



Decision of the Election Committee on a complaint from the Restore Britain Party about BBC Question Time Makerfield By-Election Special, 4 June 2026

1. Introduction and summary

- 1.1 Ofcom is the UK's independent broadcast regulator. As a post-broadcast regulator, we assess content once it has been broadcast.
- 1.2 During an election period, Ofcom establishes an Election Committee¹ which has delegated authority from the Ofcom Board to consider due impartiality complaints in respect of election-related programmes where the complaint, if upheld, might require redress before the election.
- 1.3 The Election Committee² has considered a complaint from the Restore Britain Party ("the Complainant") in relation to the *BBC Question Time Makerfield By-Election Special*, a programme broadcast on BBC News at 9pm and on BBC One at 10:45pm on 4 June 2026, and available on the BBC iPlayer ("the Programme"), ahead of the Makerfield by-election on 18 June 2026 ("the Complaint").
- 1.4 The Complaint concerned the BBC's decision not to include Rebecca Shepherd, the candidate representing the Restore Britain Party in the Makerfield by-election, on its panel for the Programme.
- 1.5 The format of election programming, including those invited to participate in them, is a matter of editorial freedom for individual broadcasters, as long as the programming, as broadcast, complies with the Ofcom Broadcasting Code ("the Code"). Our rules on due impartiality require that when broadcasters are dealing with matters of major political controversy and major matters relating to current public policy, such as Parliamentary by-elections, due impartiality must be preserved and an appropriately wide range of significant views must be included and given due weight, in each programme or in clearly linked and timely programmes. Due weight must also be given to the coverage of political parties during the election period.
- 1.6 The Complaint alleged that the BBC failed to comply with its obligations in respect of due impartiality and due weight under Sections Five and Six of the Code, when it did not include the Restore Britain Party candidate, Rebecca Shepherd, in the panel for the Programme.

¹ The [Terms of Reference for the Election Committee](#) are available on the Ofcom website.

² In this case the Election Committee consisted of the following members: Clive Jones (Chair of Ofcom Content Board), Peter Horrocks (non-Executive member of Ofcom Content Board), Cristina Nicolotti Squires (Group Director, Ofcom Broadcast and Media Group) and Laura Rhea (Director, Content Standards and Enforcement).

- 1.7 In response to the Complaint, the BBC said it had given careful consideration to the selection of the panel on the Programme and based its decision on past and current electoral support in the constituency, including in the recent local elections and the general elections in 2019 and 2024. The BBC said it had also taken account of a Makerfield by-election constituency poll conducted by Survation, which had placed the Restore Britain Party third with support of 7%, but added that this was a single poll with a small sample size which was statistically less likely to provide a true reflection of voting intention.
- 1.8 Having considered the Complaint and all of the evidence put before it, the Election Committee’s view is that, given the totality of relevant evidence at the time of the Programme, the BBC made a reasonable editorial decision not to include the Restore Britain Party candidate in the Programme. The Programme contained an appropriately wide range of significant views, which were given due weight.
- 1.9 **Whilst the Committee has found that the BBC did not breach the Code in relation to Question Time Makerfield By-Election Special on 4 June 2026, the Committee recognises the fast-changing dynamic political landscape. The Committee wishes to make clear to all broadcasters that during any election period they need to keep under review relevant new evidence of current electoral support to ensure that due weight and an appropriate amount of coverage is given to political parties.**

2. Background

- 2.1 This section summarises the Complaint and the BBC’s responses to it between 4 June 2026 and 11 June 2026.³

Correspondence

- 2.2 The Restore Britain Party initially complained to Ofcom on 4 June 2026, prior to broadcast of the Programme at 9pm, about the exclusion of their candidate Rebecca Shepherd from the Programme. The Complainant cited exceptional circumstances and requested an urgent assessment. Given that polling day was 18 June 2026, Restore Britain said it could not wait for the BBC’s complaints process to run its course because “by the time it does, the election will be over and the harm will be irreversible.”
- 2.3 Ofcom replied the same day, explaining that it was a post-broadcast regulator and could not deal with complaints about programmes prior to broadcast. We also explained the “BBC First” framework in the BBC Charter and Agreement.⁴ Ofcom told the Restore Britain Party that if it wished to complain post broadcast, Ofcom would expedite its consideration of any complaint.
- 2.4 Following its receipt of the BBC’s final response, the Restore Britain Party confirmed to Ofcom that it wished to pursue its complaint, as set out in its letter of 9 June 2026. Relevant content from this letter is summarised below at “The Complaint”.

