PUBLIC CONSULTATION RESPONSE

Response to Ofcom consultation on the BBC Online Material Code

Selected answers on cumulative coverage, vulnerable subjects, headlines, fairness, equality, complaints and remedies

The central recommendation: regulation must be able to assess a cumulative course of publication, not only one URL at a time.

[redacted]

Executive summary

I support enforceable regulation of BBC online material. Ofcom has correctly recognised that online users often encounter a headline, image, extract, social post or notification without reading the full article. The same realism must be applied to cumulative coverage. A sequence of individually defensible

items can become misleading, disproportionate or foreseeably harmful through repetition, renewed prominence and cross-platform amplification. [1] [2] [3]

The proposed Code is a major improvement on the present position, under which Ofcom may publish an opinion about BBC online material but has no enforcement power. Its central weakness is that it still reads mainly as an item-by-item system. It needs an explicit way to assess a related course of BBC publication as a whole. [7]

The practical test should be: why this story, why this scale, what is genuinely new, and what foreseeable harm follows from adding the BBC's authority and reach?

I recommend that Ofcom:

- make cumulative volume, repetition, duration and prominence express parts of context;
- require headlines, thumbnails, social cards, homepage teasers and push alerts to comply when encountered alone;
- extend due-care protections beyond contributors to any identifiable person directly affected by BBC material, within Ofcom's legal powers;
- require a recorded public-interest and proportionality assessment once coverage becomes intensive or serious vulnerability is known;
- allow complaints about a related series or pattern, even where the BBC did not formally label the items as a series;
- reset complaint time limits when material is materially recirculated or given fresh prominence;
- require preservation and, where appropriate, publication of material version and correction histories;
- include racialised and disability-coded framing, story selection and comparative intensity in equality guidance and audits;
- make corrective remedies reasonably comparable in reach and entry point to the original material; and
- publish draft guidance for public consultation before it is finalised.

Scope and evidential limits

This response distils two evidence audits completed in August 2026: one concerning BBC and wider media coverage of Professor Jason Arday, and one concerning media accountability after Caroline Flack. The underlying public evidence includes URL-level chronologies, archived pages, institutional documents and published research. Private employment, health and correspondence material is deliberately excluded.

I do not ask Ofcom to determine that the BBC or the media caused either death. No public cause of death or coronial conclusion for Professor Arday was available at the evidence cut-off on 23 August

2026. Caroline Flack's coroner identified the anticipated publicity of the prosecution as part of the circumstances of her death, but did not assign civil or criminal liability to any publisher. Flack pleaded not guilty and the allegation against her was never tried.

Nor do I equate BBC reporting with the most abusive tabloid commentary. In the Arday case the BBC included denials, defenders and context, and its language was materially less punitive than much right-wing commentary. The regulatory question is whether the BBC independently tested necessity, scale, framing and foreseeable cumulative effect before adding public-service authority to an existing media campaign.

Why cumulative coverage needs an express rule

A conventional complaint begins with one item. A pile-on does not. It is experienced as a sequence of headlines, alerts, images, links and repeated allegations. The distinctive harm can arise from the combined course of publication even if no single item crosses the threshold when viewed in isolation. Ofcom already recognises fragmented online encounters. It should also recognise aggregated editorial exposure. [2]

Case evidence: Jason Arday

My audit identified 13 separate pre-death BBC pages or programme entries in 12 days: nine News or analysis pages, two standalone video pages and two programme pages. A broader count that includes a generic press-review page is 14. The count is disclosed because reasonable definitions differ.

The BBC had notice of vulnerability before the sequence ended. Its first report included Professor Simon Baron-Cohen's warning that an autistic man was already on the ground and being subjected to relentless bullying. On 5 August the BBC reported Arday's statement that the accusations and public commentary had taken a profound toll and that he needed time to heal. Coverage nevertheless continued and broadened into his memoir, health history, sport, fundraising, events and remaining roles.

