

Reference: 01675526

Information Requests
information.requests@ofcom.org.uk

24 October 2023

Freedom of Information request: Right to know request

Thank you for your request for information about Ofcom findings and GB News. Your request was received on 26 September 2023 and we have considered it under the Freedom of Information Act 2000.

Your requests and our response

We have provided responses based on the period up to the date of your request.

1 - Does OFCOM have the authority to apply sanctions against broadcast companies/organisations it finds have breached the rules. We believe you do having read [Ofcom finds RT in breach of due impartiality rules - Ofcom](#)

Yes, Ofcom does have the power to impose sanctions for breaches of a relevant requirement.

If the answer to that question is positive OFCOM has the authority could you please provide the responses we can attribute as “received from OFCOM” / “an OFCOM spokesperson” to the following questions:

2 – What are the broad range of sanctions OFCOM has at its disposal for broadcast organisations/companies?

Please see our sanctions procedures [here](#), which set out the sanctions available to Ofcom (see paragraph 1.14) and the process we will follow when considering the imposition of a sanction.

3 - Can you provide a list of all complaints about impartiality upheld by OFCOM over the last 5 years ? (If this could be an excel which includes links to the relevant findings and highlight those which concluded sanctions either were being considered or had been applied.)

Between 27 September 2018 and 26 September 2023, Ofcom recorded the following breaches of the due impartiality requirements contained in Section Five of the Ofcom Broadcasting Code (“the Code”).

Programme	Service	Transmission Date	Bulletin Number	Publication Date
Sputnik	RT	17/03/2018	369	20/12/2018

Crosstalk with Peter Lavelle	RT	13/04/2018	369	20/12/2018
News	RT	18/03/2018	369	20/12/2018
Sputnik	RT	07/03/2018	369	20/12/2018
Crosstalk with Peter Lavelle	RT	16/04/2018	369	20/12/2018
Crosstalk	RT	20/04/2018	369	20/12/2018
News	RT	26/04/2018	369	20/12/2018
George Galloway	Talk Radio	16/03/2018	371	28/01/2019
Segodnya	NTV Mir Baltic	02/04/2018	372	11/02/2019
The Mother of all Talk Shows	Talk Radio	27/07/2018	375	25/03/2019
The Mother of all Talk Shows	Talk Radio	06/08/2018	375	25/03/2019
Programming during the European Parliamentary election period	Time 107.5	15/4/2019 to 23/5/2019	384	29/07/2019
Tarz e Hayaat	MATV	12/04/2019	391	18/11/2019
Khabar din Bahar	ABP News	16/02/2019	394	13/01/2020
That's Lancashire News	That's Lancashire	05/08/2019	395	27/01/2020
China 24	CGTN	21/11/2019	403	26/05/2020
The World Today	CGTN	Various	403	26/05/2020
Pakistan Reporter	MATV	08/02/2021	441	20/12/2021
Mid Morning Crumpet with Tony Callister	Cando FM	21/4/2021	446	07/03/2022
News	RT	27/02/2022	454	18/07/2022
News	RT	01/03/2022	454	18/07/2022
News	RT	02/03/2022	454	18/07/2022
Donbass: Yesterday, Today and Tomorrow	RT	01/03/2022	454	18/07/2022
World at One	BBC Radio 4	24/02/2021	455	25/07/2022
Pakistan Reporter	MATV	01/11/2021	460	24/10/2022
Exclusives	PTC Punjabi	01/01/2022	462	21/11/2022
Saturday Morning with Esther and Philip	GB News	11/03/2023	481	18/09/2023

Full decisions on the above programmes are published in the relevant Broadcast and On Demand Bulletin ("Bulletin") issue as listed. For decisions published before 1 January 2020 (Issues 393 or earlier), Bulletin issues can be accessed [here](#). Bulletins published from 1 January 2020 onwards can be accessed via [this page](#) and selecting 'Look at past decisions'.