³ We also received complaints from 54 viewers about the exclusion of the Restore Britain Party candidate, Rebecca Shepherd, from the Programme, both in advance of and following the broadcast.

⁴ Under the “BBC First” framework, complaints must normally be submitted to and concluded with the BBC before Ofcom can consider them.

- 2.5 Ofcom decided that it would be appropriate for the Election Committee to consider the Complaint in an expedited manner on the basis that it raised substantive issues which, if upheld, might require redress before the Makerfield By-Election on 18 June 2026.

The Programme

- 2.6 *Question Time* is a topical debate programme, hosted by Fiona Bruce and featuring a panel of up to five public figures, usually including a representative of the UK government and the official opposition, answering questions from a live audience. The Programme which is the subject of the Complaint is the episode of *Question Time* from Makerfield, broadcast on 4 June 2026 on BBC News at 9pm and repeated on BBC One at 10.45pm. It remains available on the BBC iPlayer. The panel was made up of 5 of the 14 candidates who are standing in the Makerfield by-election on 18 June 2026:

- Andy Burnham (candidate for the Labour and Co-operative Party)
- Robert Kenyon (candidate for Reform UK)
- Michael Winstanley (candidate for the Conservative Party)
- Jake Austin (candidate for the Liberal Democrat Party)
- Sarah Wakefield (candidate for the Green Party)

The Complaint

- 2.7 The Complaint concerned the BBC's decision not to include Rebecca Shepherd, the candidate representing the Restore Britain Party in the Makerfield by-election, on its panel for the Programme. The Complainant considered that this decision was a breach of the due impartiality requirements of the Code.
- 2.8 In its Complaint to Ofcom, the Complainant referenced the [Survation Makerfield by-election constituency poll](#) published on 26 May (the "first Survation poll")⁵, stating that it had placed Restore Britain third on 7%, ahead of the Liberal Democrats (4%), Greens (3%) and Conservatives (2%). The Complainant highlighted to Ofcom that all three of these other parties had been invited to appear on the Programme, but Restore Britain had not. The Complainant considered this constituted a breach of rules in sections 5 and 6 of Ofcom's Broadcasting Code ("the Code"), specifically rules 6.8, 6.9, 6.2, 5.1 and 6.1.
- 2.9 The Complainant was not satisfied by the BBC's response to their initial complaint. The Complainant's letter dated 9 June 2026 explained:
- a) Breaches of Rules 6.8 and 6.9: the Complainant considered that the exclusion of their candidate who was third placed in "the only published poll", while including the three lower-polling parties, was not consistent with the impartiality rules in 6.8. The Complainant's view was that the first Survation poll was "clear evidence of significant current support", so that its candidate, Rebecca Shepherd, should have been offered the opportunity to take part, and this was a breach of Rule 6.9.
 - b) Breach of Rule 6.2: Similarly, the Complainant considered that the first Survation poll was "clear evidence of significant current support", which was not given due weight by the BBC.
 - c) Poll weighting: The Complainant's view was that it was hard to justify giving less weight to the first Survation poll compared with actual seats or votes won, given that the prior

⁵ Conducted by telephone among 504 adults in the constituency between 18 and 22 May 2026.

2025 general election predates Restore Britain standing in this seat and, in their view, the first Survation poll “is the only direct evidence of current voting intentions in this constituency for this contest”.

- d) Wigan local elections: The Complainant took issue with the BBC pointing to the fact that the Restore Britain Party had not fielded candidates in the recent local elections which took place in the same geographical area (Wigan) as a reason to exclude the party from the Programme. The Complainant said that the “BBC’s approach weights our non-participation in a different type of election above our polling position in this one”, whereas, in their view, the first Survation poll was the most direct evidence of the standing of the Restore Britain party in this specific contest.
- e) National representation: The Complainant took issue with BBC’s response that the five panelled parties had significant elected representation nationally, arguing “the BBC has applied a test that does not exist in the Code” as Rule 6.9 is a constituency level obligation and does not mention national representation.
- f) On screen graphics: The Complainant argued that the appearance on the Programme of graphics showing Rebecca Shepherd’s name and Restore Britain’s logo was not the same as offering their candidate the chance to take part in the Programme.

The BBC’s Initial Response to the Complaint

- 2.10 The BBC provided Ofcom with a copy of its response to the Restore Britain Party’s initial complaint to the BBC about this matter on 4 June 2026.
- 2.11 In that response the BBC said that *Question Time* is committed to ensuring a range of voices are heard. It said that it had given careful consideration to the selection of the panel on the Programme and based its decision on past and current electoral support in the constituency, including the recent local elections and the last general election. It noted that there was a field of fourteen candidates and that it is usual practice to include in programmes those with most evidence of electoral support, but ensure the audience is given appropriate information about other candidates.
- 2.12 It said that the five parties represented on the panel had significant levels of elected representation across the country. It said that it is appropriate that audiences are afforded the opportunity to put questions to those with a record of elected representation and that it is committed to ensuring that the range of contribution - both in terms of this specific contest and more broadly - are brought to audiences across a wide range of BBC platforms.

The BBC’s Further Response to the Complaint

- 2.13 The BBC provided Ofcom with its submissions in response to the Complaint on 11 June 2026.
- 2.14 BBC said that due impartiality lies at the heart of its commitment to audiences and it takes this responsibility seriously when exercising editorial discretion during an election period. It said that it had given careful consideration to its due impartiality obligations in deciding the format of the Programme and its editorial judgment in this regard was one that was properly and reasonably open to the BBC, taking account of relevant material.
- 2.15 It said that the BBC publishes Election Guidelines, which take into account the Code, the BBC Editorial Guidelines and other supplementary guidance. It said the relevant version for the Makerfield by-election was published in 2024 ahead of the General Election. It said an

update was published in May 2026, highlighting the Makerfield by-election for editorial teams.

- 2.16 The BBC said the editorial team gave careful consideration to the format of the Programme and were mindful of the BBC’s Editorial Guidelines and the Election Guidelines which incorporate the Code. The BBC said the editorial decision to invite five candidates out of the fourteen contesting the by-election took into account past and current electoral support when considering which candidates had demonstrated substantial electoral support in the area.
- 2.17 **Past electoral performance:** The BBC said its starting point was to consider past performance in the last two sets of corresponding elections:
- a) It noted that Labour won the seat in the 2024 Parliamentary election with 45.2% of the vote, followed by Reform with 31.8%, the Conservative Party with 10.9%, the Liberal Democrats with 6.8% and the Green Party with 4.4%. In the 2019 General Election, the vote shares were: Labour 45.1%, the Conservative Party 34.4%, the Brexit Party 13.1%, the Liberal Democrats 4.8% and the Green Party 2.6%.
 - b) In line with Ofcom’s guidance, the BBC also took into account the local elections in May 2026. The BBC explained that in these elections the Restore Britain party did not stand candidates in England other than in Norfolk where Great Yarmouth First, which sits under the Restore Britain umbrella, succeeded in winning nine seats. The BBC said “when a recently formed party takes a decision to not stand candidates when there is an opportunity to do so, this is an appropriate factor to take into account when assessing electoral support”.
 - c) The BBC highlighted that in the Wigan Council local elections (covering the Makerfield constituency) Reform won 24 out of the 25 council seats up for election with Labour and the Conservatives losing seats but Labour maintaining overall control.⁶
- 2.18 **Current electoral support:** The BBC said that the editorial team took into account Restore Britain’s current electoral support in Makerfield. It said the evidence for this relied exclusively on the first Survation poll, which it said was the single opinion poll carried out in the constituency before transmission. The BBC acknowledged that this poll, carried out by a reputable polling company, listed Restore Britain third with 7%, ahead of the Green Party, the Conservative Party and the Liberal Democrats and behind Labour with 43% and Reform with 40%.
- 2.19 In relation to Restore Britain’s complaint about the BBC giving less weight to the first Survation poll than to actual votes or seats, the BBC said its decision was consistent with Ofcom’s guidance.⁷ It also said that individual constituency polls are generally less reliable than national polls because it is harder to find representative samples of voters willing to take part. It said that the sample size for the first Survation poll was 504, compared to an average sample of 2,300 for polls of national voting intention. It said of this 504, only 358 who said they were likely to vote in the by-election identified the party they intended to vote for. The BBC said that this meant that the 7% who said they would vote for Restore Britain was a total of 25 people. The BBC said that a small sample size means a bigger margin of error and therefore the first Survation poll was statistically less likely to provide a

⁶ The BBC said that the vote shares in the Makerfield wards in this local election were: Reform 50%, Labour 27%, Green 10%, Conservative 7%, Liberal Democrats 4%, others 2%.

⁷ The Ofcom guidance to which the BBC referred was [Ofcom’s Evidence of past electoral support and evidence of current support ahead of the various elections taking place on 7 May 2026](#).

true reflection of voting intention. It also said that a single poll with a smaller sample size cannot establish robust trends and patterns to demonstrate electoral support.

- 2.20 The BBC said that it had also given consideration to evidence from national polls about the level of support for the Restore Britain Party across the UK. It said most polls do not separate them from “other parties” but two, from YouGov and Techne, suggest support is at 3-4% nationally. It said that other polls which suggest support at 7 – 9% were commissioned by the party itself and there was a variation in the way the questions were asked. The BBC referred to its Editorial Guidelines which say that “poll results which are out of step without convincing explanation should be treated with particular care.”
- 2.21 The BBC said that, in line with its Code of Practice, the *Question Time* presenter twice noted there were fourteen candidates contesting the election and the details of each candidate, their party and logo were displayed on screen. It also said that the editorial team ensured the audience included members of public that had stated their intention to vote for the Restore Britain Party in the by-election.
- 2.22 The BBC said that the lack of past electoral support for the Restore Britain Party was not and is not determinative of the coverage it will receive on the BBC. It said it recognised the available evidence of current support, including a second Survation poll published after the programme, and the political landscape in order to reflect the Restore Britain Party appropriately and proportionately throughout the election period.
- 2.23 The BBC provided a non-exhaustive list of coverage of the Restore Britain Party on BBC services between 22 May – 8 June 2026 (see Annex 2).

Statutory Framework

- 2.24 Under section 319 of the Communications Act 2003 (the “Act”), Ofcom has a duty to set such standards for the content of programmes to be included in television and radio services as appear to them best calculated to secure a range of statutory standards objectives. Ofcom has discharged this duty by producing, and from time to time revising, the Code. The standards objectives set out in the Act include special impartiality requirements relating to matters of major political or industrial controversy and major matters relating to current public policy. These may be satisfied through a series of programmes taken as a whole. See Annex 1 for full details of the relevant statutory framework.

Applicable provisions of the Broadcasting Code

- 2.25 The Committee considered the Complaint by reference to Sections Five (Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions) and Six (Elections and Referendums) of the Code and accompanying Guidance Notes.
- 2.26 Specifically, the Committee considered the complaint under the following rules of the Code:
- Rule 5.11: “In addition to the rules above, due impartiality must be preserved on matters of major political or industrial controversy and major matters relating to current public policy by the person providing a service (listed above) in each programme or in clearly linked and timely programmes”;
 - Rule 5.12: “In dealing with matters of major political or industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in

clearly linked and timely programmes. Views and facts must not be misrepresented”;

- Rule 6.1: The rules in Section Five, in particular the rules relating to matters of major political or industrial controversy and major matters relating to current public policy, apply to the coverage of elections and referendums.
- Rule 6.2: “Due weight must be given to the coverage of parties and independent candidates during the election period. In determining the appropriate level of coverage to be given to parties and independent candidates broadcasters must take into account evidence of past electoral support and/or current support. Broadcasters must also consider giving appropriate coverage to parties and independent candidates with significant views and perspectives.

2.27 The Complaint also raised issues under Rules 6.8 to 6.12 of the Code (“Constituency coverage and electoral area coverage in elections”). In particular, Rule 6.8 requires due impartiality to be strictly maintained in a constituency report or discussion; Rule 6.9 states that if a candidate takes part in an item about his/her particular constituency then the broadcaster must offer the opportunity to take part in such items to all candidates within the constituency representing parties with previous significant electoral support or where there is evidence of significant current support.

2.28 Rules 6.8 to 6.12 do not apply to the BBC as the BBC has not adopted these Rules under section 93 of the Representation of the People Act 1983. Instead the BBC publishes its own Code of Practice with respect to the participation of candidates at a parliamentary election in items about the constituency in question during the election period. The applicable Code of Practice was incorporated into the BBC’s 2024 Election Guidelines (Section 4). The oversight of the BBC’s application of its Election Guidelines to television programmes or programmes included in the iPlayer is a matter for the BBC Board, not Ofcom.

3. The Committee’s Decision

3.1 In considering the Complaint, the Committee took into account the current electoral context, in particular the increasingly dynamic political landscape.

3.2 The Committee noted that the “election period” for the Makerfield By-Election, for the purposes of Section Six of the Code, commenced on 19 May 2026 and will end on 18 June 2026, i.e. the polling date for the Makerfield By-Election.

3.3 The Committee considered whether due impartiality had been preserved (and an appropriately wide range of significant views included and given due weight) in the Programme. The Committee further considered, as part of that, whether the BBC had given due weight to coverage of the Restore Britain Party.

Restore Britain Party support and political context

3.4 Before considering the Programme, the Committee considered the submissions made by both parties regarding the Restore Britain Party’s level of past electoral support and/or current support and the political context. The Committee recognised that this would be an important contextual factor when determining whether due impartiality had been preserved in accordance with Section Five of the Code and whether due weight had been provided in the Programme to coverage of the Restore Britain Party in accordance with Section Six of the Code. In considering this material, the Committee took account of Ofcom’s Guidance Notes for Section Five and Section Six of the Code.

- 3.5 As the Code itself states, “due” is an important qualification to the concept of impartiality. Impartiality itself means not favouring one side over another. “Due” means adequate or appropriate to the subject and nature of the programme. So “due impartiality” 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 and the extent to which the content and approach is signalled to the audience.
- 3.6 Consistent with this, paragraph 1.20 of Ofcom’s Guidance Notes on Section Six of the Code recognises that the concept of giving “due weight” is flexible and that its application depends on the electoral context. Further, it is an editorial decision for the broadcaster as to what constitutes an appropriate level of coverage to be given to parties and candidates in respect of Rule 6.2.⁸
- 3.7 In respect of the requirement under Rule 5.11, due impartiality does not mean that balance is required in any simple mathematical sense. In their coverage of elections, broadcasters should take a consistent approach to the assessment of the level of coverage given to all the candidates. Broadcasters may have regard to any measurable and objective evidence of the likely level of electoral support for particular candidates, and the relevant political context, in deciding relative levels of coverage for different candidates in the same election.⁹
- 3.8 The Committee also considered the factors listed in the Guidance when weighing different types of evidence when taking decisions in the area of elections, including:
- a) Ofcom places greater weight on the actual performance of a political party in elections than it does on opinion poll data, because electoral performance is a measure of how voters have actually exercised their democratic choice compared to the greater uncertainty associated with opinion polls;
 - b) in considering past electoral support, we take into account factors such as the electoral performance of parties (including the numbers of elected candidates and overall percentage of vote received) in the previous set of corresponding elections over at least two electoral cycles;
 - c) whilst putting less weight on levels of current support as opposed to actual performance, we put weight on evidence of current support that is objective and measurable, such as opinion poll data, where it is available;¹⁰
 - d) In determining the weight placed on the degree to which opinion poll constitutes evidence of current support, broadcasters may take account of factors such as the number of polls taken; the degree to which the candidate is polling above the margin of error for a particular poll; the degree to which a range of polls suggests a consistent level of support throughout the election period; and who conducted the poll (whether the poll was conducted by a member of the British Polling Council). In particular, “less

⁸ Paragraph 1.19 of the [Guidance Notes to Section Six of the Code](#).

⁹ Paragraph 1.7 of the [Guidance Notes to Section Six of the Code](#).

¹⁰ Paragraph 1.47 of the [Guidance Notes to Section Six of the Code](#).

weight should be given to: ‘one-off’ stand alone polls’ or a single poll that shows a candidate’s support is materially different to other poll ratings for that candidate”.^{11 12}

- 3.9 The Committee considered the Restore Britain Party’s Complaint and the BBC’s representations, as well as all of the polling evidence that it had seen regarding the Restore Britain Party.
- 3.10 The Committee considered that when assessing which parties to include in the Programme, it is appropriate to consider and put weight on the results of the last two Parliamentary elections in this constituency, in line with paragraph 1.47 of the Guidance. In this respect, the Committee noted that the Labour Party had won the Makerfield seat in the 2024 Parliamentary election with 45.2% of the vote, followed by Reform UK with 31.8%, the Conservative Party with 10.9%, the Liberal Democrats with 6.8% and the Green Party with 4.4%. In the 2019 General Election, the vote shares were: Labour 45.1%, the Conservative Party 34.4%, the Brexit Party 13.1%, the Liberal Democrats 4.8% and the Green Party 2.6%.
- 3.11 The Committee noted that the Complainant was a new political party, registered with the Electoral Commission on 20 March 2026 and therefore the evidence of its actual electoral performance was limited. The Restore Britain Party had not stood any candidates in the recent local elections for Wigan Metropolitan Borough Council, within which the Makerfield Parliamentary constituency sits. The Committee noted the Complainant’s representation that “not standing in a Council election is not evidence of a lack of support in a Westminster by-election” but agreed with the BBC that the Restore Britain Party’s lack of participation in the Wigan local elections was a relevant factor in assessing its electoral support.¹³
- 3.12 The Committee acknowledged that the Restore Britain Party’s affiliate, “Great Yarmouth First”, had won nine seats on Norfolk County Council and one seat on Great Yarmouth Borough Council in the local elections in May 2026 but considered that this demonstrated evidence of support which was local to that area.
- 3.13 The Committee also considered the evidence of the Complainant’s current electoral support in the first Survation poll. The Committee noted that the poll had been conducted by a reputable polling company which is a member of the British Polling Council, and listed the Restore Britain Party third on 7%, behind Labour with 43% and Reform UK with 40%, and ahead of the Green Party (3%), the Conservative Party (2%) and the Liberal Democrats (4%). The Committee took account of the BBC’s representations about the small sample size of the first Survation poll (504 people), and that only 358 who said they were likely to vote in the by-election identified the party they intended to vote for. The Committee acknowledged that this meant that only 25 people had expressed an intention to vote for the Restore Britain Party in the poll (i.e. 7% of 358). The Committee also took account of the BBC’s representations that, because of the small sample size, the first Survation poll was

¹¹ Paragraph 1.44 of the [Guidance Notes to Section Six of the Code](#).

¹² In this regard, the Committee also noted Ofcom’s [update to its digest on evidence of past electoral support and evidence of current support ahead of various elections taking place on 7 May 2026](#), which states at paragraph 1.2: “we will consider whether the evidence of current support indicates that any reduction or increase in the level of a party’s support has been significant and sustained, rather than of a short-term nature, and the extent to which evidence of any change in support is objective and measurable”

¹³ The Committee also had regard to the outcome of this local election for the other parties standing in the by-election: Reform UK won 46.2% of the vote, with the Labour Party winning 25.1%, the Green Party 11.2%, the Conservative Party 8.3% the Independent Network Party 3.0%, the Liberal Democrats 2.8% and independents and others 3.5%.

statistically less likely to provide a reliable reflection of voting intention compared to a national poll.

- 3.14 The Committee noted that at the time of the Programme the first Survation poll was the only local opinion poll available and the only evidence of electoral support for the Restore Britain Party in the constituency. Given this, and in accordance with Ofcom's Guidance, it was appropriate to place less weight on this single poll than on the results of past elections and seats won in previous general elections and local council elections.
- 3.15 The Committee also considered the evidence from national opinion polls which reported on the level of support for Restore Britain across the UK. With the exception of polls commissioned by the party itself, these suggest support is at 3-4% nationally (i.e. at a lower level than found in the first Survation poll). While the polls commissioned by the Restore Britain Party suggest support at 7 – 9%, the Committee agreed that the BBC had acted reasonably in treating these with caution.
- 3.16 Taking all this into account, the Committee found that the BBC's approach to considering the evidence of electoral support (including its decision to place greater weight on the evidence of past electoral support in previous parliamentary elections) had been reasonable at the time of the broadcast of, and for the purposes of, the Programme.

