

# **Ofcom Broadcast and On Demand Bulletin**

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## Introduction

Under the Communications Act 2003 (“the Act”), Ofcom has a duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives<sup>1</sup>. Ofcom also has a duty to secure that every provider of a notifiable On Demand Programme Services (“ODPS”) complies with certain standards requirements as set out in the Act<sup>2</sup>. Ofcom must include these standards in a code, codes or rules. These are listed below.

The Broadcast and On Demand Bulletin reports on the outcome of investigations into alleged breaches of those Ofcom codes and rules below, as well as licence conditions with which broadcasters regulated by Ofcom are required to comply. We also report on the outcome of ODPS sanctions referrals made by the ASA on the basis of their rules and guidance for advertising content on ODPS. These Codes, rules and guidance documents include:

- a) [Ofcom’s Broadcasting Code](#) (“the Code”) for content broadcast on television and radio services.
- b) the [Code on the Scheduling of Television Advertising](#) (“COSTA”) which contains rules on how much advertising and teleshopping may be scheduled in television programmes, how many breaks are allowed and when they may be taken.
- c) certain sections of the [BCAP Code: the UK Code of Broadcast Advertising](#), which relate to those areas of the BCAP Code for which Ofcom retains regulatory responsibility for on television and radio services. These include:
  - the prohibition on ‘political’ advertising;
  - sponsorship and product placement on television (see Rules 9.13, 9.16 and 9.17 of the Code) and all commercial communications in radio programming (see Rules 10.6 to 10.8 of the Code);
  - ‘participation TV’ advertising. This includes long-form advertising predicated on premium rate telephone services – most notably chat (including ‘adult’ chat), ‘psychic’ readings and dedicated quiz TV (Call TV quiz services). Ofcom is also responsible for regulating gambling, dating and ‘message board’ material where these are broadcast as advertising<sup>3</sup>.
- d) other licence conditions which broadcasters must comply with, such as requirements to pay fees and submit information which enables Ofcom to carry out its statutory duties. Further information can be found on Ofcom’s website for [television](#) and [radio](#) licences.
- e) Ofcom’s [Statutory Rules and Non-Binding Guidance for Providers of On-Demand Programme Services](#) for editorial content on ODPS. Ofcom considers sanctions in relation to advertising content on ODPS on referral by the Advertising Standards Authority (“ASA”), the co-regulator of ODPS for advertising or may do so as a concurrent regulator.

[Other codes and requirements](#) may also apply to broadcasters, depending on their circumstances. These include the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must

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<sup>1</sup> The relevant legislation is set out in detail in Annex 1 of the Code.

<sup>2</sup> The relevant legislation can be found at Part 4A of the Act.

<sup>3</sup> BCAP and ASA continue to regulate conventional teleshopping content and spot advertising for these types of services where it is permitted. Ofcom remains responsible for statutory sanctions in all advertising cases.

provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

**It is Ofcom's policy to describe fully the content in television, radio and on demand content. Some of the language and descriptions used in Ofcom's Broadcast and On Demand Bulletin may therefore cause offence.**

## Notice of Revocation

### Voice of Africa Radio

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#### Introduction

The Broadcasting Act licence and associated Wireless Telegraphy Act licence (CR000070BA and CR000070WT respectively) of Voice of Africa Radio (“VOAR”) were revoked with immediate effect on Friday 4 March 2016.

VOAR was licensed to provide a community radio service for the African community in Newham, East London on 94.0 MHz.

#### Summary of Decision

On 12 October 2015, Ofcom recorded breaches against VOAR as a result of its failure to broadcast a service since 14 July 2015<sup>1</sup>.

On 21 December 2015, Ofcom decided to revoke VOAR’s Broadcasting Act licence for the breaches recorded against it unless it took the remedial steps specified in the decision<sup>2</sup>. These were:

- (1) By 15 January 2016: To provide Ofcom with a schedule setting out all the steps that VOAR must take in order to recommence broadcasting of the Licensed Service and its timetable for taking such steps;
- (2) By 1 February 2016, to either:
  - a) provide Ofcom with evidence that VOAR has secured a contract enabling it to re-commence broadcasting from the existing licensed transmitter site; or
  - b) provide Ofcom with evidence that VOAR has successfully negotiated an agreement (subject to contract) to secure a suitable alternative transmitter site and provide Ofcom with all necessary documentation and information to enable Ofcom to clear the alternative transmission site.
- (3) No later than 1 March 2016: To recommence the broadcast of the Licensed Service in accordance with the Key Commitments, from the licensed transmitter site approved by Ofcom, as soon as possible and in any event no later than 1 March 2016.

On 3 February 2016, Ofcom wrote to VOAR following its failure to fulfil the first two remedial steps by the dates specified, giving VOAR notice that it proposed to revoke its Broadcasting Act (“BA”) and Wireless Telegraphy Act (“WTA”) licences. VOAR was given an opportunity to make representations about the proposal.

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<sup>1</sup> [http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb290/Issue\\_290.pdf](http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb290/Issue_290.pdf)

<sup>2</sup> [http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/VOAR\\_sanction\\_070116.pdf](http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/VOAR_sanction_070116.pdf)

Ofcom received representations from VOAR on 12 and 19 February 2016.

On 4 March 2016, after considering VOAR's representations, Ofcom decided to revoke VOAR's BA and WTA licences with immediate effect. We were satisfied that VOAR had failed to fulfil the first two remedial steps by the dates specified and there was no prospect of VOAR recommencing the broadcast of its service within a reasonable timeframe. Ofcom was also satisfied that the revocation was in the public interest, noting that VOAR's failure to remedy the breaches resulted in a failure to serve listeners generally and specifically, in the case of a community radio service, to meet the statutory objective of providing a service to the target audience, which is otherwise underserved by other radio services.

## Broadcast Standards cases

### In Breach

#### The Adventures of Stephen Brown

*That's Solent*, 2 January 2016, 19:20

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#### Introduction

That's Solent is the local television service for Southampton and surrounding areas. The Licence for That's Solent is held by That's TV ("That's TV" or "the Licensee").

Ofcom was alerted to a programme on the channel by a viewer who objected to the opening scene in which, according to the complainant, a woman was "brutally murdered with a knife".

The programme broadcast at 19:20 was an episode of the science-fiction series *The Adventures of Stephen Brown*. It began with a scene set at night-time, in which a woman was shown being stalked through a series of streets and alleyways by a male pursuer. There was an approximately one and a half minute sequence of interspersed shots of the woman walking quickly through the streets and occasionally anxiously glancing behind her, as well as obscured shots of her pursuer. The woman then went down an alleyway and fell to the ground and looked behind her. The ensuing 30 seconds showed a medley of shots of the woman being attacked with a knife. This included shots of: the knife apparently entering the woman's body; the bloody knife being held aloft by the attacker; shadows on the wall of the attacker swinging the blade; and, close ups of the victim's face with blood on her neck. A number of these shots were shown in slow-motion. Ofcom noted the assailant stabbing the woman 17 times, and the individual stabs were also accompanied by the sound of the blade apparently entering the woman's flesh. After the attack sequence, the attacker was shown making his escape, leaving the lifeless body of the woman in the alleyway.

Ofcom considered the material raised issues warranting investigation under Rule 1.11 of the Code. This states:

"Violence, its after-effects and descriptions of violence, whether verbal or physical, must be appropriately limited in programmes broadcast before the watershed...and must also be justified by the context".

We therefore asked the Licensee for its comments on how it complied with this rule.

#### Response

That's TV apologised for this incident and said it was "a source of great regret...that this particular episode was broadcast pre-watershed". It added that the programme had been "originally scheduled for a post-watershed transmission but, following a schedule change, was transmitted at a time" that the Licensee acknowledged was "inappropriate for the nature of the content". That's TV said that as a result of this "scheduling error" it "was reviewing its procedures to prevent similar occurrences" in the future.

## **Decision**

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, including that “persons under the age of eighteen are protected”. This objective is reflected in Section One of the Code.

Rule 1.11 requires that violence, its after-effects and descriptions of violence must be appropriately limited in programmes shown before the watershed and must be justified by the context.

We first considered whether the violence described in the Introduction was appropriately limited. In our view, the violence in the scene was not appropriately limited. This was because the scene depicted, in some detail, a frenzied, prolonged, violent and lethal attack in which a woman was stabbed 17 times. The impact of the scene was also particularly heightened by the shots of the blade apparently entering the woman’s body and the accompanying sound effects of the blade entering her flesh.

We next considered whether the violence was justified by the context. We noted the programme was shown on That’s Solent, a local television service. We also noted that the attack occurred in the very opening scene of the programme just after 19:20. We also considered the audience of this programme would not have expected a graphic depiction of strong and bloody violence to be shown at this time and on this channel. In Ofcom’s view therefore, the violence was not justified by the context.

We noted that the Licensee apologised for this incident and said it was reviewing its compliance procedures to “prevent similar occurrences”. However, we considered that this was a clear breach of Rule 1.11.

## **Breach of Rule 1.11**

## In Breach

### Commercial reference to Pentagon Vauxhall

*Gem 106, 15 to 30 September 2015, various times*

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#### Introduction

Gem 106 is an analogue commercial radio station that broadcasts to the East Midlands area. The licence for the service is held by Orion Media (East Midlands) Ltd (“Orion” or “the Licensee”).

A complainant alerted Ofcom to a pre-recorded commercial reference to Pentagon Vauxhall, a car dealership, which stated:

*“...Pentagon Vauxhall, Derby and Mansfield – brand new Astra from £9,995. Terms and conditions apply”.*

Although the commercial reference was broadcast from 15 to 30 September 2015, the complainant visited Pentagon Vauxhall, Derby, on 29 September 2015, when he was told the offer had ended.

Ofcom considered the material raised issues warranting investigation under Rule 10.7 of the Broadcasting Code, which states:

“Commercial references in programming must comply with the advertising content and scheduling rules that apply to radio broadcasting”.

The advertising content and scheduling rules that apply to radio broadcasting are set out in the UK Code of Broadcast Advertising (“the BCAP Code”)<sup>1</sup>. Ofcom therefore considered that the material also raised issues warranting investigation under the following BCAP Code rules:

Rule 3.1: “Advertisements must not materially mislead or be likely to do so”.

Rule 3.24: “Price claims such as “up to” and “from” must not exaggerate the availability or amount of benefits likely to be obtained by consumers”.

The Licensee told Ofcom that it had obtained clearance for the broadcast of the commercial reference from Radiocentre Clearance – the radio industry body that approves radio advertising messages before broadcast. We therefore asked the Licensee, Radiocentre Clearance and Pentagon Vauxhall how the broadcast of the commercial reference complied with the above rules.

#### Response

Radiocentre Clearance said it had approved the commercial reference for broadcast having received “confirmation that the local dealership had Astras selling at [£9,995]”.

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<sup>1</sup> The Advertising Standards Authority (“ASA”) and Broadcast Committee of Advertising Practice (“BCAP”) regulate the content of broadcast advertising, under a Memorandum of Understanding with Ofcom. Specifically, BCAP supervises and reviews the codes that govern the regulation of broadcast advertising. The regulation of commercial references on radio, including sponsorship credits, remains with Ofcom, as such references form part of radio broadcasters’ editorial content (i.e. they are not spot advertisements).

It added that, if stock at this price had been “severely limited”, it “would have expected [Pentagon Vauxhall] to have clarified this ...OR asked the broadcaster to remove the [commercial reference] once said stock was beginning to run out / had run out” (emphasis in original).

Orion, who said Pentagon Vauxhall's comments had been incorporated into its own response, noted that the terms and conditions (available on Pentagon Group's website) stated both that “offers may not apply to all retailer stocks” and that transactions had to be completed by 30 September 2015 to be eligible, which was why the broadcast of the commercial reference had ended on that date. It added that Pentagon Vauxhall in Derby had limited the vehicles available for purchase to a number which was “exceeded over the weekend of the 26/27 September, and thus by the time the complainant sought to purchase a vehicle”. Orion said that, given also the campaign had begun on 15 September, it therefore considered “there had been a reasonably accurate estimate of the level of demand”.

Orion said it “attaches importance to this area – and does all it can to ensure that advertisements and commercial programming content is compliant with the [relevant] Code[s]”. It added that, although commercial references such as this were scheduled in advance it would generally amend or remove from air such broadcast material, if it was informed the promotional message “had become potentially misleading”. Orion said it had not received such an update from Pentagon Vauxhall on this occasion “possibly because the deal was so near its conclusion”, but it did not consider its client had been seeking to mislead Gem 106 listeners. The Licensee said it understood that “the complainant [had] been directly in touch with [Pentagon Vauxhall] and an offer of redress [had] been offered”.

Orion concluded that, although “there was a brief risk that the [commercial reference] might [have been] seen as misleading, towards the very end of the campaign”, it considered Pentagon Vauxhall had “sought to resolve the issue so that consumers were not materially disadvantaged”. The Licensee added that, under similar circumstances in the future, it would therefore ensure clients made clear to it “any limitations on stock during the course of the campaign and notify [it] should offers expire”.

## **Decision**

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure standards objectives, including “that generally accepted standards are applied to the contents of...radio services so as to provide adequate protection for members of the public from the inclusion in such services of...harmful material” and “that the inclusion of advertising which may be misleading, harmful or offensive in...radio services is prevented”.

These objectives are reflected in, among other rules:

- Rule 10.7 of the Broadcasting Code, which requires that commercial references in radio programming comply with the advertising content and scheduling rules that apply to radio broadcasting;
- Rule 3.1 of the BCAP Code, which states that advertisements must not materially mislead or be likely to do so; and

- Rule 3.24 of the BCAP Code, which requires that price claims in advertising material must not exaggerate either the availability or amount of benefit likely to be obtained by consumers.

Ofcom noted that, in this instance, a commercial reference was broadcast that stated Pentagon Vauxhall had an Astra available “*from £9,995*”. We also noted that Radiocentre Clearance had approved the commercial reference, having received confirmation that Pentagon Vauxhall Derby had Astras to sell at £9,995 each. Further, we noted that the Licensee considered Pentagon Vauxhall had made “a reasonably accurate estimate of the level of demand” of such Astras as cars had been available at the advertised price until the weekend before the campaign ended.

However, we also took into account that the complainant had visited Pentagon Vauxhall in Derby before the closing date of the offer, when cars were no longer available at the promoted price. We therefore considered the broadcast was both misleading to listeners, including the complainant in this case, in breach of Rule 3.1 of the BCAP Code, and exaggerated the availability of the promoted product, in breach of Rule 3.24 of the BCAP Code. As the commercial reference was in breach of Rules 3.1 and 3.24 of the BCAP Code, it was also in breach of Rule 10.7 of the Broadcasting Code, which requires commercial references to comply with the advertising content rules applicable to radio broadcasting.

Ofcom noted that Orion had assumed the dealership would inform it of any significant change in availability, rather than actively seeking to verify the continued validity of the offer. We also noted that the Licensee told Ofcom it would ensure that it was informed about stock limitations in future to avoid recurrence.

We remind licensees that it is their responsibility to ensure that commercial references in radio programming do not mislead listeners as to the availability of promoted goods and services.

**Breach of Rule 10.7 of the Code**  
**Breaches of Rules 3.1 and 3.24 of the BCAP Code**

## In Breach

### **Saif Powertec: the Light of Ramadan**

*ATN Bangla UK, 22 June 2015, 11:00*

### **In the Shade of the Qur'an, powered by Smart Active Gold**

#### **Mehedi**

*ATN Bangla UK, 22 June 2015, 17:00*

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#### **Introduction**

ATN Bangla UK is a news and general entertainment channel broadcast in Bengali and serving the Bangladeshi community in the UK and Europe. The licence for ATN Bangla UK is held by ATN Bangla UK Limited (“ATN Bangla” or “the Licensee”).

During monitoring we noted the following programmes. As the programmes were predominantly in Bengali with some English, we commissioned an independent translation of the material:

#### *Saif Powertec: the Light of Ramadan*

This was a discussion programme about seeking forgiveness from Allah. It opened with a full screen image of Ofcom’s universal product placement logo<sup>1</sup> (a ‘P’ symbol). A logo for Saif Powertec (a construction and power generation firm in Bangladesh) was prominent and clearly visible in the background of the set for the duration of the programme.

#### *In the Shade of the Qur'an, powered by Smart Active Gold Mehedi*

The programme was a Qur'an-recital competition which opened with a full screen image of Ofcom’s product placement ‘P’ logo. Logos for Dekko (a food manufacturer in Bangladesh) were clearly visible in the background of the set and on the judges’ tables throughout the programme.

Ofcom requested comments from the Licensee to decide whether these references constituted product placement as defined in the Code<sup>2</sup>. ATN Bangla said: it had sourced these programmes from Bangladesh; that they were produced by an independent production company; and, that ATN Bangla UK did not financially benefit from the productions. Although the Licensee was unable to confirm whether any commercial arrangements existed between the companies referred to and the programme’s producer/broadcaster in Bangladesh, it explained that the references to these companies in the programmes “was not editable...therefore the PP sign was shown at the beginning of these programmes to adhere to Ofcom compliance”. ATN

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<sup>1</sup> Guidance on the form, size and duration of the logo can be found in Annex 1 of Ofcom’s Guidance to Section Nine of the Code at:  
<http://stakeholders.ofcom.org.uk/binaries/guidance/831193/section9.pdf>

<sup>2</sup> The Code defines product placement as: “The inclusion in a programme of, or reference to, a product, service or trade mark where the inclusion is for a commercial purpose, and is in return for the making of any payment, or the giving of other valuable consideration, to any relevant provider or any other person connected with a relevant provider, and is not product placement.”

Bangla also provided information to Ofcom that the company from which it had sourced the programmes was not a connected person<sup>3</sup> of ATN Bangla. Although the Licensee was unable to provide Ofcom with relevant information to determine whether the programmes fell within the scope of Rules 9.6 to 9.14 of the Code, relating to product placement, we considered that the material raised issues warranting investigation under Rule 9.5 of the Code, which states that:

“No undue prominence may be given in programming to a product, service or trademark. Undue prominence may result from:

- the presence of, or reference to, a product, service or trade mark in programming where there is no editorial justification; or
- the manner in which a product, service or trade mark appears or is referred to in programming”.

We therefore asked ATN Bangla for comments as to how the material complied with Rule 9.5.

### **Response**

The Licensee did not provide any additional comments to the information provided above; that it had sourced these programmes from Bangladesh; that they were produced by an independent production company; that ATN Bangla UK did not financially benefit from the productions; and, that the references to these companies in the programmes “was not editable...therefore the PP sign was shown at the beginning of these programmes to adhere to Ofcom compliance”.

### **Decision**

Under the Communications Act 2003 (“the Act”), Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure a number of standards objectives, one of which is “that the international obligations of the United Kingdom with respect to advertising included in television and radio services are complied with”. These obligations include ensuring compliance with the Audiovisual Media Services (“AVMS”) Directive.

The AVMS Directive contains a number of provisions designed to help maintain a distinction between advertising and editorial content, including requirements that television advertising is kept visually and/or audibly distinct from programming in order to prevent programmes becoming vehicles for advertising, and limiting the amount of advertising shown in any clock hour. The requirements of the AVMS Directive and the Act are reflected in Section Nine of the Code, including Rules 9.5 among others.

Rule 9.5 states that no undue prominence may be given in programming to a product, service or trade mark, noting that undue prominence may result from a reference to a product, service or trade mark where there is no editorial justification, or from the manner in which a product, service or trade mark is referred to. Ofcom’s

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<sup>3</sup> Connected person has the same meaning as it has in Section 202 of the Broadcasting Act 1990 (paragraph 3 in Part 1 of Schedule 2). The full definition is reproduced in Appendix 1 of the Code. A summary is included in the main body of the Code, above Rule 9.6.

published guidance<sup>4</sup> on Rule 9.5 states: “Whether a product, service or trade mark appears in a programme for solely editorial reasons...or as a result of a commercial arrangement between the broadcaster or producer and a third party funder...there must be editorial justification for its inclusion. The level of prominence given to a product, service or trade mark will be judged against the editorial context in which the reference appears”.

Although we noted the Licensee’s argument that it had received no financial benefit from the inclusion of these references, the rules relating to undue prominence are primarily intended to protect audiences by limiting the number of commercial messages contained in programming. Accordingly, the Licensee’s commercial arrangements were not relevant to our consideration of whether the references within the programme were unduly prominent.

In this case, we noted that branding for Saif Powertec and Dekko featured prominently throughout *Saif Powertec: the Light of Ramadan* and *In the Shade of the Qur’an, powered by Smart Active Gold Mehedi* respectively. We did not consider that there was editorial justification for extensive visual references to a power generation firm and a food manufacturer throughout programming focused on aspects of religious faith and have therefore recorded breaches of Rule 9.5 of the Code.

### **Breaches of Rule 9.5**

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<sup>4</sup> <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section9.pdf>

## Resolved

### The Jeremy Kyle Show

ITV, 18 January 2016, 09:30

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#### Introduction

The Jeremy Kyle Show is a popular daytime talk show broadcast on ITV, hosted by Jeremy Kyle, in which members of the public discuss relationship problems in a frank and often confrontational manner in front of a studio audience. The programme is compiled by ITV Broadcasting Limited (“ITV”), on behalf of the Channel 3 licensees.

Two complainants alerted Ofcom to the use of offensive language in this programme.

We noted that at approximately 09:49, during a segment of the programme entitled “*When I prove I didn’t cheat, will you let me see our daughter?*” a female contributor said:

*“Ya cunt, it will make a change then”.*

She used this language during a heated exchange between her and her ex-partner.

We considered the material raised issues warranting an investigation under Rule 1.14 of the Code which states:

“The most offensive language must not be broadcast before the watershed...”.

We therefore asked ITV how the programme complied with this rule.

#### Response

ITV accepted that the contributor did use the word “cunt” and that it should not have been broadcast. However, ITV said “it would not have been readily audible, or at least not readily understandable as such (other than to a small number of Scottish viewers), due to the speaker’s accent and the casual rather than emphatic manner in which the comment was made”. ITV said that the word was broadcast simply because it had not been “understood” prior to broadcast. It apologised for any offence caused.

ITV outlined the processes it applies to ensure *The Jeremy Kyle Show* complies with the Code, and in particular to remove inappropriate offensive language. It said each episode of the programme is reviewed at two different stages, a “rough cut” of the programme and then the final master recording, by two different compliance advisors. As a result ITV said that in this case during the editing process the programme was “...reviewed by a producer, a supervising producer, 3 different editors and 2 assistants, 2 different compliance advisors, and also by a transmission previewer and subtitler prior to transmission”. It said that in addition to this, due to its experience of finding that particular regional and national accents make some contributors more difficult to understand, in this case a Scottish member of the production team also reviewed the programme with a view to “looking out for offensive language”. ITV said that none of these reviewers understood the contributor to be saying “*Ya cunt*” in the programme.

ITV said that it had received no viewer complaints about the use of this language in this programme, which it said it would have expected if its audience of over one million viewers had widely understood the contributor to have said the word “cunt”. However, ITV explained that, having been alerted to the issue on the day of broadcast by Scottish colleagues at STV, it had removed the particular episode from its catch up service immediately.

## **Decision**

Under the Communications Act 2003, Ofcom has a duty to set standards for broadcast content as to ensure the standards objectives, including that “persons under the age of eighteen are protected”. This objective is reflected in Section One of the Code.

Rule 1.14 states that the most offensive language must not be broadcast on television before the watershed. Ofcom’s research on offensive language<sup>1</sup> notes that the word “cunt” is considered by audiences to be among the most offensive language.

In this case the broadcast of the word “cunt” was an example of the most offensive language being used in a programme broadcast before the watershed. This material therefore breached Rule 1.14.

Ofcom however took into account that the word was not clearly audible. We noted that it was used during a heated exchange between two programme contributors, who were speaking very quickly. We also had regard to the facts that ITV: said it had taken extensive steps prior to broadcast to remove inappropriate material from this programme; accepted that this programme breached Rule 1.14 and apologised; and, took steps immediately after the broadcast to ensure this programme was not shown again before it was re-edited. Therefore, we considered the matter resolved.

## **Resolved**

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<sup>1</sup> Audience attitudes towards offensive language on television and radio, August 2010 (<http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>)

## Technical quality of local television services

### *That's Solent, That's Manchester and That's Oxford*

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#### Introduction

That's Solent is a local digital television service for people in the Southampton area (which includes areas such as parts of the Isle of Wight and Portsmouth). The licence for the service is held by That's Solent Limited.

That's Manchester is a local digital television service for people in Manchester. The licence for the service is held by YourTV Manchester Limited.

That's Oxford is a local digital television service for people in Oxford. The licence for the service is held by That's Oxford Limited.

That's Media Limited ("That's Media") owns That's Solent Limited, YourTV Manchester Limited and That's Oxford Limited (together "the Licensees").

All three services are available in their respective local areas on digital terrestrial television.

During June and July 2015, Ofcom received a number of complaints regarding the technical quality of the material broadcast on all three services. Each Licensee provides, amongst other things, a three-hour news programme on weekday evenings. Ofcom obtained recordings of these news programmes covering a three-day period in June 2015 for each of the services to consider this issue further.

Having reviewed these recordings, Ofcom identified the following technical problems at times:

- **Sound problems:** including inconsistent sound levels from one video clip to the next and also from one speaker to another, failures of studio sound equipment (such as microphones) and the broadcasting of video clips without accompanying sound.
- **Video problems:** including video images freezing and jumping, as well as video clips that, when broadcast, did not start from the beginning (e.g. a clip starting mid-sentence).
- **Caption and graphic problems:** including inaccurate Electronic Programme Guide (EPG) listings, end credits appearing during the programme (rather than at the end) and captions being inconsistent with the image on screen.

In the three days of recordings Ofcom assessed, we observed a significant number of technical problems.

Licence Condition 4(1)(b) of the Licensees' licences requires that:

"4(1): The Licensee shall from the Commencement Date ensure that the Licensed Service is at all times offered as available (subject to the need to agree terms) to be broadcast:...

(b) in such technical format or technical instructions as Ofcom may specify from time to time”.

We therefore wrote to the Licensees seeking comments on the technical quality of their output and technical performance in accordance with Licence Condition 4(1)(b). We also explained that we were minded to specify (for each Licensee) technical instructions pursuant to Condition 4(1)(b) of the licences, and sought their comments on this.

## **Response**

That's Media provided a joint response for all three services.

It explained that the Licensees had taken (and were continuing to take) comprehensive action, at material cost, to address the matters noted by Ofcom. It also expressed concern at Ofcom's proposal to specify technical instructions pursuant to Condition 4(1)(b) of the licences.

### Technical quality

With regards to That's Solent and That's Oxford, That's Media explained that:

- despite undertaking research before launching their services, both That's Solent and That's Oxford had suffered serious technical problems and had been working over a period of time to attempt to resolve these. This included remedial works and upgrades to the existing systems; and
- That's Solent undertook a complete broadcast system re-build in November 2015 and that That's Oxford is committed to undertaking its own comprehensive studio re-build in early 2016.

With regards to That's Manchester, That's Media explained that:

- as a result of the technical problems experienced by That's Solent and That's Oxford, a different technical architecture was implemented for this service. As a result, however, That's Manchester had only a short time to contract and install a new system from scratch; and
- the service did not launch until the end of May 2015 and that, as a result, many of the technical issues observed by Ofcom during the June 2015 recordings were merely “teething problems”. It explained that That's Manchester has since had upgrades to equipment and additional training from suppliers to address technical issues. It urged Ofcom not to judge it based on elements of output during its first month on air.

On the three categories of technical issues identified by Ofcom, That's Media made the following points:

- Sound problems: That's Media stated it regarded these as of particular importance and that new equipment, new microphones and digital audio mixers and new audio processors had already been implemented at That's Manchester and That's Solent and would be implemented in early 2016 at That's Oxford.

- Video problems: That's Media agreed that the playback of video clips should not be "plagued by problems", such as freezing or starting in the wrong place. That's Media acknowledged issues at That's Solent and That's Oxford but gave assurances that, following system re-builds in November 2015 and early 2016, they would both operate substantially similar equipment to That's Manchester. For That's Solent, it said that freezing and jumping video have now been substantially eradicated.
- Caption and graphics problems: That's Media acknowledged that some of the problems which Ofcom observed in monitoring are common in live TV, but that they were also disappointed when such problems had occurred. As a result, it explained that: (i) the majority of 'lower-third captions' (e.g. identifying speakers in video) were now played out automatically from a different system at That's Manchester and That's Solent, following specific software developments, so that staff do not have to manually insert captions; (ii) a reputable third-party contractor has been engaged to provide EPG listings, which should provide staff with more control over (including the ability to update) EPGs; and (iii) That's Media planned to install the same system at That's Oxford.

#### Specification of technical instructions

That's Media explained that the technical procedures that the Licensees were continuing to implement were comprehensive and that additional regulatory burdens would be inappropriate and disproportionate.

It also explained that, in its view:

- it would be virtually impossible for Ofcom to frame and implement technical instructions proportionately;
- technical instructions could have a negative impact on the Licensees' services, potentially leading to them reducing the quantity and quality of programming by prioritising "simple" pre-records over more technically challenging (and, for the viewer, exciting and engaging) live programming;
- it would be unfair for the Licensees to be held to different standards to other channels;
- Ofcom should not set a precedent by imposing technical instructions on a service in its first month on air; and
- it would be discriminatory if there were to be occasional technical failures in the future which would lead to further regulatory action.

#### **Conclusion**

Although Ofcom accepts that technical issues may occur from time to time in any broadcast service (particularly in a new sector such as local digital television), these should be kept to a minimum and measures should be taken by service providers to prevent their re-occurrence in the future.

Having carefully considered the representations provided by That's Media, Ofcom was minded not to specify technical instructions pursuant to Licence Condition 4(1)(b).

Ofcom noted the various steps the Licensees had taken to address each of the technical issues we had raised. This included complete broadcast system re-builds at That's Solent and That's Oxford, which (particularly in the latter case) is ongoing.

Ofcom was also particularly mindful of the fact that That's Manchester did not launch its local digital television service until the end of May 2015 (i.e. less than one month before the recordings considered by Ofcom were made).

Ofcom did not accept the Licensee's position that it would be "virtually impossible for Ofcom to frame and implement technical instructions proportionately". However, in light of the above, we considered that the specification by Ofcom of technical instructions in this case would not be proportionate at this time.

Technical quality is an issue that Ofcom takes seriously. We put the Licensees on notice that we may monitor the output again in the future to ensure that the technical quality of the services provided by the Licensees is of a sufficient standard.

## Broadcast Fairness and Privacy cases

### Not Upheld

#### Complaint by Mr Chinyere Inyama

*ITV London News, ITV, 18 August and 15 September 2015*

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#### Summary

Ofcom has not upheld Mr Chinyere Inyama's complaint of unjust or unfair treatment in the programmes as broadcast.

The programmes included various comments and criticisms about the efficacy and manner with which Mr Inyama, the Senior Coroner for West London, and the West London Coroner's Court, for which he had responsibility, carried out his/its role. Mr Inyama was identified in each of the programmes either through his role as Coroner or by name and through the inclusion of a photograph.

Ofcom found that the broadcaster took reasonable care to satisfy itself that material facts in relation to claims about the complainant's conduct, and that of his office, in each of the broadcasts, were not presented in the programmes in a way that resulted in unfairness to Mr Inyama.