University of Westminster communications professor Steven Barnett told the Associated Press that the mainstream press published 289 stories about Arday in 22 days, almost two-thirds after his resignation. That is Barnett's attributed count, not my independently verified census. [11]

A bounded BBC search found no substantively relevant News or Sounds item for four provisional academic-misconduct comparators. They were not matched controls and differed in seniority, profile, allegation and institutional consequence. Their racial identities were not established by self-identification. The result cannot prove racist intent or that race was the sole cause. It is strong enough to justify a controlled, independent equality audit of story selection, volume and prominence.

Archive checks found that all identified pre-death BBC entries remained live. Available post-death captures covered eight pages. Seven matched the current headline and body, while one corrected a minor institutional abbreviation. Several entries lacked adequate captures, so silent changes cannot be excluded. The finding supports auditable version histories, not an allegation of a cover-up.

Case evidence: Caroline Flack

The Flack case shows that the mechanism is not exclusively racial and is not confined to the BBC. A Guardian analysis identified 387 print stories mentioning Flack in the six months before her death, 99 in The Sun. It coded 25 per cent of the coverage negative and 18 per cent positive, with 35 per cent negative in December after the charge. The study was bounded and did not capture the full broadcast, online and social environment. [12]

BBC pre-death headlines were materially more restrained than tabloid puns and preserved the charge and denial frame. A developed BBC court report nevertheless repeated the prosecution's most graphic phrases and created a vivid scene. After her death the BBC carried valuable criticism of clickbait and press cruelty, but I found no searchable public BBC News self-audit, formal commitment or implementation report tied to the case. That search result does not prove that no internal reflection occurred.

The Sun removed a Valentine-card article after Flack's death; the pre-death page survives in the Wayback Machine. That example shows why preserving old versions is necessary for accountability and why silent deletion cannot be the default remedy. [16] [17]

Research on headlines and repetition

Controlled research supports a careful, limited proposition: headline wording and repetition can affect perception. Eight studies with 2,785 participants found that epistemic verbs in synthetic headlines affected perceived objectivity. A laboratory EEG study, with a main sample of 30, found that negative person-related headlines could accelerate and worsen social judgments. A meta-analysis of 182 studies, 366 effects and 31,184 participants found a bias-corrected repetition effect of g = .37 on perceived truth, with substantial variation. [13] [14] [15]

These studies do not prove a BBC-specific effect and do not show that emotion switches off reason. They support the more modest regulatory conclusion that a headline, image, repeated allegation or renewed promotion is not merely packaging. It can alter how material is understood.

Responses to selected consultation questions

I answer Questions 5 to 10, 13 to 17 and 21 to 27. Questions outside that scope are left unanswered.

Questions 5 to 7: Section Two, harm, offence and context

I broadly agree with the proposed approach, subject to an express cumulative-coverage principle. Rule 2.1 and the contextual approach in Rule 2.3 are capable of addressing online harm, but the guidance should say that context includes the aggregate course of related BBC publication.

The non-exhaustive contextual factors should include:

- the number, frequency and duration of related BBC items concerning one identifiable person;
- repetition of substantially the same allegation, image or framing;

- homepage and app prominence, recommendations, push notifications and BBC social promotion;
- the intensity of existing third-party press and social-media attention;
- foreseeable harassment or dog-piling following renewed BBC prominence;
- known vulnerability, trauma, bereavement, autism, disability or mental ill health;
- the subject's opportunity and practical capacity to respond; and
- whether each further item adds material public value or merely refreshes the spectacle.

Section Two is principally concerned with protection of the audience. Subject-side welfare should therefore also be secured through the Fairness Code, procedures and guidance rather than by stretching Rule 2.1 beyond Ofcom's statutory basis.

Questions 8 to 10: abuse, derogatory treatment and guidance

I support applying Rule 3.3 to BBC online material. Guidance should recognise that abusive or derogatory treatment can be produced through repetition, juxtaposition and coded framing even where the BBC does not itself use a slur.