The Programme

- 3.17 The Committee considered that the BBC's election coverage, including the Programme and other programming relating to the Makerfield by-election, were properly to be regarded as relating to "matters of major political or industrial controversy" or "major matters relating to current public policy". Such matters are defined in Section Five as being "...generally... matters of current public policy which are of national, and often international, importance...". The Committee also noted, in this regard, that Rule 6.1 of the Code provides that the rules in Section Five of the Code relating to major matters relating to current public policy "apply to the coverage of elections and referendums".
- 3.18 As such the Committee considered whether the Programme gave rise to any due impartiality concerns under the following Rules: Rules 5.11, 5.12, 6.1 and 6.2.
- 3.19 The Committee noted that the BBC displayed the details of each candidate standing in the by-election (including the Restore Britain Party candidate), their party and logo on screen twice within the Programme.
- 3.20 There is no obligation on broadcasters to transmit electoral programmes. The format of election programming is a matter of editorial freedom for the individual broadcasters, as long as the programming complies with Ofcom's rules on due impartiality and due weight is given to the coverage of parties during the election period.
- 3.21 As stated at paragraph 3.5 above, "due" is an important qualification to the concept of impartiality and context is important.
- 3.22 The Committee considered whether the exclusion of the Restore Britain Party candidate from the Programme was itself indicative of a failure to preserve due impartiality or to not include (and give due weight to) an appropriately wide range of significant views in the programme as broadcast.
- 3.23 The Committee noted paragraph 1.7 of Ofcom's Guidance Notes on Section Six of the Code, which provides that broadcasters may have regard to any measurable and objective evidence of the likely level of electoral support for particular candidates, and the relevant

political context, in deciding relative levels of coverage for different candidates in the same election.

- 3.24 As set out above, the Committee found that the BBC's approach to considering the evidence of the Restore Britain Party's current support (including the BBC's decision to place greater weight on the evidence of past electoral support in previous parliamentary elections) had been reasonable. Consequently, the Committee found the BBC had given due weight to coverage of the Restore Britain Party at the time of and for the purposes of the Programme.
- 3.25 The Committee acknowledged the Complainant's argument that the appearance on the Programme of graphics, showing Rebecca Shepherd's name and Restore Britain's logo, was not the same as offering their candidate the chance to take part. However, in the Committee's view, given the totality of relevant evidence at the time of the Programme, the BBC made a reasonable editorial decision not to include the Restore Britain Party candidate in the Programme. The Programme contained an appropriately wide range of significant views, which were given due weight.
- 3.26 The Committee therefore considered that the Programme did not raise concerns under Sections Five and Six of the Code.
- 3.27 The Committee also did not identify any concerns with the way in which the BBC had followed its own Editorial Guidelines with respect to the constituency reporting rules.

Conclusion

- 3.28 For the reasons set out above, the Committee decided to not uphold the Complaint.
- 3.29 Whilst the Committee has found that the BBC did not breach the Code in relation to Question Time Makerfield By-Election Special on 4 June 2026, the Committee recognises the fast-changing dynamic political landscape. The Committee wishes to make clear to all broadcasters that during any election period, broadcasters need to keep under review relevant new evidence of current electoral support to ensure that due weight and an appropriate amount of coverage is given to political parties.

A1. Statutory Framework and Sections Five and Six of the Broadcasting Code

Statutory Framework

- A1.1 Under section 319 of the Communications Act 2003 (the “Act”), Ofcom has a duty to set such standards for the content of programmes to be included in television and radio services as appear to them best calculated to secure a range of statutory standards objectives. Ofcom has discharged this duty by producing, and from time to time revising, the Code.
- A1.2 Specifically, the standards objectives include an objective that the impartiality requirements set out in section 320 of the Act are complied with (section 319(2)(c)). Section 320 imposes certain “special impartiality requirements” in respect of “matters of political or industrial controversy” and “matters relating to current public policy”. In particular, section 320(1)(b) requires “the preservation, in the case of every television programme service..., of due impartiality, on the part of the person providing the service, as respects all of those matters”.
- A1.3 Section 320(4)(a) provides that the requirement in section 320(1)(b) “may be satisfied by being satisfied in relation to a series of programmes taken as a whole”.
- A1.4 Section 320(5) provides that Ofcom’s standards code shall contain provision setting out the rules to be observed in connection with (a) the application of the requirement specified in section 320(1)(b), and (b) the determination of what, in relation to that requirement, constitutes a “series of programmes”.
- A1.5 Section 320(6) then provides that any provision made for the purpose of section 320(5)(a) must, in particular, take account of the need to ensure the preservation of impartiality in relation to the following matters (taking each matter separately) – (a) matters of major political or industrial controversy, and (b) major matters relating to current public policy, as well as of the need to ensure that the requirement specified in section 320(1)(b) is satisfied generally in relation to a series of programmes taken as a whole.