Ofcom imposed sanctions in relation to the following decisions:

- Sanction related to RT cases published in Bulletin 369: <https://webarchive.nationalarchives.gov.uk/ukgwa/20200325163843/https://www.ofcom.org.uk/about-ofcom/latest/bulletins/content-sanctions-adjudications/decision-tv-novosti>
- Sanction related to NTV Mir Baltic case published in Bulletin 372: <https://webarchive.nationalarchives.gov.uk/ukgwa/20200325163840/https://www.ofcom.org.uk/about-ofcom/latest/bulletins/content-sanctions-adjudications/decision-baltic-media-alliance-limited>
- Sanction related to CGTN cases published in Bulletin 403: <https://www.ofcom.org.uk/about-ofcom/bulletins/content-sanctions-adjudications/decision-star-china-media-limited-due-impartiality>
- Sanction related to RT cases published in Bulletin 454: <https://www.ofcom.org.uk/about-ofcom/bulletins/content-sanctions-adjudications/decision-ano-tv-novosti>
- Sanction related to Talk Radio case published in Bulletin 471: <https://webarchive.nationalarchives.gov.uk/ukgwa/20200325163956/https://www.ofcom.org.uk/about-ofcom/latest/bulletins/content-sanctions-adjudications/decision-talksport-ltd>

4 - Our cursory review of the Ofcom web site using the search facility suggests that OFCOM can suspend or impose fines - given the seniority of the interviewers (sitting Members of Parliament of the same political party as the Chancellor of the Exchequer), the nature of the bias - it related to fiscal policies and budgets, what level of authority within OFCOM made the decision not to sanction and why was GB News not sanctioned in this fashion?

Please refer to our sanctions procedures, as referred to in our response to Q2.

5 – How many complaints does OFCOM currently have against MPs and/or GB News related to alleged breaches of ““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.”?”

Ofcom currently has five open investigations related to Rule 5.3¹ of the Code, decisions on which will be published in the Bulletin in due course. We log complaints on our complaints database by category of the complaint issue (with reference to the rules in the Code). There is no specific category used exclusively for complaints related to politicians as presenters and such complaints are logged under the category "Due impartiality / bias" which would apply to a wide range of issues under Section Five of the Code.

It is therefore not possible to search for a specific number of complaints under the issue of politicians as presenters, however, complaints Ofcom has considered against GB News and not taken

¹ Rule 5.3 states: "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".

forward to investigation can be accessed via the [Bulletin](#), navigating to 'Complaints assessed, not pursued' and filtering the service name to GB News to focus just on complaints and individual programmes about that service.

6 – How many complaints in total have there been against GB News specifically – this is number of people who have complained as well the number of investigations Ofcom have channelled these complaints into?

Individual complaints received by Ofcom are assigned to cases. A case is opened when Ofcom is assessing a specific programme or issue and may consist of one or more complaints. From the date of GB News' launch on 21 June 2021 to 26 September 2023, the date of your request, Ofcom received 6,389 complaints (1,794 cases) related to GB News, and launched 17 investigations (16 related to GB News and one related to GB News Radio). For context, in the same period Ofcom received 131,898 complaints (21,161 cases) against all broadcasters and launched 133 investigations.

7 – Does OFCOM have an agreed “service level” with the Government in which to arrive at a finding /determination?

Ofcom is independent of Government and our duties are set out in legislation under the Communications Act 2003. Please see our [published complaints, investigations, and sanctions procedures](#) for further detail on the procedures we follow when investigating a potential breach of the Code.

8 - Can an organisation found to be in breach appeal and if so how does it do that and have any successfully appealed an adverse decision?

Yes, Ofcom's broadcasting standards decisions are subject to challenge by way of judicial review. No such challenge has been successful.

9 - Are there any circumstances which would require OFCOM to seek approval from a Minister/ Ministry, MP or a committee of sitting MPs for a decision to sanction a license holder /revoke a licence.

No, we would not seek approval from a Minister or MPs to sanction a licence holder/revoke a licence as Ofcom is independent from Government and makes its own decisions regarding sanctions.

If the answer to that question is negative OFCOM does not have the authority to apply sanctions could you please consider the following questions

A - Can OFCOM petition Parliament/relevant Minister of it's own volition to be granted such authority

B.1 - Has OFCOM lobbied /canvassed /requested such authority in the past

B.2 - When was this lobby /canvass /request activity and were any reasons given which can be made public

N/A.

If you have any further queries, then please send them to information.requests@ofcom.org.uk quoting the reference number above in any future communications.

Yours sincerely

Information Requests

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law, you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact information.requests@ofcom.org.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF