom did not consider adequate protection for members of the public had been provided. Ofcom also considered the statements were not duly accurate.

A second report on *Loveworld News* presented hydroxychloroquine as a proven “cure” for the Coronavirus without clearly acknowledging that the drug had potentially serious side effects and its effectiveness for treatment of the virus was unproven. Ofcom considered this had the potential to cause significant harm to viewers and did not consider that the programme included adequate protection. We also considered that the claim that the drug was a proven cure was not duly accurate.

Ofcom also found that *Your Loveworld* had the potential to cause significant harm to viewers by making unchallenged and unevidenced assertions about how the Coronavirus is spread and the motives underlying official health advice both in relation to the Coronavirus and 5G. In doing so, the programme cast serious doubt on the necessity and effectiveness of social distancing and other measures, resulting in potential harm to viewers. Ofcom considered that the potential for harm was increased by being set out, without challenge, by a person presented to viewers as having particular knowledge and authority.

Given the serious breaches in these cases and in order to remedy the potential harm caused as quickly as possible, Ofcom decided that it was appropriate to direct the Licensee to broadcast summaries of Ofcom’s Decisions (“the Direction”).

Loveworld Limited broadcast a statement relating to *Loveworld News* on 26 May 2020 at 14:00 and a statement relating to *Your Loveworld* on 26 May 2020 at 20:30 as directed. The licensee cooperated with Ofcom on the expedited timelines we implemented during this investigation to take account of the seriousness of cases relating to the Coronavirus pandemic.

### **Consideration of further sanction**

Directing a licensee to broadcast a statement of findings is one form of sanction available to Ofcom and, as noted above, Loveworld Limited accepted and complied with our direction. A direction to broadcast a statement of our findings can quickly remedy potential harm to viewers by highlighting that a broadcast was in breach of the Code and providing the service's viewers with a summary of our decision. We also consider that, as broadcasting a statement of our findings is an imposition on a licensee's airtime, it can act as a deterrent to prevent future breaches of the Code.

An Ofcom sanction panel subsequently considered whether imposing any further sanction in addition to the Direction would be appropriate in this case.

In reaching our decision on whether to impose any further sanction in this case, the Sanction Panel took careful account of the fundamental importance of freedom of expression and the right to freedom of thought, conscience and religion. The panel acknowledged that the programme was broadcast during a period in which the UK Government's lockdown policy to encourage social distancing in response to the Coronavirus pandemic led to an unprecedented restriction on public freedoms in peacetime. Given the high level of public concern about the pandemic, it is clearly legitimate and in the public interest for broadcasters to question public policy and the rationale behind it and to robustly hold the Government to account. In doing so, however, they must ensure compliance with the Code.

The Sanction Panel acknowledged that viewers are likely to recognise that programming in general, and news and current affairs programming in particular, on religious services may have a different focus from secular services and may bring a distinctive perspective based on religious texts and beliefs. The panel recognised the Licensee's right to hold and to broadcast views which diverge from or challenge official authorities on public health information and that may be considered controversial. Ofcom's rules do not prohibit the broadcast of controversial or unorthodox views. However, broadcasters must ensure they provide adequate protection for their viewers from potentially harmful content and ensure that such views are properly contextualised so as to comply with the Code. In common with other services, news on religious services must also be reported with due accuracy.

Ofcom's Code and related [Section Two](#) and [Section Five](#) guidance clearly sets out that broadcasters are required to: provide adequate protection to viewers from potentially harmful material and report news with due accuracy. The guidance makes clear that there are various methods broadcasters can consider to ensure that these requirements are met. While it is an editorial decision for the individual broadcaster as to how to achieve adequate protection and due accuracy, all broadcasters must ensure the material they broadcast complies with the Code, protecting audiences from harm and presenting news with due accuracy. This is particularly the case during a health crisis which is unprecedented in modern times, when audiences may be vulnerable to harmful claims and be looking both to news

programmes and, in the case of viewers with religious faith, to religious programmes for vital information to help them understand the world around them.

Ofcom considers the imposition of any form of sanction on a broadcaster a serious matter as it interferes with the broadcaster's fundamental right to freedom of expression.

The Sanction Panel took into account that these programmes were broadcast on a religious channel and that the content was broadcast with an authoritative voice, both in the news programme and in Pastor Chris' live sermon. The panel noted that news programmes in general and statements by recognised religious leaders to viewers of a religious channel carry particular weight.

The Sanction Panel also noted that the Licensee made two sets of formal representations, one before and one after the appointment of external legal representation. In the first set of representations, the Licensee considered that the content on *Loveworld News* did not raise any issues under the Code. It was only in the second set of representations that the Licensee acknowledged the serious issues involved and set out remedial steps.

Whilst taking into account that the Licensee ultimately recognised the potential for harm and proposed remedial steps, the initial response gave the Sanction Panel cause for concern. It is important that licensees have a thorough understanding of the Code and the capacity to recognise issues promptly to avoid breaches, resolve them swiftly if they occur, and provide ongoing training to presenters and producers. The panel was additionally concerned that the remedial steps outlined in its second set of formal representations indicated a lack of adequate compliance processes prior to these investigations.

That said, the Sanction Panel took into account the Licensee's second set of representations in which it set out remedial steps in an attempt to ensure future programming complied with the Code. These steps included: reviewing all of its future broadcasts carefully to omit any potentially harmful claims relating to the Coronavirus and 5G, unless there is at the same time adequate protection for the public; monitoring 'live' parts of *Loveworld News* and "all other such programmes" and broadcasting them with a sufficient delay mechanism to allow time for any potentially harmful claims in relation to the Coronavirus and 5G to be omitted or adequate protection provided; and briefing its presenters on Ofcom's Guidance and previously published Decisions relating to the Coronavirus pandemic. The Licensee also said that the programmes Ofcom has found in breach of the Code would not feature on its website.

The Sanction Panel considered the Licensee's recent compliance history. Ofcom recorded a previous breach of Rule 2.1 in July 2018<sup>1</sup> which concerned broadcasts of a programme about faith healing at Pastor Chris' ministry. The programmes included testimonies that certain serious illnesses had been cured at the ministry and statements that suggested illnesses more generally could be cured there. The panel took into account that the same Code rule had been breached in the previous case as the cases being considered for sanction.

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<sup>1</sup> See [Issue 358 of Ofcom's Broadcast and On Demand Bulletin](#), published on 16 July 2018.

Taking account of all of the above, the Sanction Panel concluded that the Direction it had already imposed on Loveworld Limited to broadcast statements of its findings was sufficient in remedying potentially significant harm to viewers and that any further sanction would not be appropriate in this case.

The Sanction Panel did however have significant concerns about Loveworld Limited's compliance procedures in light of the first set of representations received. It asked the Ofcom Executive to engage with the Licensee further to discuss its compliance with the Code, which it intends to do.

The full [Sanction Decision](#) to issue a direction to Loveworld Limited was published on 18 May 2020.