#### Programme summaries

*18 August 2015*

The edition of *ITV London News*, a regional news programme, broadcast at 18:00 on 18 August 2015 included a report about problems with the service provided by West London Coroner's Court. At the beginning of the programme the presenter in the studio referred to the upcoming report as follows: "*19 months waiting for a death certificate - the chaos at West London Coroner's Court*". Immediately afterwards footage of Mrs Doreen Garcia (a contributor to the programme who was still waiting for her husband's death certificate 19 months after he had died) was shown in which she said: "*it's just been a nightmare, nobody could believe it, they think I'm joking*". The presenter spoke briefly about several other news stories before she introduced the report by saying:

*"More evidence of a Coroner's Service in chaos. Last week we told you about families in west London waiting weeks to bury their relatives because of delays in processing death certificates. Today, the story of one woman who's still waiting for her husband's paperwork 19 months after his death. Doreen Garcia says she's found it impossible to get answers".*

A pre-recorded report was then shown. At the start of the report Mrs Garcia said she was told an inquest would be conducted within six weeks of her husband's death. The reporter explained that it was more than a year before the inquest was held and that 19 months after his death, Mrs Garcia still did not have a death certificate.

The footage of Mrs Garcia saying "*It's just been a nightmare...*" was shown again before the reporter said:

*“The problems began with this letter from the Coroner’s office which said there would need to be an inquest, even though it was clear Juan Garcia died in a hospice from the rare form of cancer for which he was being treated”.*

Mrs Garcia was then shown asking why there had to be an inquest when they knew the type of illness of he had died from. She said:

*“Why did there have to be an inquest? I can’t understand why there was an inquest when they knew it was malignant mesothelioma as it states. You know, why is there an inquest?”*

The reporter then explained that Mr Garcia died on 16 January 2014 and that just over a week later, on 27 January 2014, an interim death certificate was issued so Mr Garcia could be cremated. She also said that the accompanying letter said that an inquest would be held in six weeks. However, the inquest took place 17 months after Mr Garcia died on 29 June 2015.

The reporter said:

*“Nine days before the hearing, the Coroner wrote a letter [to Mrs Garcia] apologising for the delays which, he suggested, happened before he was appointed”.*

On screen, a copy of the letter was shown and the words “apologise unreservedly for the delay” and “It is not acceptable” were highlighted. Mrs Garcia said:

*“He was blaming all his staff, he said there’s been such a turnover in staff and it’s bad, but he was there then ’cause he took over on November 2013. So he was there then at the time”.*

The reporter said the Coroner’s final letter confirmed the inquest had taken place and that the matter had been passed to Ealing Registry Office and that a death certificate would be issued within two weeks. The reporter said: *“that was on July 5<sup>th</sup> and Mrs Garcia has still not received it, when she called to ask why, she received more bad news”.* Mrs Garcia said she was told: *“You can’t have a death certificate, because his death occurred over a year ago. You now need another inquest and another Coroner, but why? I’ve not been told why”.*

Mr Tom Jervis, a solicitor, said: *“I think it’s pretty alarming that a family find themselves in such traumatic circumstances to begin with, have to, kind of, battle this archaic system”.*

The reporter explained that a new code of practice for Coroners was being created to improve standards of service bereaved families can expect from Coroners, but that it *“won’t come in time for Doreen Garcia”.*

Following the report, the studio presenter said to the reporter: *“Mrs Garcia is clearly quite distressed about this, what else have you managed to find out about her case?”* The reporter responded:

*“Well the first battle you have when you try to get through to the Coroner’s Court is actually getting through. Mrs Garcia showed me a bill today which showed she’d spent £45 on one call alone. We made several calls today and after an hour and a half and several emails, we discovered yet another mistake by West London Coroner’s Court. The request for the death certificate that I mentioned at*

*the end there should never have been sent to Ealing, it should have been sent to Hillingdon, because Mr Garcia died in Rickmansworth. We called Hillingdon today and they've told us the death certificate is ready, but crucially, nobody had bothered to tell Mrs Garcia that, so we've contacted her and hopefully she'll be collecting it anytime soon".*

The studio presenter invited viewers to contact the programme if they had experienced similar problems to Mrs Garcia. There were no further comments made about the West London Coroner's Court in this edition of the programme.

A further regional news programme was broadcast at 22:30 the same day. This included a similar report about West London Coroner's Court. The presenter introduced the report as follows: *"West London Coroner's Court is once again under pressure to improve its service after a woman revealed she's been waiting for 19 months for her husband's death certificate. Doreen Garcia contacted ITV London after we reported last week that families in west London were waiting weeks to bury their relatives because of delays in processing death certificates".* The pre-recorded report included in the early evening news was then shown in the programme.

Following the report, the presenter said: *"we can now tell you, following several phone calls and emails, the death certificate has been located and Doreen Garcia will now be able to pick it up from Hillingdon where her husband died".* Again, the presenter invited viewers to contact the programme if they had experienced similar problems to Mrs Garcia. There were no further comments made about the West London Coroner's Court in this programme.

*15 September 2015*

The edition of *ITV London News* broadcast at 18:00 on 15 September 2015 included another report about the West London Coroner's Court. The presenter introduced the report by saying that the programme's reporter had: *"spoken to a family whose father was denied a proper Muslim funeral because of the wait".*

The report began with Mrs Sehar Warren, whose father (Mr Khan) had died, making the following comments about her family's impression of the Coroner: *"We didn't find him very empathetic, sympathetic, he didn't seem concerned about our situation".*

The reporter said that the Coroner Mrs Warren was referring to was *"Chinyere Inyama, the senior Coroner for west London".* A photograph of Mr Inyama was then shown. The reporter then described the incident between Mrs Warren and Mr Inyama. She said:

*"She [Mrs Warren] and her brother went to see him [Mr Inyama] at his office in Fulham after spending four hours trying to get through on the phone. Their father, who was from Hillingdon, died at St Mary's Hospital in Paddington a day earlier and his children desperately wanted to fulfil his dying wish for a Muslim burial, which ideally should be conducted within 24 hours of death. Mrs Warren left the first meeting to her brother".*

Footage of Mrs Warren describing what had happened was shown. She said:

*"He [Mrs Warren's brother] went in on his own and explained again, dad's Muslim, and his [Mr Inyama] response was that he didn't care what religion my dad was, that dad wasn't the only person who'd died, and he would deal with it when he deals with it".*

The reporter said: *“The family admit the exchange became quite heated and it was agreed everyone needed time to cool down”*. She added that a short time later, both Mrs Warren and her brother went into Mr Inyama’s office.

Mrs Warren continued with her story:

*“Mr Inyama said to my brother that my brother was being disrespectful and he didn’t like his tone, to which my brother responded, ‘well you’re being disrespectful to me and look at your tone and the way you’re speaking to me, it’s not right’ at which point he [Mr Inyama] shouted for us to get out of his office”*.

The reporter said that the family was told that there would be a post-mortem and an inquest into Mrs Warren’s father’s death. She added that Mr Khan was *“eventually buried with an interim certificate, eight days after his death”*.

Mrs Warren then said:

*“I personally feel he was violated, having a post-mortem violated him - I’m quite traumatised by that”*.

The reporter concluded the report by stating:

*“The family reported the Coroner to the Judicial Investigations Conduct Office, but their complaint was not upheld. A separate criticism about the telephone system is still being investigated”*.

Following the report, the studio presenter was joined by the reporter in the studio. The presenter asked the reporter whether the Coroner, Mr Inyama, had said anything about the matter. In response, the reporter said:

*“We have to remember there are two sides to every story and the Judicial Conduct Investigations Committees’ report I mentioned there: Inyama accuses the family of being insulting and unreasonable to them, and a witness who was also there described the family as agitated and upset. But we have to remember Sehar [Mrs Warren], this was just a day after their father had died and they were obviously anxious because they wanted to grant him his dying wish of a Muslim burial. Last night we quoted the Attorney General on the phone, tonight, I can quote the Shadow Chancellor, John McDonnell MP, who said that ‘he’s shocked at the poor level of service afforded to the family’ and he said he has ‘extreme concerns about the way this case has been managed’”*.

There were no further comments made about Mr Inyama in the programme or in the news bulletin broadcast later that evening.

### **Summary of the complaint and the broadcaster’s response**

Mr Inyama complained that he was treated unfairly in the programmes as broadcast because:

- a) In the reports broadcast on 18 August 2015, Mrs Garcia criticised Mr Inyama’s decision to conduct an inquest into her husband’s death as they already knew that her husband had died from an industrial disease. However, Mr Inyama said that the law required that deaths from industrial diseases automatically required an inquest. Mr Inyama said Mrs Garcia’s contribution gave viewers’ the false

impression that he had carried out an unnecessary inquest on her husband, thereby causing her further grief.

Before responding to this specific head of complaint, ITV said that the reports broadcast on 18 August 2015 and the one subsequently broadcast on 15 September 2015 were part of a series that examined a number of serious concerns which had been raised about the behaviour of the Coroner and the service his office was providing. It also said that this series of reports was based on complaints made by at least 20 families, five MPs, two undertakers and the manager of a crematorium. The concerns they raised included: delays in the provision of death certificates; delays in carrying out post-mortems; delays in holding inquests; difficulty getting information due to the poor telephone service; unanswered emails; and, the insensitive handling of bereaved families.

With regard to the complaint about the 18 August 2015 reports, ITV did not accept Mr Inyama's contention that the law automatically required that an inquest be held into deaths related to Mesothelioma (the disease for which Mr Garcia had been receiving treatment when he died) and argued that although an inquest would take place "in most cases" the decision whether to carry out an inquest in such circumstances was at the Coroner's discretion. However, the broadcaster also said that, irrespective of this issue, the reports themselves did not state that the inquest in Mr Garcia's case either should or should not have taken place and were not in-depth analyses of this matter. Rather, they were essentially Mrs Garcia's own account of the catalogue of problems she encountered when trying to get a death certificate for her husband one of which was why there had to be an inquest into her husband's death. ITV said that Mrs Garcia believed that she had not received a proper answer to this question, or to a number of her other concerns, and this had caused her great distress.

ITV also said that on 18 August 2015, prior to the broadcast of the reports, the programme makers tried to speak to the Coroner but, as was reflected in the programme, after an hour and half calling his office they had been unable to get through. It added that the press office of London Borough of Hammersmith and Fulham Council<sup>1</sup> ("the Council"), which the programme makers contacted, via telephone and email, several times on 18 August 2015, did not provide a substantive response to the claims made by Mrs Garcia but asked the programme to use the letter previously sent to Mrs Garcia by the Coroner as the "official statement" in response. This letter was duly reflected in the reports. (A copy of several emails exchanged between the programme makers and the Council's press office on 18 August 2015 was provided to Ofcom).

In conclusion, the broadcaster said the report did not give a false impression that the Coroner had carried out an unnecessary inquest and thereby caused Mrs Garcia further grief. It also said viewer's perceptions of the Coroner and the service he was providing were unlikely to have been adversely affected by the fact that the programme did not state the legal basis for holding the inquest. In addition, it argued that the manner in which the 18 August 2015 reports dealt with the material facts did not result in unfairness to Mr Inyama given that they focused on Mrs Garcia's concerns about the delays in conducting the inquest and issuing the death certificate, the coroner had apologised for these delays (something which was reflected in the reports) and similar concerns had been raised by other people.

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<sup>1</sup> Ofcom understood that the West London Coroner's Court district covers six London boroughs, the lead authority for the Court being Hammersmith & Fulham.

- b) The report broadcast on 15 September 2015 included several damaging comments made by Mrs Warren about Mr Inyama's conduct in relation to her father's death. Mr Inyama said that Mrs Warren made claims about him which had already been fully investigated and not upheld by the Judicial Conduct Investigations Office ("JCIO").

ITV said that this was another report in which a member of the public set out their concerns about the behaviour of the Coroner and the service he was providing. It said that on 15 September 2015, prior to the broadcast of the report, programme makers sent an email to the Judicial Communications Office which was copied to Mr Inyama and the Head of Communications at the Council. The email set out Mrs Warren's claims about how the Coroner and his office had dealt with the death of her father and asked for a response to these claims. A member of the Council's press office responded, on behalf of Mr Inyama, by emailing the programme a copy of the findings of an investigation into Mr Inyama's handling of the case, undertaken by the JCIO following a complaint made by the family. The press officer said that Mr Inyama had asked him to send these findings, which showed that the complaint against him had not been upheld, and requested that this be stressed in the forthcoming programme.

The broadcaster said that the report showed both sides of the story in an even-handed and fair way. In particular, the broadcaster said that the report set out not only the concerns of Mrs Warren's family (i.e. that their father was denied a traditional Muslim funeral due to delays in the Coroner's service and that the Coroner's manner towards them was neither empathetic nor sympathetic) but also: included Mrs Warren's acknowledgement that the exchange with Mr Inyama became heated; made it clear (as requested by Mr Inyama) that the JCIO had not upheld the complaint about Mr Inyama's handling of the case made by the family and summarised Mr Inyama's own account of his interactions with Mrs Warren and her brother as set out in the JCIO report.

ITV said that, notwithstanding the findings of the JCIO complaint, it was fully justified and in the public interest for the programme to have referred to the family's concerns about the manner in which they were treated, because the complaint about the telephone service was still ongoing and a local MP (John McDonnell) had expressed concern about the way their case was managed.

In conclusion, the broadcaster argued that the report did not present, disregard or omit material facts in a way that resulted in unfairness to Mr Inyama; he was given an appropriate and timely opportunity to respond and the report appropriately reflected both this response and Mr Inyama's views regarding family's complaint. It also said that, given the widespread concerns about the Coroner and his service raised by this point (notably with regard to with regard to difficulty contacting the Coroner's office, delays in issuing death certificates and the insensitive handling of bereaved families), viewers' perceptions of both would not have been adversely affected by the broadcast this report.

### **Ofcom's Preliminary View**

Ofcom prepared a Preliminary View on this case that Mr Inyama's complaint should not be upheld. Both parties were given the opportunity to make representations on the Preliminary View, however neither chose to do so.

## Decision

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unjust or unfair treatment and unwarranted infringement of privacy in, or in connection with the obtaining of material included in, programmes in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

When considering complaints of unfair treatment, Ofcom has regard to whether the broadcaster's actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of Ofcom's Broadcasting Code ("the Code"). In reaching its Decision on the individual heads of complaint detailed below, Ofcom carefully considered all the relevant material provided by both parties. This included a recording of the programme as broadcast and transcript and both parties' written submissions. Ofcom carried out these considerations having regard to Rule 7.1 of the Code, and to those of the practices to be followed by broadcasters when dealing with individuals or organisations participating in or otherwise directly affected by programmes as broadcast, as appeared relevant to Ofcom, and which are set out at Practices 7.2 to 7.14 of the Code.

- a) Ofcom first considered Mr Inyama's complaint that he was treated unjustly or unfairly in the programmes as broadcast on 18 August 2015 because during the reports Mrs Doreen Garcia criticised his decision to conduct an inquest into her husband's death as they already knew that her husband had died from an industrial disease. Mr Inyama said that the law required that deaths from industrial diseases automatically required an inquest and that Mrs Garcia's contribution gave viewers' the false impression that he had carried out an unnecessary inquest on her husband, thereby causing her further grief.

In considering this part of the complaint, Ofcom had regard to Practice 7.9 of the Code which provides that before broadcasting a factual programme, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to the individual or organisation.

Having assessed the relevant reports, we noted that in both Mrs Garcia was shown expressing her concern and upset about the fact that 19 months after his death the West London's Coroner's Court had yet to provide her with a final death certificate for her husband. Mrs Garcia also spoke about the difficulty she experienced in communicating with the Coroner's office via telephone and the further problems she faced after the Coroner's office informed her, on 5 in July 2015, that a death certificate would be issued within two weeks. In particular, we observed that Mrs Garcia did not say that the inquest into Mr Garcia's death was unnecessary. Rather, while expressing her concerns about the length of time she had had to wait for a death certificate for her husband to be issued she asked: *"Why did there have to be an inquest? I can't understand why there was an inquest when they knew it was malignant mesothelioma as it states. You know, why is there an inquest?"*

In our opinion, it was clear from the way in which this comment was made and the context in which it was presented that Mrs Garcia did not know why the Coroner had considered it necessary to hold an inquest into her husband's death. We also considered that viewers would have understood Mrs Garcia's comment to have implied either that she had not been provided with explanation for the Coroner's decision or, if she had, she had not understood it, and that this contributed to the frustration and distress she felt about the length of time it was taking, first for an inquest to be held and, subsequently, for a death certificate to be issued, given that, as she said, the Coroner's office knew that her husband had died of a rare form of cancer.

Mr Inyama was not named in either programme broadcast on 18 August 2015. However, in our opinion, he was identifiable as the person to whom Mrs Garcia and the reporter referred in the reports by virtue of his role as the Senior Coroner at the West London Coroner's Court. With regard to the claims made by Mrs Garcia about the Coroner and the service provided by his office, we noted that Mr Inyama did not deny that it had taken a long time for his office to hold an inquest and thereafter issue a death certificate. In addition, as the programme made clear, Mr Inyama had written to Mrs Garcia to apologise for the delays. Nor did Mr Inyama contest Mrs Garcia's other claims (i.e. that she accrued large telephone bills trying to get through to the Coroner's office; that she was erroneously told that because over a year had passed since her husband's death another inquest would be necessary and that, when the death certificate was issued it was sent to the wrong registry office and no-one informed Mrs Garcia that it was now ready for her to collect). We also noted the broadcaster's statement which said that the claims which Mrs Garcia made about the service provided by the Coroner's office not only reflected her own experiences, but were corroborated by the experiences of other families.

Given the nature of this particular complaint (which concerned the presentation of material facts), Ofcom did not form a view as to whether or not a specific allegation of wrongdoing or incompetence against Mr Inyama was made in these programmes that required the broadcaster to have offered him an opportunity to respond in order to avoid unfairness. However, we observed that prior to the broadcasts, the programme makers attempted to contact the coroner's office by telephone (albeit that they were unable to get through) and contacted the Council's press office in order to request a response to the claims being made by Mrs Garcia. We also observed that, as requested by the press office, the programme reflected the comments Mr Inyama made (in the letter he had previously sent to Mrs Garcia) regarding the reason for the delay in holding the inquest and his apology for this delay.

Taking into account all the factors set out above, in particular, that, in our view, Mrs Garcia did not claim that the inquest into Mr Garcia's death was unnecessary; the claims which Mrs Garcia did make about the Coroner reflected her own experiences and were corroborated by the experiences of other families; and, that Mr Inyama did not deny any of these claims, we considered that the broadcaster took reasonable care to satisfy itself that the programme did not present, disregard or omit material facts with regard to Mrs Garcia's claims about the Coroner in a way that resulted in unfairness to him.

Therefore, Ofcom found that there was no unfairness to Mr Inyama in this respect.

- b) We then considered Mr Inyama's complaint that he was treated unjustly or unfairly in the programme as broadcast on 15 September 2015 because the report included several damaging comments made by Mrs Warren about Mr Inyama's conduct in relation to her father's death. Mr Inyama said that Mrs Warren made claims about him which had already been fully investigated and not upheld by the JCIO.

In considering this part of the complaint, we again had regard to Practice 7.9 of the Code.

Ofcom noted that the report contained two key areas of complaint made by Mrs Warren about her experience of the West London Coroner's court.

Firstly, Mrs Warren was critical of the manner in which Mr Inyama had treated her and her family. We observed that during the report Mrs Warren said that her father was denied his wish for a Muslim burial because of the service provided by the Coroner's office and that Mr Inyama showed her and her brother neither empathy nor sympathy. In particular, she said that Mr Inyama (who was identified by name and through the inclusion of a photograph) told her brother that "*he didn't care what religion my dad was, that dad wasn't the only person who'd died, and he would deal with it when he deals with it*". Mrs Warren added that during a subsequent meeting, and after Mr Inyama and her brother had argued about the tone in which each man was talking to the other, Mr Inyama "*shouted for us to get out of his office*".

Secondly, Mrs Warren expressed her distress that a post mortem was conducted following her father's death. Mrs Warren said that she felt that the fact that the Coroner had conducted a post-mortem on her father "*violated him*" and that she was "*quite traumatised by that*".

Mrs Warren's comments were clearly critical. However, in Ofcom's view it would have been clear to viewers that they reflected her (and her brother's) view of their experience of dealing with Mr Inyama in the immediate aftermath of their father's death: Specifically, the family's distress that they were unable to meet their father's wish for a Muslim burial (i.e. one that took place within 24 hours of death) and that the Coroner had determined that it was necessary to carry out a post-mortem on her father. With regard to this last matter, we noted that the report did not suggest that the post-mortem on Mrs Warren's father had been unnecessary. Rather, it reflected Mrs Warren's personal feelings about the fact that it had taken place.

