



**ITN Submission on public consultation of Ofcom’s rules on due impartiality, due accuracy, elections and referendums**

ITN welcomes the opportunity to provide input into Ofcom’s consultation on due impartiality, due accuracy, elections and referendums. Specifically, we endorse Ofcom’s proposals to remove the reference of larger parties from Section Six of the code and the PPRB rules.

ITN is well known as the UK’s biggest independent producer of commercial broadcast news. We believe we are unique as a company that provides fully-formed and distinct news programming for three Public Service Broadcasters – ITV, Channel 4 and Channel 5.

Our high-quality journalism has won a string of accolades from national and international industry bodies. In the last year alone our programmes have triumphed at the International Emmys, BAFTAs, Peabody, Grierson and Amnesty Awards.

ITN believes high quality, independent provision from multiple sources is essential to a pluralistic news environment in delivering choice and alternative viewpoints that form part of our democratic process, and this should be protected at all costs. ITN is committed to providing impartial and accurate news programming.

Please find below our responses to the questions raised in this consultation.

**Q1: Do you agree with Ofcom’s proposal to remove the list of larger parties from Section Six of the Code and the PPRB Rules?**

ITN fully endorses the concept of removing an Ofcom-produced list of larger parties, thereby giving greater editorial freedom to broadcasters to take decisions in the area of elections. We agree that exercising careful editorial judgement based on evidence of past electoral support and evidence of current support is the best means of benchmarking party status. The reform still means there are parameters around reporting elections, most notably editorial judgements will still have to be justified within the boundaries of “due impartiality”.

It is timely that the present system is reformed for a number of reasons:

- Those defined as “larger parties” have increased in recent years. For example, the London Assembly, Mayor of London and Welsh Assembly elections had five larger parties standing in each. This makes coverage including any interview with a candidate extremely difficult in many news reports. In a report lasting two or three minutes it can be extremely difficult to fit in four or five interviews with all the major candidates as required under the current measures.
- The present rule is also an unreasonable restriction on editorial freedom. The current “larger party” rule has meant reduced scope for editorial judgement. Demanding that certain interviewees must be included in a report can restrict discretion that applies in decisions on what and who to include in a report. It can make the form of reporting elections formulaic and inflexible. In all other forms of reporting an interviewee is included only if their contribution is editorially justified. That is not the case in elections where certain interviewees have to be included, notwithstanding editorial merit.



- There can be genuine practical difficulties to contact all the relevant major parties on the day and logistical issues in getting to all the candidates who may not be easy to meet.
- As the rules stand it can mean a disproportionate time is given to candidates who will not win, meaning less time for two or perhaps three candidates with the likeliest chance of winning the vote. Going forward there may be some occasions where a significant number of candidates will need to be interviewed in an election. However, that may not always be the case.

The new rule does provide greater scope for editorial judgment but there are still significant parameters that cannot be breached, not least due impartiality. We do not believe the reform will have detrimental consequences. Decision-making will have to be justified in the context of due impartiality and careful editorial judgements will still need to be taken on a case-by-case basis and in coverage overall. Broadcasters will need to be able to explain why the report was duly impartial.

The present rule is unwieldy and restricts editorial judgement. It can produce a “one size fits all” outcome. This reform will enable more coverage of election issues and an end to the over-prescriptive present system.

**Q2: Do you agree with the proposal laid out in paragraph 3.30 that Ofcom produces an annual digest of electoral support?**

Ofcom has responded to criticism from the electoral commission and other stakeholders, including ITN, who found the current list system of larger parties as an “unnecessarily inflexible approach”.

However, we are concerned that an annual digest of electoral support could simply be a means of implementing a similarly inflexible device, by another name. An annual document is at risk of very swiftly becoming out of date and therefore inaccurate. We have seen in recent months that polls can radically change over the course of an election let alone a 12 month period and in any event such polls are not necessarily reliable. They can be seriously inaccurate, not reflecting the truth or the public’s view.

3.23 (p11) calls for a “general Requirement to base editorial decisions in relation to election coverage...on evidence of past electoral support and/or current support”. If Ofcom is also planning to publish a “digest” cataloguing this – then it seems that the premise that Ofcom is providing freedom for editorial judgement is being undermined straightaway.

In the run-up to any election or referendum ITN provides training and guidelines for coverage and staff are aware of the need to focus on the rules. We believe that editorial news departments should be left to focus on the specifics and to do their own research, rather than become over-focused on a digest produced by Ofcom. It is best left with the news departments to do their own research and be able to justify their reports, if asked to do so.

**Q3: 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?**

BBC News like ITV News, Channel 4 News and 5 News are all governed by the same principles of due impartiality and due accuracy. With Ofcom as the new regulator of the BBC as well as licensed PSBs it makes absolute sense that the same guidelines apply to all.



**Q4: 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?**

As an independent producer of news rather than a broadcaster ITN does not have a role to play in deciding PPRB transmission. However, as Ofcom now regulates the BBC it seems logical that the same rules should apply.

**Q5: 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?**

BBC News like ITV News, Channel 4 News and 5 News are all governed by the same principles of due impartiality and due accuracy. With Ofcom as the new regulator of the BBC as well as licensed PSBs it makes absolute sense that the same guidelines apply to all.

*ITN would like to take the opportunity to make some additional points related to electoral broadcast rules:*

We endorse the reform of the "major parties" but believe the wording as set out in Annex 6.9 (p35) is too restrictive.

The proposed wording says broadcasters "must" offer the same opportunity for comment to all candidates in a particular constituency with previous or current significant support. ITN believes that the word "must" should be removed and words such as "should usually" be added.

Although it is expected that all candidates with significant support would ordinarily be interviewed there may be exceptional cases where it may be editorially justified not to do so and this should be allowed. The word "must" prohibits editorial choice and there should be scope in exceptional cases not to offer each candidate an opportunity to take part. The test of due impartiality would still have to be met.

For example, rather than the local candidate it may be more appropriate and editorially justified to use a national spokesperson / leader or a Government Minister in a constituency electoral report focused on a specific issue (such as education or health or Brexit) to talk about the issue. Such cases may be rare but by requiring all local candidates with significant support always to be personally offered an interview unreasonably restricts editorial freedom. Editorial judgement should instead always be focused upon being able to demonstrate due impartiality.

**Conclusion:**

Ofcom's proposal to remove the reference to larger parties reflects what ITN has been calling for, for some time. As an organisation, we have found that this restrictive and inflexible rule was in fact detrimental to news programmes' ability to cover elections and referendums for their audience. ITN supports Ofcom's proposals to remove the reference of larger parties from Section Six of the code and the PPRB rules which will enable greater editorial freedom around coverage of elections.