

Consultation Response: Ofcom's rules on due impartiality, due accuracy, elections and referendums

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Dear Ofcom,

As there was not enough characters allowed in the boxes in the online form, I include below my response to the above listed consultation.

Question 1: Do you agree with Ofcom's proposal to remove the list of larger parties from Section Six of the Code and the PPRB Rules? Give reasons for your answer.

I agree with Ofcom's proposal to remove the list of larger parties from Section 6 of the Broadcasting Code and PPRB rules. The increasingly fractured and volatile party system makes a fixed list likely to be less and less relevant. The result of the 2015 parliamentary election showed the greatest disparity between the popular vote and the distribution of MPs. Based on the results of that election the decision to make UKIP a major party, but not the Green party was highly controversial. More flexibility for the broadcasters would make sense and remove any influence the very designation of being a "major party" or not might carry with voters.

Question 2: Do you agree with the proposal laid out in paragraph 3.30 that Ofcom produce an annual digest of electoral support? Give reasons for your answer.

Ofcom's suggest for an annual digest of electoral support is a worthy one, but it should be done carefully and with some nuance. It should focus on parties, rather than candidates to avoid contributing to the trend towards personality politics. It should include both previous popular votes and seat acquisition, and a list of any new parties that have emerged since the previous election. Ofcom should also consider an annual digest of electoral issues. Party brand can often carry more weight than platform in modern elections, to the detriment of decision-making by an informed electorate. A digest of issues of concern and perhaps based on British Social Attitudes survey, but also drawing on other sources, might highlight some of the issues shown to be of most concern to the electorate and help broadcasters more effectively interrogate parties and candidates on their positions and proposals in relation to those issues.

Question 3: Do you agree with the proposed amendments to Section Six set out in Annex 5 a) in relation to larger parties and b) to include BBC broadcasting services and BBC ODPS? Give reasons for your answer

I agree in general with the amendments to Section six set out in Annex 5 in relation to removing reference to larger parties and including the BBC's services. However, because the BBC is the largest public service medium, funded through the license fee with a specific remit to serve the public interest, it has a special duty to give space to minority groups that otherwise might struggle to find a platform for expression and that might be marginalized by other mainstream media. In point 6.2, which states "broadcasters must also consider giving appropriate coverage to parties and independent candidates with significant views and perspectives", it might be worth noting that BBC services have a specific obligation to seek out and cover minority parties and independent candidates, and to adequately represent the country's diversity in its coverage of candidates.

Question 4: Do you agree with the proposed amendments to the PPRB Rules set out in Annex 4 a) in relation to larger parties and b) to include BBC broadcasting services? Give reasons for your answer.

Yes for the same reasons as given in answer to questions 1 and 3. As the PPRB rules do not appear to apply to the on-demand services of any of the broadcasters the list of BBC services seems appropriate.

Question 5: Do you have any comments on Ofcom's proposed amendments set out in Annex 5 for the purpose of regulating BBC broadcasting services and BBC ODPS in the area of due impartiality and due accuracy?

The right to receive information is as important an aspect of freedom of expression as the right to impart information and views. As the primary public service media and only license fee funded media, the BBC has a particular obligation to inform the public sufficiently so they can make decisions and participate in democratic governance. During the EU referendum campaigns, the BBC failed the UK public quite drastically in this regard. The BBC failed to adequately contest inaccurate information being spread by both sides of the campaign. It failed to adequately inform people of the issues, the history of the issue, the implications of the decision, much less how the EU and the UK's relationship with it actually worked. The BBC's news coverage regularly played into personality politics by focusing on the individuals leading the campaigns – the extent that its senior political editor did “personal profiles” of them during prime time including a trip up to Michael Gove's childhood home and similar things. Research that included the BBC One's flagship news programme showed clearly that there was a lack of diversity and balance in the coverage of the referendum that put the Tory party in the limelight overwhelmingly. (<https://blog.lboro.ac.uk/crcc/eu-referendum/uk-news-coverage-2016-eu-referendum-report-5-6-may-22-june-2016/>) This was a poor replacement for providing accurate information necessary for people to make an informed decision. As referenda are known for being at least partially approval tests for any sitting government, this kind of partiality towards the voice of one party can have long-term consequences. The BBC regularly seems to absolve itself of the obligation of accuracy as long as it is reporting what a politician has said or covering the headlines of the daily print press, which for bizarre reason it continues to do. The BBC's newly formed “Reality Check” team for debunking fake news on social media is welcome, but does not look like it is aimed at debunking mistruths spread in mainstream press or by public figures, which regularly are insufficiently critically covered by the BBC.

Applying the impartiality and accuracy aspects of the Broadcasting Code to the BBC maybe a good start to rectifying these problems, however some things may need to be further clarified in Ofcom's guidance on Section five in relation to referenda and accuracy. Attention to impartiality in terms of the political party spectrum should be maintained even in referenda in which there is not a clear division between parties on the issue. Impartiality may apply to viewpoints or policy positions, but not to facts and truth. Broadcasters, including the BBC, should not be “impartially” allowing the airing of mistruths and inaccuracies unchallenged. Impartiality in matters of controversy is necessary, but when things are fact or when there is clear overwhelming evidence points to something as being reality, it is not a viewpoint to be debated. A prime example of this was with the climate change issue, when for the sake of impartiality, broadcasters for years were balancing out credible science and overwhelming evidence with the same small handful of climate change deniers. Broadcasters may need some further guidance as to when they should consider something to be a controversy in which there may be multiple “viewpoints” on a debatable issue and when the balance of reliable evidence can be accepted. Point 5.10 of the Broadcasting code defines “personal view” and “authored” giving the example of “opinion of a journalist, commentator or academic, with professional expertise or a specialism in an area which enables her or him to express opinions which are not necessarily mainstream”. The inclusion of academics here

as a type of author of an opinion is problematic, and undermines the evidence based findings of academic research. Academics are frequently not speaking from their personal opinion, but providing expertise based on evidence from research that is often generated collectively in collaboration with others. Ofcom should consider revising the Code to more effectively and clearly define “viewpoint”, “personal view” and “authored”.