Applicable provisions of the Broadcasting Code

- A1.6 Section Five of the Code contains rules in relation to “Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions”.
- A1.7 The BBC’s election coverage, including *Question Time Makerfield By-Election Special* and its programming relating to the Makerfield By-Election, was properly to be regarded as relating to “matters of major political or industrial controversy” or “major matters relating to current public policy”. Such matters are defined in Section Five as being “...generally... matters of current public policy which are of national, and often international, importance...”. The Committee also noted, in this regard, that Rule 6.1 of the Code provides that the rules in Section Five of the Code relating to major matters relating to current public policy “apply to the coverage of elections and referendums”.
- A1.8 As such, the Committee considered the following provisions of Section Five of the Code to be relevant.
- **Rule 5.11:** “...due impartiality must be preserved on matters of major political or industrial controversy and major matters relating to current public policy by the

person providing a service (listed above) in each programme or in clearly linked and timely programmes”.

- **Rule 5.12:** “In dealing with matters of major political or industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented”.

A1.9 The Committee also considered the meaning of “due impartiality” as defined at the beginning of Section Five of the Code:

““Due” is an important qualification to the concept of impartiality. Impartiality itself means not favouring one side over another. “Due” means adequate or appropriate to the subject and nature of the programme. So “due impartiality” 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. Context, as defined in Section Two: Harm and Offence of the Code¹⁴, is important”.

A1.10 As well as the provisions of Section Five, the Committee considered Section Six of the Code in relation to “Elections and Referendums” as the Complaint related to programming broadcast within the election period for the 2026 Makerfield By-Election. Section Six sets out rules relating to, amongst other things, the preservation of due impartiality in the coverage of elections and the giving of due weight to political parties in coverage during the election period.

A1.11 The Committee considered the following provision of Section Six of the Code to be relevant.

Rule 6.1: “The rules in Section Five, in particular the rules relating to matters of major political or industrial controversy and major matters relating to current public policy, apply to the coverage of elections and referendums.”

Rule 6.2: “Due weight must be given to the coverage of parties and independent candidates during the election period. In determining the appropriate level of coverage to be given to parties and independent candidates broadcasters must take into account evidence of past electoral support and/or current support. Broadcasters must also consider giving appropriate coverage to parties and independent candidates with significant views and perspectives”.

14 In relation to the meaning of “context”, Section Two states that: “Context includes (but is not limited to):

- the editorial content of the programme, programmes or series;
- the service on which the material is broadcast;
- the time of broadcast;
- what other programmes are scheduled before and after the programme or programmes concerned;
- the degree of harm or offence likely to be caused by the inclusion of any particular sort of material in programmes generally or programmes of a particular description;
- the likely size and composition of the potential audience and likely expectation of the audience;
- the extent to which the nature of the content can be brought to the attention of the potential audience for example by giving information; and
- the effect of the material on viewers or listeners who may come across it unawares.”

A2. Non-exhaustive list of coverage of Restore Britain on BBC services between 22 May – 8 June 2026

The BBC supplied this list as part of its representations to Ofcom, describing it as “the coverage in respect of the [Restore Britain] Party and its impact on the upcoming election...set out below which is not an exhaustive list”. We have presented it in table form.

Date	Channel	Programme	Description
22/05/26	BBC News		an introduction to the candidates announced (with pictures)
25/05/26	BBC 5Live	Matt Chorley	an introduction to the candidates announced (with pictures)
26/05/26	BBC 5Live	Drive	a discussion following the close of nominations with political correspondent Damian Grammaticas
27/05/26	BBC 5Live	Matt Chorley	focus group from Makerfield including Restore supporter
27/05/26	BBC	Today	interview about impact of Restore Britain in Makerfield with Jack Peacock, Research Manager at Focaldata
31/05/26 and 04/06/26		BBC Breakfast	analysis on Restore Britain from Jonathan Tonge, Politics Professor at the University of Liverpool
31/05/26	BBC 5Live	Stephen Nolan	interview with Damian Lyons Lowe from Survation
04/06/26	BBC	BBC News at Ten	Chris Mason analysis on Question Time
04/06/26	BBC Radio 4	PM	a clip of candidate Rebecca Shepherd featured with her doorbell pitch
05/06/26	BBC News		coverage of new Survation poll with correspondents, particularly the position of Restore Britain
08/06/26	BBC	Today	analysis on Restore Britain from Jonathan Tonge, Politics Professor at the University of Liverpool.
08/06/26	BBC Radio Manchester and BBC News	By-election debate	held a by-election debate (also broadcast on the BBC News Channel) and while Restore Britain were not invited as a participant, the debate programme featured a clip of Ms Shepherd introducing the Party’s manifesto