

Ofcom Broadcast and On Demand Bulletin

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Friday Night with Nadine

Type of case Broadcast Standards Complaint Assessment

Outcome Not Pursued

Service Talk TV

Date & time 3 February 2023, 20:00

Category Due impartiality

Summary We received 40 complaints that a programme presented by a serving Conservative MP and featuring an interview with former Prime Minister and currently serving Conservative MP, Boris Johnson, was not duly impartial. We concluded that the programme: was a non-news programme and therefore could be presented by a politician; and adequately reflected alternative viewpoints and provided sufficient context. It did not, therefore, raise issues which warranted investigation under the Broadcasting Code.

Summary

Ofcom received 40 complaints about the programme *Friday Night with Nadine* (“the Programme”) broadcast on Talk TV on 3 February 2023. In summary, the complainants alleged that the Programme breached the due impartiality requirements in Section Five of Ofcom’s Broadcasting Code (“the Code”) because a serving Conservative MP, Nadine Dorries, interviewed another serving Conservative MP and former Prime Minister, Boris Johnson. Several complainants were also concerned that the Programme breached Rule 5.3 of the Code, which prohibits politicians presenting news programmes.

Following an assessment of the Programme, Ofcom has decided that it did not raise issues warranting investigation. Taking into consideration that the assessment involved matters of public interest

relating to the issue of politicians acting as presenters on television and radio, Ofcom has exceptionally decided to publish the reasons for its decision.

Introduction

Talk TV broadcasts video simulcasts of programming from TalkRadio as well as other current affairs and discussion programmes. News UK Broadcasting Limited holds the licence for Talk TV.

Friday Night with Nadine is a weekly discussion programme presented by Nadine Dorries, a former Cabinet Minister and sitting Conservative MP¹. The programme features guests from the worlds of politics and culture, in which they examine the week's news before engaging in topical debates.

On 3 February 2023, for the first episode of its series, the Programme featured an “exclusive” pre-recorded interview with Boris Johnson.

The hour-long Programme consisted of two categories of content: first, there were five segments, between two and ten minutes in length of a pre-recorded interview of Nadine Dorries with Boris Johnson; and second, following each segment of the pre-recorded interview, the Programme returned to the studio where the presenter and a panel of guests provided in-depth analysis of the interview.

The guests were:

- Sebastian Payne, former Whitehall editor of the Financial Times, and author of the book “The Fall of Boris Johnson”;
- Charlotte Ivers, Political Correspondent at Times Radio; and,
- Scarlett MccGwire, former Labour adviser.

The pre-recorded interview with Boris Johnson covered a number of topics, including:

- his life after stepping down as Prime Minister;
- the Ukraine war, including: his role in advocating for the UK Government to send more tanks to Ukraine, his views on the possible outcome of the war and the potential retaliation of Russian President, Vladimir Putin; and Boris Johnson's visit to meet the Ukrainian President, Volodymyr Zelensky; and
- his views on his and the Conservative party's policies, and related issues, during his time as Prime Minister, including: “Partygate”; the roll-out of the Covid-19 vaccine; his views on the policies of the Labour party and Labour Leader, Keir Starmer; and, whether the Conservative Party can win the next UK General Election.

During one of the panel discussions, a brief clip of a previous broadcast interview of Rishi Sunak by Piers Morgan was also included, in which Mr Sunak discussed the NHS and immigration.

Ofcom's due impartiality rules

Reflecting our duties under the Communications Act 2003 (“the Act”), Section Five of the Code requires that the impartiality requirements of sections 319 and 320 of the Act are met.

¹ Ms Nadine Dorries is the Conservative MP for Mid Bedfordshire.

Section 319 of the Act requires that news in television and radio services is presented with due impartiality². Section 320 of the Act sets out special impartiality requirements, which include the preservation, in the case of every television and radio service, of due impartiality on matters of political or industrial controversy and matters relating to current public policy³.

Section Five of the Code makes clear that “due” is an important qualification to the concept of impartiality. Impartiality itself means not favouring one side or another. “Due” means adequate or appropriate to the subject and nature of the programme. It does not mean an equal division of time has to be given to every view, or that every argument and every facet of every argument has to be represented. The approach to due impartiality may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience. In addition, context, as defined in Section Two of the Code, is important in preserving due impartiality. Context includes a number of factors, such as the editorial content of the programme, the service on which the material is broadcast, and audience expectations.

Ofcom has published [Guidance](#) to assist broadcasters in complying with Section Five of the Code. Among other things, Ofcom’s Guidance makes clear that:

- the concept of due impartiality is central to the application of Section Five and in reaching a decision on whether due impartiality needs to be preserved in a particular case, broadcasters should have regard to the likely expectation of the audience as to the content, and all other relevant contextual factors⁴; and
- it is an editorial matter for the broadcaster how due impartiality is preserved, as long as the Code is complied with, and there are various editorial techniques which can help to ensure this⁵.

Our Guidance also states that the broadcasting of comments either supporting or criticising the policies and actions of any political organisation or elected politician is not, in itself, a breach of the due impartiality rules⁶. Any broadcaster may do this provided it complies with the Code. However, depending on the specific circumstances of any particular case, it may be necessary to reflect alternative viewpoints or provide context in an appropriate way to ensure that Section Five of the Code is complied with. Our Guidance makes clear that there are various editorial techniques which a

² This is reflected, for example, in Rule 5.1 of the Code which states that news, in whatever form, must be reported with due accuracy and presented with due impartiality.

³ This is reflected, for example, in Rule 5.5 of the Code, which provides that due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service. This may be achieved within a programme or over a series of programmes taken as a whole.

⁴ [Ofcom’s Section Five Guidance](#), paragraph 1.4. See also paragraph 1.34, which explains that other relevant factors may include the nature of the programme, the programme’s presentation of its argument and the transparency of its agenda.

⁵ [Ofcom’s Section Five Guidance](#), paragraph 1.6. See also paragraph 1.37 which makes clear that there are a range of editorial techniques which may be employed.

⁶ [Ofcom’s Section Five Guidance](#), paragraph 1.34.

broadcaster can use to help ensure alternative viewpoints are sufficiently represented and due impartiality is preserved⁷.

Ofcom's Code and Guidance Notes are drafted, and are given effect to, in accordance with the right to freedom of expression as set out in Article 10 of the European Convention of Human Rights. Freedom of expression is one of the essential foundations of a democratic society. It encompasses the broadcaster's right to freedom of expression as well as the audience's right to receive information and ideas without interference. In order to reach a decision on whether due impartiality was maintained in these programmes, Ofcom has had careful regard to the broadcaster's and audience's Article 10 rights and relevant contextual factors.

Specific rules on politicians presenting and appearing in programmes

The rules on politicians presenting and appearing in programmes are set out in the Code, with which all licensees must comply. In particular, Rule 5.3 states that:

“No politician may be used as a newsreader, interviewer or reporter in any news programmes unless, exceptionally, it is editorially justified. In that case, the political allegiance of that person must be made clear to the audience.”

We attach great value to broadcasters' right to freedom of expression and audiences' right to receive information and ideas, and therefore the broadcasters' right to make programming, creative and editorial choices.

Whether or not a programme is a news programme or a current affairs programme depends on a number of factors, including its content and format. Factors that could lead us to classify content as a news programme might include: a newsreader presenting directly to the audience; a running order or list of stories, often in short form; the use of reporters or correspondents to deliver packages or live reports; and/or a mix of video and reporter items. Factors that could lead us to classify content as current affairs include: a more long-form programme; the presence of extensive discussion, analysis or interviews with guests, often live; and long-form video reports.

Outside of news programmes, there is no Ofcom rule that prevents a serving politician or political candidate from hosting or appearing on a TV or radio programme – provided they are not standing as a candidate in an election taking place, or about to take place, or are a representative of a permitted participant, as designated by the Electoral Commission, in a UK referendum. This means that politicians are allowed to present current affairs programmes such as audience phone-ins and discussion programmes. Both news programmes and current affairs programmes must comply with all relevant rules in the Code, including the need to preserve due impartiality on matters (as well as major matters) of current public policy or political or industrial controversy.

⁷ [Ofcom's Section Five Guidance](#), paragraph 1.55.

Our assessment

Did the due impartiality rules apply?

The Programme included an interview with Boris Johnson and a discussion with a panel on the issues covered in the interview. The interview and discussion dealt with a range of issues relating to Boris Johnson's record as Prime Minister, including: the war in Ukraine; "Partygate" and the handling of the Covid-19 pandemic by Boris Johnson's government; the potential of the Conservative Party to win the next UK General Election against the Labour Party; the NHS; and immigration. Although the events being discussed were to some degree historic in nature, in our view, Boris Johnson's recent tenure as Prime Minister still remained subject to debate and scrutiny at the time of broadcast. The Programme was therefore dealing with matters of political controversy and current public policy, namely, the policies and actions of Boris Johnson in his time as Prime Minister. We considered therefore that the due impartiality requirements of Section Five of our Code applied to the Programme and that due impartiality needed to be preserved.

News or current affairs programme: what was the nature of the *Friday Night with Nadine* Programme?

This was a long-form programme lasting one hour presented by Nadine Dorries, a sitting Conservative MP. It included a pre-recorded interview with Boris Johnson, interspersed with in-studio analysis of the interview with a panel of guests. As set out above, the programme contained explanation and analysis of past and current events and issues, including material dealing with matters of political controversy and current public policy.