With regard to the interactions between Mrs Warren/her brother and Mr Inyama, we observed that in the programme Mrs Warren admitted that during the first meeting things had become "*quite heated and it was agreed everyone needed time to cool down*". We also observed that the report said that an investigation into Mr Inyama's conduct of this case, carried out by the JCIO, did not uphold the complaint made by the family against Mr Inyama. It also said that during the investigation Mr Inyama said that the family were "*insulting and unreasonable*" to the staff in his office and that a witness, who was present at the time, told the JCIO that the family were "*agitated and upset*".

As in the Decision at head a) above, Ofcom did not form a view as to whether or not a specific allegation of wrongdoing or incompetence against Mr Inyama was made in this report which required the broadcaster to have offered him an opportunity to respond in order to avoid unfairness. However, we observed that,

prior to the broadcast, the programme makers emailed the Judicial Communications Office (as well as Mr Inyama and the Council) to ask for a response to Mrs Warren's claims about the Coroner and that, as requested by Mr Inyama (via the Council's press office), the programme reflected the fact the JCIO had not upheld the complaint made against Mr Inyama by the family.

We also noted that during the report the reporter said that after their father's death Mrs Warren and her brother spent four hours on the telephone trying to get thorough to the coroner's office, but also that she later explained that the family's complaint about this issue was "*still being investigated*".

Taking into account all the factors set out above, in particular, that, in our view, viewers would have understood both the basis on which Mrs Warren's claims about the Coroner were made and Mr Inyama's position with regard to those claims, we considered that the broadcaster took reasonable care to satisfy itself that the programme did not present, disregard or omit material facts with regard to comments made by Mrs Warren about Mr Inyama's conduct in relation to her father's death in a way that resulted in unfairness to Mr Inyama.

Therefore, Ofcom found that there was no unfairness to Mr Inyama in this respect.

**Ofcom has not upheld Mr Inyama's complaint of unjust or unfair treatment in the programme as broadcast.**

## Not Upheld

### Complaint by the Becontree Heath Islamic Society

*Bangla TV News, Bangla TV, 28 August 2015*

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#### Summary

Ofcom has not upheld this complaint of unjust or unfair treatment made by The Becontree Heath Islamic Society (“BHIS”) about the above programme.

The programme included a report about a dispute relating to the management of the Dagenham Central Mosque, which was operated by BHIS. In particular, the programme included claims indicating that the Chairman of the management committee (“the Chairman”) which managed BHIS ran the mosque as a family business and had prevented a reporter from Bangla TV from praying in the mosque.

Ofcom found that:

- In relation to the comments made in the programme about the mosque being run as a family business and that the reporter had not been allowed to enter the mosque to pray, we considered that the broadcaster took reasonable care to satisfy itself that material facts were not presented in the programme in a way that was unfair to BHIS.
- BHIS, through its Chairman, was given an appropriate and timely opportunity to respond to the claims made in the programme. Therefore, there was no unfairness to the BHIS in this respect.

#### Programme summary

Bangla TV is a news and general entertainment channel broadcast in Bengali and serving a Bangladeshi audience. An English translation of the programme was obtained by Ofcom from an independent translation company and distributed to the complainant and the broadcaster for comment. Neither party objected to the translation being used by Ofcom for the purposes of investigating the complaint.

On 15 January 2015, Bangla TV broadcast an edition of its news programme *Bangla TV News* which featured a report about a dispute at the Dagenham Central Mosque. The newsreader in the studio introduced the news story:

*“The row created centring the Becontree-Dagenham Central Mosque has reached its climax. The attendees of the Mosque have complained against the incumbent committee that they have changed the history of the Mosque and made indecent comments about the trustee. The attendees talked to Bangla TV on last Friday, but the Chairman of the current committee refused to say anything”.*

A pre-recorded report with footage taken outside the mosque was shown. The reporter said:

*“The local attendees of the mosque protested the publication of wrong information in the magazine [mosque magazine] and making indecent comments*

*about the trustees of the mosque. Last Friday the trustees and attendees of the mosque gathered after the Juma prayer on Friday and protested against these”.*

Some of the attendees of the mosque then provided their opinion on the dispute to the reporter:

Attendee 1: *“Now I have come to know that it has become an organisation owned by a person. It is very sad that he has made the House of God his own property.*

Attendee 2: *Actually, a mosque can't be established by one person, it needs a collective effort. Some may put more effort and some may put less, but it needs a collective effort. A mosque can't be established without this.*

Attendee 3: *He stopped me to say Adhan [call to prayer] on Friday saying that you belong to a different sect [follower of a different opinion]”.*

The reporter then said that Mr Ishhaq Kajal, an attendee of the mosque and journalist, had said that it was *“immoral to change [the] history [of the mosque]”*. Mr Kajal was then shown saying:

*“The mosque would not have reached this level without participation from all. It has come to this level with help from all. A magazine, with wrong information, has been published depicting the history of the mosque”.*

The reporter said that the attendees of the mosque had said that *“the incumbent Chair of the Mosque included his family members in the committee and captured the land of the mosque in the name of various organisations”*. Another attendee of the mosque was then shown as he said: *“He declared to me that it was his family business, he opened a travel agency which he claimed to be his personal and family property. He will operate his business with this”*.

The reporter then said he had spoken to Mr Frank Chowdhury, a local councillor, about this matter. Mr Chowdhury was shown as he said that he would *“try to resolve the issue”*.

The reporter then said:

*“When asked, the Chair of the mosque did not comment anything about it and obstructed the Bangla TV reporter to pray. However, Moinul Islam Bulbul, a member of the new committee requested not to use religious property for personal purpose”.*

Mr Bulbul was shown as he said:

*“There has been questions [disputes] regarding a recent publication. I had a chance to look at the publication. It is not very well-organised. There is not consistency between Bengali and English. Some people have been attacked personally”.*

The report concluded by the reporter stating that *“on 21 August, the general attendees organised a press conference regarding this issue”*.

## Summary of the complaint and the broadcaster's response

### *The complaint*

BHIS complained that it was treated unjustly or unfairly in the programme as broadcast because:

- a) The programme reported that the Dagenham Central Mosque was being run by BHIS as a family business when, in fact, it was run as a non-profit making charity. BHIS said that the inclusion of this incorrect information had affected the organisation's reputation.

In particular, BHIS said that Bangla TV had not corroborated the information it had been given prior to the broadcast of the programme, for example, by contacting the Charity Commission or Land Registry, and that this had resulted in the report being one-sided.

- b) The programme stated falsely that the mosque had refused to allow the Bangla TV reporter to enter to perform his prayers. As a consequence, BHIS said that it had received telephone calls and visits from members of the public questioning the kind of organisation it was that prevented people entering to pray.

By way of background, BHIS said that the Bangla TV news reporter had tried to "force himself in during our busiest time". BHIS said that although the reporter was refused entry to the mosque initially, he was later told that he could enter on the condition that he left his recording equipment in his bag. BHIS said that the reporter accepted this offer and went in to pray.

- c) BHIS was not given an appropriate and timely opportunity to respond to the above allegations made in the programme. In particular, BHIS said that the Bangla TV news reporter had arrived at the mosque with no prior warning.

### *The broadcaster's response*

Bangla TV said that the matter reported in the programme was brought to its attention by local people and a reporter was then sent to investigate the issue and make an impartial report.

The broadcaster said that the issues raised in the report, notably that the Chairman was running the mosque as a family business, were based on factual information supplied by responsible members of the community and also by some members of the BHIS management committee. In particular, Bangla TV said that Mr Mohammad Yahia, a member of the present management committee, had confirmed (in an email to the broadcaster) that seven of the nine individuals registered with Charity Commission and Companies House in relation to BHIS were either members of the Chairman's family or were, in some other way, connected to him.

The broadcaster said that this story, which concerned an issue of alleged mismanagement of BHIS in the name of religion, was relevant to the local community and that it was its responsibility to report this issue in public interest.

In addition, the broadcaster said that it had an eye witness who supported the claim, made in the programme, that the reporter was "harassed" by the Chairman and he had tried to stop him praying in the mosque.

Bangla TV also said that while it was preparing the report it invited the Chairman to comment on “the complaints [about] and condition of the BHIS” but he refused to do so. It said that several attempts were made to get comments from the Chairman “regarding the complaints from members of the community [about] the running of the Mosque and management”. In particular, on the occasion when the footage outside the mosque was filmed (21 August 2015), the reporter approached the Chairman to get his “comments on the spot”. However, he “refused to give any comment or clarification on questions raised by others”. In addition, upon returning to the office, the reporter attempted to reach the Chairman by telephone several times in order to offer him another opportunity to respond. The broadcaster stated that, having failed to contact him, the reporter spoke to BHIS’ Company Secretary who told the reporter that the Chairman had no interest in making any comment.

Bangla TV said that it waited several days before broadcasting the report in order to give the Chairman a chance to comment should he wish to.

### **Ofcom’s Preliminary View**

Ofcom prepared a Preliminary View that BHIS’ complaint should not be upheld. Both parties were given the opportunity to make representations on the Preliminary View. However, only the complainant chose to do so. Its comments are summarised below.

#### *BHIS’ representations*

BHIS said that it disagreed with Ofcom’s decision and questioned the veracity of various aspects of the broadcaster’s response to the complaint. In particular, BHIS rejected the broadcaster’s assertion that the claims in the programme about the Chairman of BHIS were based on factual information supplied by responsible members of the community; denied that the Chairman was given an opportunity to respond by the broadcaster; and, said that the broadcaster was wrong to imply that the Chairman had not contacted Bangla TV about the programme. BHIS said that the Chairman had sent letters after the broadcast of the programme to Bangla TV.

### **Decision**

Ofcom’s statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unjust or unfair treatment and unwarranted infringement of privacy in, or in connection with the obtaining of material included in, programmes in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In reaching its Decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording and translated transcript of the programme as broadcast and both parties’ written submissions and supporting documentation. Ofcom also took careful account of the representations made by the complainant in response to being given the opportunity to comment on Ofcom’s Preliminary View on this complaint. After careful consideration of BHIS’ representations, we concluded that the points raised by it did not alter our Preliminary View not to uphold the complaint.

When considering complaints of unfair treatment, Ofcom has regard to whether the broadcaster's actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of Ofcom's Broadcasting Code ("the Code").

- a) Ofcom first considered the complaint that BHIS was treated unjustly or unfairly in the programme as broadcast because it alleged that the mosque was being run by BHIS as a family business when, in fact, it was run as a non-profit making charity.

In considering this head of complaint, Ofcom had regard to Practice 7.9 of the Code which states that, before broadcasting a factual programme, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation. Whether a broadcaster has taken reasonable care to present material facts in a way that is not unfair to an individual or organisation will depend on all the particular facts and circumstances of the case including, for example, the seriousness of any allegations and the context within which they were presented in the programme.