Guidance should address repeated use of race, disability or association with DEI as the interpretive meaning of a story; stereotype-activating photographs and thumbnails; the repeated quotation of abusive third-party descriptions; and marked disparities in volume or prominence between reasonably comparable cases. This is not a quota and must not shield wrongdoing. It is an evidence-led consistency check on editorial judgment.

Questions 13 to 17: accuracy, impartiality, online items and series

I support the overall approach and agree that "online item" is the more accurate term. I also support assessing due impartiality across an editorially linked series, but the test must be functional. A group of related items should not escape review because the BBC did not place them under a formal series label.

Every user-facing fragment should comply in the form in which it is encountered. A materially misleading or unfair headline, thumbnail, social card, push alert, homepage teaser, search title or caption should not be cured by qualification far down the full article. This follows directly from Ofcom's recognition that users may see extracts and headlines without the body text. [2]

Guidance should also require a recorded cumulative public-interest and proportionality assessment when coverage becomes intensive. That record should answer:

- What precise public interest is served?
- What genuinely new information justifies this additional item or renewed prominence?
- What evidence supports each serious allegation and what uncertainty remains?
- Why is this scale of coverage proportionate when compared with reasonably similar cases?
- Could the same public purpose be achieved with less foreseeable harm?

- Was a timely and meaningful opportunity to respond provided?
- What known vulnerability, existing harassment or likely amplification was considered?

The BBC's own standards already say accuracy is more important than speed, that omissions and tone matter, and that prior publication elsewhere is not sufficient justification. The Neil Report warned that the BBC should never follow the pack and that repeating third-party allegations gives them the BBC's imprimatur. The Code should give those principles enforceable online effect. [8] [9] [10]

Question 21: applying Fairness and Privacy to online material

Sections 7 and 8 should apply in full. Practice 7.15 should be amended, within Ofcom's legal powers, so that due care is owed not only to a contributor but also to an identifiable person who appears in, is named by or is directly affected by BBC online material. A person can be the repeated subject of coverage without ever consenting to participate.

The trigger should be a material risk of significant harm, informed by the person's vulnerability, the scale of likely media and social attention, the sensitivity of the material and the intensity of related coverage. Protection should not depend on a public diagnosis. Intersectional race and disability risks should be considered where relevant.

Fairness should also include cumulative omission. A denial placed in one article should not be assumed to repair a later headline that presents an allegation as settled. Likewise, the sheer number of articles can create an overall conclusion that is not stated in any one item.

Questions 22 to 24: complaints, first posting and evidence preservation

The proposed procedures are a strong foundation, but they need a practical route for pattern complaints. Ofcom should allow a complainant to identify a related group of URLs and promotional items and should assess the sequence as a whole. It should aggregate materially related complaints and be able to open an own-motion systemic investigation.

The urgent-intervention examples should expressly include acute psychological harm to a vulnerable adult, ongoing coordinated harassment, trauma, bereavement and cumulative output across BBC platforms. The current examples should not imply that urgent harm is limited mainly to minors, physical injury or financial loss.

"First posted" should restart when material receives materially new content or prominence, including:

- a changed headline, standfirst, image, thumbnail, caption, SEO title or tag;
- new homepage, app or search prominence;
- a push notification or BBC-controlled recommendation;
- posting or renewed promotion on a BBC-branded social account; or
- repackaging substantially the same content under a new URL.

For a cumulative complaint, time should run from the latest related item or from the point at which the pattern could reasonably be recognised. Ofcom should apply exceptional-circumstances discretion where disability, trauma or bereavement prevented a timely complaint.

The BBC should preserve every materially different version, publication and amendment timestamps, homepage and app placement, BBC social posts, push alerts, internal correction records and available reach data for long enough to support complaints and investigations. The draft phrase “where appropriate” is too weak for material amendments.

The proposed procedure documents appear to carry an effective date of 2 July 2026 even though the Code remained under consultation. Ofcom should clarify the commencement date in the final statement so that users can understand which material and complaints are covered.