Taking the above into account, in our view, the programme was a current affairs programme, and not a news programme. Rule 5.3 of the Code, which prohibits politicians from being presenters of news programmes, was therefore not applicable in this case. We took into account that, at the time of the broadcast, Nadine Dorries was not standing in any upcoming election, or about to take place, or was a representative of a permitted participant, as designated by the Electoral Commission, in a UK referendum. She was therefore allowed to present a current affairs programme under our due impartiality rules.

Nevertheless, the programme was a current affairs programme dealing with matters of political controversy and/or matters relating to current public policy, and as such, Rule 5.5 of our Code applied, and due impartiality had to be preserved in the programme.

Was due impartiality preserved?

During the interview with Boris Johnson, there was some limited challenge from Nadine Dorries. For example, Nadine Dorries disagreed with Boris Johnson on the chances of the Conservative Party winning the next UK General Election, as well as the support that Boris Johnson received from members of his Cabinet (in which Nadine Dorries had served) about whether the UK should send military equipment to Ukraine. We also took into account the likely audience expectation for a current affairs discussion programme on Talk TV.

Most significantly, we took into account that alternative viewpoints to those of Boris Johnson and his Government and the Conservative Party more generally, were reflected in the studio discussions in

between each segment of the pre-recorded interview. In our view, the panellists provided analysis, challenge and context. For example:

- Charlotte Ivers, Political correspondent at Times Radio, expressed the view that, although Boris Johnson's handling of the Ukraine war was to be credited, his handling of the Covid-19 pandemic was less so. She reflected that Nadine Dorries and Boris Johnson had different recollections of the agreement within Boris Johnson's Cabinet about the UK's involvement in the Ukraine war.
- Charlotte Ivers later criticised Boris Johnson for his "errors" of judgment in the people he surrounded himself with in office and suggested his departure as Prime Minister was a result of *"the very core of Boris Johnson's personality in the end"*.
- Scarlett MccGwire, former Labour adviser, challenged Boris Johnson's statement about *"Brexit Saving Lives"*. For example, she said that the UK death rate from Covid-19 had been much worse than in France and Germany, and she also referred to Boris Johnson's administration as having mishandled the procurement of personal protective equipment during the pandemic.
- Sebastian Payne, former Whitehall editor of the Financial Times, reflected on Boris Johnson's leadership during his tenure as Prime Minister and said that Boris Johnson had not handled everything successfully and *"there are some things that went well and those that didn't go well"*.
- Scarlett MccGwire strongly challenged Boris Johnson's assertion that the Conservative Party were going to win the next UK General Election. She described the Conservatives as *"being in a freefall"*, referred to the Labour lead in the polls as *"literally unbelievable"*, said that the electorate were tired of *"sleaze"* and *"incompetence"* and criticised the lack of progress on the 'levelling up' agenda.
- Scarlett MccGwire also criticised Rishi Sunak's leadership by referring to the rebellions in the Conservative Party. She further questioned Boris Johnson's statements about Brexit and *"getting Brexit done"* saying *"whatever benefits were supposed to happen have not happened yet"*.
- Charlotte Ivers referred to the Conservative Party's low opinion poll ratings and said that they would *"really really struggle"* to win an election. She said that there seemed to be an increasing lack of motivation among Conservative Party politicians to govern the country.
- During a brief clip of Rishi Sunak's interview with Piers Morgan, which was played in the programme, Piers Morgan challenged Rishi Sunak on his NHS policy, specifically the pay of nurses.
- Later in the studio, both Charlotte Ivers and Sebastian Payne criticised Rishi Sunak's leadership relating to on-going public sector strikes and tax policy.

Having taken into consideration the broadcaster's and audience's rights to freedom of expression, and all relevant contextual factors and editorial techniques as well as audience expectations, as set out above, Ofcom considered that alternative viewpoints, content and challenge were sufficiently reflected and provided in the Programme.

Conclusion

Ofcom considered therefore that the Programme did not raise any issues warranting investigation under the Code. Consequently, Ofcom has decided not to pursue these complaints further.

Ofcom emphasises that while this programme did not raise issues warranting investigation, we assess each programme on its facts, including all relevant content and features of a programme's format. Rule 5.3 of the Code permits a serving MP to host a non-news programme. However, when such a

programme is dealing with matters (and major matters) of political or industrial controversy and matters relating to current public policy, it is important that broadcasters very carefully consider the need to ensure that the programme complies with the due impartiality requirements.

We will not hesitate to investigate any other programming under the Code, should the facts of any particular case raise issues warranting investigation.

Not pursued