The Code recognises the importance of freedom of expression and the public interest need to allow broadcasters the freedom to broadcast matters in news and current affairs programmes. However, in presenting material in programmes, reasonable care must be taken by broadcasters not to do so in a manner that causes unfairness to individuals or organisations in programmes.

Ofcom viewed the programme and examined carefully the translated transcript of it, noting, in particular, the comments made by the reporter and the attendees at the mosque in relation to the way in which the mosque was run. We observed that having explained that there had been complaints "*against the incumbent committee that they have changed the history of the mosque*", the programme subsequently included contributions from several individuals who attended the mosque ("the attendees"), and commentary from the reporter that the attendees claimed that the mosque was being operated by the Chairman of the Committee for the benefit of himself and his family. In particular, we noted that the reporter said that attendees had told him that: "*the incumbent Chair of the mosque included his family members in the committee and captured the land of the mosque in the name of various organisations*". Immediately afterwards, an attendee was shown saying: "*He declared to me that it was his family business, he opened a travel agency which he claimed to be his personal and family property*". The reporter also said that a man called Mr Bulbul, whom he described as "*a member of the new committee*", had "*requested [the Committee] not to use religious property for personal purpose[s]*".

Ofcom noted the complainant's assertion that the programme makers had not corroborated the claim with, for example, the Charity Commission or the Land Registry. We also noted that Bangla TV argued that the issues raised in the report, particularly the claim that the Chairman was running the mosque as a family business, were based on information supplied by "responsible" members of the community (a position with which, we noted, BHIS disagreed) and also on information provided by a member of the present management committee, that seven of the nine individuals registered with the Charity Commission and Companies House in connection to BHIS were either members of the Chairman's family or, in some other way, connected to him. However, Ofcom's role is not to determine the truth or otherwise of claims made in a programme, but to consider

whether the programme resulted in unfairness to an individual and/or organisation. That said, on the information available, it was clear from the report that more than one attendee at the mosque had raised the same concern about the alleged manner in which the mosque was being run and that this concern was shared by at least one member of the Committee, i.e. Mr Bulbul.

We took the view that, given his key role in the operation of BHIS, the claims made about the Chairman in the programme had the potential to have materially and adversely affected viewers' opinions of BHIS. However, having carefully assessed the content of the programme complained of, Ofcom considered that the claim that the mosque was run as a family business, was not presented in the programme as an unequivocal fact. In particular, the wording of the report and the way in which the presenter in the studio introduced it indicated that the matters considered in the report were the subject of dispute; the programme repeatedly made it clear that the claim arose from complaints made by attendees at the mosque; and, it twice noted that it had sought a response from the Chairman, but that he had refused to comment.

In light of these observations, we considered that the way in which the report was presented indicated to viewers that the claim being made about the management of the BHIS and the mosque was not a view necessarily held by the reporter or the programme, but rather that the programme was reporting on a recent news story of interest to the community it served. In our view, the manner in which the comments were presented in the programme was not misleading or unfair, but allowed viewers to form their own opinions about the truth or otherwise of the claim being made by some attendees at the mosque. We also observed that the comment by a local councillor towards the end of the report, indicating that he would work to resolve the issue if he could, served to moderate the potential impact of the claim made about the Chairman's alleged conduct in this respect.

Taking all the factor above into account, Ofcom considered that, in the particular circumstances of this case, the broadcaster took reasonable care to satisfy itself that material facts with regard to the claim that the mosque was being run as a family business, had not been presented, disregarded or omitted in the programme in a way that was unfair to BHIS.

- b) Ofcom then considered the complaint that the BHIS was treated unjustly or unfairly in the programme as broadcast because it stated falsely that the mosque had refused to allow the reporter to enter to perform his prayers.

In considering this head of complaint, Ofcom again had regard to of Practice 7.9 of the Code and again considered whether the relevant claim had the potential to materially and adversely affect viewers' opinions of BHIS in a way that was unfair, and, if so, whether the manner in which it was presented resulted in unfairness to the complainant.

As before, we recognised the importance of freedom of expression and the counter-balancing responsibility on broadcasters to take reasonable care that programmes do not present material in a manner which results in unfairness.

As set out in the "Programme summary" section above, in the concluding part to the report about the alleged mismanagement of the mosque, the reporter said: *"When asked, the Chair of the mosque did not comment anything about it and obstructed the Bangla TV reporter to pray"*.

Ofcom has no way of knowing for certain the particular circumstances surrounding this incident. However, on the basis of the parties' submissions in relation to this head of complaint, it appeared to Ofcom that, irrespective of any subsequent negotiations (namely, the complainant's assertion that the reporter did eventually enter the mosque after agreeing to leave his recording equipment outside), on initially attempting to enter the mosque immediately prior to Friday Prayers, the reporter was denied entry by the Chairman. While we noted that this refusal was, according to the complainant, in accordance with BHIS' normal policy of not allowing media or press personnel to enter the mosque without prior notification, it was not disputed that the reporter had been denied access to the mosque at some point that day.

Therefore, given these factors above, Ofcom did not consider that the reporter's comment was presented, disregarded or omitted in a way that was unfair to BHIS.

- c) Ofcom next assessed the complaint that BHIS was treated unjustly or unfairly in the programme as broadcast because it was not given an appropriate and timely opportunity to respond to the allegations set out above as made in the programme.

In considering this aspect of the complaint, Ofcom took account of Practice 7.11 of the Code which states that if a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond.

As noted above, the programme included two specific claims about the conduct of the Chairman. Given the nature of these comments, we considered that they amounted to an allegation of wrongdoing on the Chairman's part and that, given his role at BHIS, and in accordance with Practice 7.11, it was necessary for the broadcaster to have given the Chairman an appropriate and timely opportunity to respond them in order to avoid unfairness to BHIS.

It is clear from the submissions that the parties to this complaint disagreed with regard to whether or not the programme makers gave the Chairman an appropriate and timely opportunity to respond to the claims made about his conduct. However, Ofcom considered the information available to it.

We noted that, in the complaint, the Chairman said Bangla TV "failed to contact me to get my side of the story". However, we also recognised that the broadcaster claimed that while it was preparing the report it invited the Chairman to comment on "the complaints [about] and condition of the BHIS", but he refused to do so. On the information available, it appeared to Ofcom the reporter had approached the Chairman outside the mosque on 21 August 2015, the day of the filming, and asked him to comment on the claims being made about the running of the mosque, but he had refused to do so. In addition, on the same day, the reporter, according to Bangla TV, subsequently attempted to contact the Chairman by telephone in order to give him a further opportunity to respond to the claims intended to be included in the programme. The broadcaster stated that, having failed to contact him, the reporter spoke to BHIS' Company Secretary who told the reporter that the Chairman had no interest in commenting. We noted that, in response to the Preliminary View, BHIS reiterated the assertion that its Chairman was not given an opportunity to respond to the claims made about him in the programme. However, we noted that the Chairman also indicated that on the day the filming took place, the reporter came to BHIS' office; asked for an

interview with the Chairman; and, was told by a volunteer working for BHIS (on instruction from the Chairman – who was present at the time) that the Chairman was not prepared to give an interview at this time, in particular, because the reporter had not made a prior appointment.

We also observed that the report was broadcast some seven days after the day of filming, which in our view, presented the complainant with a window of opportunity to contact the broadcaster and furnish it with a response to the allegations, had it wished to do so. The fact that neither the Chairman nor a representative of BHIS made any comment during this period was a matter of choice for them. In response to the Preliminary View, BHIS said that the broadcaster had incorrectly implied to Ofcom that the Chairman had not contacted it (the broadcaster) about the programme and noted that he had sent several letters to Bangla TV about the programme. However, we observed that all three of these letters were written after the programme was broadcast.

Given the factors set out above, Ofcom considered that BHIS, through its Chairman, was given an appropriate and timely opportunity to respond to the claims made in the programme prior to its broadcast; and therefore we considered that BHIS was not treated unjustly or unfairly in this respect.

**Ofcom has not upheld the BHIS' complaint of unjust or unfair treatment in the programme as broadcast.**

## Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 29 February and 13 March 2016 because they did not raise issues warranting investigation.

### Complaints assessed under the Procedures for investigating breaches of content standards for television and radio

For more information about how Ofcom assesses complaints about content standards on television and radio programmes, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/procedures/standards/>

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
The Aliens (trailer)	4Seven	25/02/2016	Scheduling	1
Chicago PD	5*	06/02/2016	Television Access Services	1
Home and Away	5*	11/02/2016	Competitions	1
The Shannara Chronicles	5*	25/02/2016	Television Access Services	1
The Revived 45 Show	95.7 Penistone FM	01/03/2016	Gender discrimination/offence	1
Christian O'Connell Breakfast Show (trailer)	Absolute 80s	24/02/2016	Sexual material	1
Al Jazeera World: Bulgaria, My Land	Al Jazeera Eng	16/12/2015	Materially misleading	2
NRB Voice	Bangla TV	21/01/2016	Sponsorship	1
BBC News at Six	BBC 1	29/02/2016	Scheduling	1
Breakfast	BBC 1	01/03/2016	Generally accepted standards	1
Breakfast	BBC 1	10/03/2016	Generally accepted standards	1
Breakfast	BBC 1	07/03/2016	Nudity	1
Countryfile	BBC 1	28/02/2016	Scheduling	3
Doctors	BBC 1	02/03/2016	Generally accepted standards	1
EastEnders	BBC 1	23/02/2016	Generally accepted standards	41
EastEnders	BBC 1	03/03/2016	Generally accepted standards	1
EastEnders	BBC 1	08/03/2016	Violence and dangerous behaviour	1
Famous, Rich and Homeless	BBC 1	09/03/2016	Generally accepted standards	3
Happy Valley	BBC 1	01/03/2016	Outside of remit / other	2
Happy Valley	BBC 1	23/02/2016	Suicide and self harm	1
Regional News and Weather	BBC 1	11/03/2016	Generally accepted standards	1
Room 101	BBC 1	03/03/2016	Generally accepted standards	1
Saturday Kitchen Live	BBC 1	27/02/2016	Outside of remit / other	2