Questions 25 and 26: sanctions and remedies

I support enforceable and proportionate sanctions. A correction should travel through the same important entry points as the original claim and receive prominence reasonably comparable to it. Where feasible this should include the article, homepage or section front, BBC social posts, search metadata, captions, thumbnails and a corrective notification to recipients of a materially misleading push alert.

Annotated preservation is normally preferable to silent deletion because it protects the historical and regulatory record. Removal or access restriction should remain available where continued publication would itself be disproportionate. Repeated or systemic breaches should permit an independent audit, a published action plan and monitoring, not only a notice attached to one URL.

Question 27: rights, equality and impact assessment

The equality assessment should be strengthened. It focuses mainly on audience exposure and does not adequately analyse people who are subjects of coverage, racialised story selection, disability, intersectionality, cumulative exposure or the barriers faced by traumatised complainants.

Ofcom should require or commission lawful, privacy-preserving audits of:

- story selection and number of items concerning named subjects, examined by protected characteristic where evidence permits;
- headline framing, use of race or disability, imagery and sentiment;
- homepage, app, search, notification and social prominence;
- time and prominence given to denials, corrections and updates;
- the reach of corrections compared with the reach of the original material; and
- complaint outcomes, delays and exceptional-circumstances decisions.

Any equality audit must use valid comparators and disclose uncertainty. A disparity is evidence requiring explanation, not automatic proof of motive. The Code should protect Article 10, confidential sources, open justice and robust reporting of genuine wrongdoing. The reform sought is process-based accountability, not viewpoint licensing.

Suggested minimum wording for guidance

I invite Ofcom to include wording to the following effect:

> **Where BBC online material concerns an identifiable person and forms part of a related course of publication, context includes the cumulative volume, frequency, duration, prominence, repetition and foreseeable amplification of that material. Ofcom may assess related online items and BBC-controlled promotion together, whether or not the BBC formally labels them as a series.**
>
> **A headline, thumbnail, caption, social post, search title, homepage teaser or notification should be assessed as encountered. Qualification elsewhere in the full item may not remedy a materially misleading or unfair fragment.**
>
> **Where significant vulnerability or serious distress is known or reasonably foreseeable, the BBC should record the public interest, material novelty, proportionality, opportunity to respond and less harmful alternatives before further publication or renewed prominence.**

Implementation and public guidance

Ofcom proposes to publish guidance alongside the final Code after further engagement with the BBC. The people most affected by these rules must also be heard. Draft guidance should be published for consultation with bereaved families, Black communities, autistic and disabled people, mental-health and suicide-prevention specialists, working journalists, editors and freedom-of-expression organisations.

This Code is a rare chance to close a clear accountability gap while strengthening public confidence in legitimate journalism. It should not ask whether one URL is technically defensible and stop there. It should be able to see what the audience and the subject actually experienced: the sequence.

References

All links were checked for this response on 23 August 2026. Archive and search findings are bounded by the available captures and indexes.

[1] Ofcom, consultation landing page and submission details

[2] Ofcom, consultation on the BBC Online Material Code

[3] Ofcom, draft BBC Online Material Code

[4] Ofcom, proposed procedures for content standards investigations

[5] Ofcom, proposed fairness and privacy procedures

[6] Ofcom, proposed BBC sanctions procedures

[7] Ofcom, current position on BBC online material

[8] BBC Royal Charter and Framework Agreement

[9] BBC Editorial Guidelines

[10] BBC Neil Report

[11] Associated Press, Jason Arday media coverage and calls for inquiry, 19 August 2026

[12] Guardian, analysis of Caroline Flack print coverage, 21 February 2020

[13] Chuey, Luo and Markman, headline verbs and perceived objectivity, PNAS

[14] Baum and Abdel Rahman, negative headlines and person perception, SCAN

[15] Ye and colleagues, meta-analysis of repetition and perceived truth, Nature Communications

[16] Guardian, The Sun removes Caroline Flack article, 15 February 2020

[17] Wayback Machine, captured Sun article, 14 February 2020