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Stacey Dooley: Sex in Strange Places (trailer)	BBC 1	09/03/2016	Generally accepted standards	1
The Andrew Marr Show	BBC 1	28/02/2016	Race discrimination/offence	1
The Getaway Car	BBC 1	27/02/2016	Offensive language	1
The One Show	BBC 1	09/03/2016	Outside of remit / other	1
The One Show	BBC 1	09/03/2016	Under 18s in programmes	1
The One Show	BBC 1	25/02/2016	Violence and dangerous behaviour	2
The Voice UK	BBC 1	05/03/2016	Competitions	1
The Voice UK	BBC 1	27/02/2016	Gender discrimination/offence	1
The Voice UK	BBC 1	28/02/2016	Generally accepted standards	1
The Voice UK	BBC 1	27/02/2016	Outside of remit / other	2
Dom Hemingway	BBC 2	05/03/2016	Race discrimination/offence	1
Final Score	BBC 2	20/02/2016	Disability discrimination/offence	1
Stag	BBC 2	05/03/2016	Animal welfare	1
This Farming Life	BBC 2	09/03/2016	Animal welfare	1
Too Much TV	BBC 2	29/02/2016	Outside of remit / other	1
Jeremy Vine	BBC Radio 2	26/02/2016	Crime	1
Riot Girls: Fear of Flying	BBC Radio 4	22/02/2016	Sexual material	1
The News Quiz	BBC Radio 4	20/02/2016	Offensive language	1
The Now Show	BBC Radio 4	05/03/2016	Sexual material	1
Woman's Hour: The 15-Minute Drama	BBC Radio 4	22/02/2016	Offensive language	1
Woman's Hour: The 15-Minute Drama	BBC Radio 4	26/02/2016	Offensive language	1
Woman's Hour: The 15-Minute Drama	BBC Radio 4	22/02/2016	Sexual material	7
Woman's Hour: The 15-Minute Drama	BBC Radio 4	23/02/2016	Sexual material	5
Programming	BBC website	n/a	Outside of remit / other	1
Clarence	Cartoon Network	25/02/2016	Violence and dangerous behaviour	1
24 Hours in A and E	Channel 4	02/03/2016	Outside of remit / other	1
8 Out of 10 Cats Does Countdown	Channel 4	03/03/2016	Animal welfare	1
8 Out of 10 Cats Does Countdown	Channel 4	10/03/2016	Generally accepted standards	1
Channel 4 News	Channel 4	29/02/2016	Due accuracy	1
Countdown	Channel 4	26/02/2016	Religious/Beliefs discrimination/offence	1
Food Unwrapped	Channel 4	26/02/2016	Generally accepted standards	1
Gogglebox	Channel 4	26/02/2016	Generally accepted standards	1

<b>Programme</b>	<b>Broadcaster</b>	<b>Transmission Date</b>	<b>Categories</b>	<b>Number of complaints</b>
Hollyoaks	Channel 4	08/03/2016	Violence and dangerous behaviour	1
Hollyoaks Omnibus	Channel 4	01/03/2016	Materially misleading	1
Royal Navy School	Channel 4	22/02/2016	Generally accepted standards	1
Royal Navy School	Channel 4	22/02/2016	Offensive language	1
Secrets of the Sauna	Channel 4	02/03/2016	Sexual material	1
The Jump	Channel 4	06/03/2016	Generally accepted standards	3
The Jump	Channel 4	21/02/2016	Advertising minutage	1
The Jump	Channel 4	21/02/2016	Generally accepted standards	1
The Jump	Channel 4	28/02/2016	Generally accepted standards	2
The Jump	Channel 4	28/02/2016	Offensive language	1
The Last Leg	Channel 4	26/02/2016	Generally accepted standards	1
The Secret Life of the Zoo	Channel 4	23/02/2016	Animal welfare	1
Age Gap Love	Channel 5	01/03/2016	Under 18s in programmes	1
Benefit House: Me and My 26 Kids	Channel 5	27/02/2016	Offensive language	1
Benefits Britain: Life on the Dole	Channel 5	27/02/2016	Offensive language	1
Benefits-related programming	Channel 5	n/a	Generally accepted standards	2
Carry on Caravanning	Channel 5	07/03/2016	Offensive language	3
Carry on Caravanning	Channel 5	07/03/2016	Sexual material	1
Gotham	Channel 5	07/03/2016	Violence and dangerous behaviour	1
Hit and Run	Channel 5	02/03/2016	Scheduling	1
Kitten Impossible (trailer)	Channel 5	09/03/2016	Animal welfare	1
Monster-In-Law	Channel 5	28/02/2016	Offensive language	1
The Nightmare Neighbour Next Door	Channel 5	13/02/2016	Offensive language	1
The Wright Stuff	Channel 5	26/02/2016	Generally accepted standards	1
World War II in Colour	Channel 5	27/02/2016	Generally accepted standards	1
5 USA	Channel 5 and 5 USA	n/a	Television Access Services	1
Breakfast Show	Chorley FM	31/01/2016	Offensive language	1
Scrambled!	CITV	05/03/2016	Offensive language	1
Programming	CNN and Fox News	02/03/2016	Due accuracy	1
Irish Immigration	DM News Plus	01/02/2016	Harm	1

<b>Programme</b>	<b>Broadcaster</b>	<b>Transmission Date</b>	<b>Categories</b>	<b>Number of complaints</b>
UK Trading Investments advertisement	Drama	23/02/2016	Political advertising	1
Channel ident	E4	05/03/2016	Generally accepted standards	1
HM Government advertisement for The National Living Wage	E4	02/03/2016	Political advertising	1
Hollyoaks	E4	27/02/2016	Generally accepted standards	1
Tattoo Fixers (trailer)	E4	n/a	Nudity	1
Battlecam	FoTV	23/01/2016	Scheduling	1
Film on/Social	FoTV	16/02/2016	Scheduling	1
The Walking Dead	Fox	29/02/2016	Advertising minutage	1
Foxy and Giuliano	Free Radio Birmingham	08/03/2016	Race discrimination/offence	1
Programming	Glory TV	n/a	Appeals for funds	1
British Army advertisement	Gold	29/02/2016	Political advertising	1
HM Government advertisement for The National Living Wage	Heart FM	26/02/2016	Political advertising	1
The Devil Rides Out	Horror Channel	05/01/2016	Scheduling	1
Ant and Dec's Saturday Night Takeaway	ITV	20/02/2016	Gender discrimination/offence	2
Ant and Dec's Saturday Night Takeaway	ITV	05/03/2016	Gender discrimination/offence	1
Ant and Dec's Saturday Night Takeaway	ITV	27/02/2016	Generally accepted standards	56
Ant and Dec's Saturday Night Takeaway	ITV	27/02/2016	Offensive language	1
Bear Grylls: Mission Survive	ITV	03/03/2016	Offensive language	1
Benidorm	ITV	04/03/2016	Disability discrimination/offence	1
Big Star's Little Star	ITV	02/03/2016	Scheduling	1
Big Star's Little Star	ITV	09/03/2016	Sexual material	1
Coronation Street	ITV	29/02/2016	Crime	2
Coronation Street	ITV	07/03/2016	Violence and dangerous behaviour	1
Coronation Street	ITV	04/03/2016	Generally accepted standards	1
Coronation Street	ITV	07/03/2016	Materially misleading	1
Coronation Street	ITV	04/03/2016	Violence and dangerous behaviour	1
Davina Mccall: Life at the Extreme	ITV	07/03/2016	Religious/Beliefs discrimination/offence	2

<b>Programme</b>	<b>Broadcaster</b>	<b>Transmission Date</b>	<b>Categories</b>	<b>Number of complaints</b>
Emmerdale	ITV	26/02/2016	Generally accepted standards	1
Emmerdale	ITV	01/03/2016	Offensive language	1
Emmerdale	ITV	03/02/2016	Scheduling	1
Frustrated Britain: Caught on Camera	ITV	08/03/2016	Offensive language	1
Good Morning Britain	ITV	17/02/2016	Due impartiality/bias	1
Good Morning Britain	ITV	01/03/2016	Materially misleading	1
Green Flag's sponsorship of ITV Weather	ITV	25/02/2016	Sponsorship credits	1
Green Flag's sponsorship of ITV Weather	ITV	29/02/2016	Sponsorship credits	1
Green Flag's sponsorship of ITV Weather	ITV	21/02/2016	Sponsorship credits	1
Green Flag's sponsorship of ITV Weather	ITV	17/02/2016	Sponsorship credits	1
ITV News and Weather	ITV	27/02/2016	Due impartiality/bias	1
ITV News at Ten and Weather	ITV	16/02/2016	Due impartiality/bias	1
Jeremy Kyle's Emergency Room	ITV	09/03/2016	Materially misleading	5
Jeremy Kyle's Emergency Room	ITV	22/02/2016	Nudity	2
Jeremy Kyle's Emergency Room	ITV	02/03/2016	Nudity	6
Jeremy Kyle's Emergency Room	ITV	04/03/2016	Nudity	2
Jeremy Kyle's Emergency Room	ITV	07/03/2016	Nudity	3
Loose Women	ITV	09/03/2016	Outside of remit / other	1
Loose Women	ITV	07/03/2016	Generally accepted standards	1
Loose Women	ITV	17/02/2016	Offensive language	1
Loose Women	ITV	26/02/2016	Outside of remit / other	1
Loose Women	ITV	25/02/2016	Sexual orientation discrimination/offence	1
Lorraine	ITV	26/02/2016	Outside of remit / other	1
Nerds and Monsters	ITV	06/03/2016	Generally accepted standards	1
Rugby	ITV	27/02/2016	Outside of remit / other	1
The Brit Awards 2016	ITV	24/02/2016	Generally accepted standards	4
The Brit Awards 2016	ITV	24/02/2016	Generally accepted standards	13
The Brit Awards 2016	ITV	24/02/2016	Nudity	60
The Brit Awards 2016	ITV	24/02/2016	Offensive language	10

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
The Brit Awards 2016	ITV	24/02/2016	Outside of remit / other	1
The Brit Awards 2016	ITV	24/02/2016	Undue prominence	1
The Jeremy Kyle Show	ITV	25/02/2016	Generally accepted standards	1
The Jeremy Kyle Show	ITV	07/03/2016	Generally accepted standards	1
The Jeremy Kyle Show	ITV	18/02/2016	Offensive language	1
The Jeremy Kyle Show	ITV	07/03/2016	Transgender discrimination/offence	1
The Jeremy Kyle Show	ITV	16/02/2016	Generally accepted standards	1
The Jonathan Ross Show	ITV	29/02/2016	Harm	1
This Morning	ITV	03/03/2016	Generally accepted standards	1
This Morning	ITV	09/03/2016	Outside of remit / other	1
This Morning	ITV	10/03/2016	Sexual material	1
This Morning	ITV	n/a	Generally accepted standards	1
You've Been Framed!	ITV	05/03/2016	Scheduling	1
You've Been Framed!	ITV	05/03/2016	Under 18s in programmes	1
ITV News Anglia	ITV Anglia	20/02/2016	Violence and dangerous behaviour	1
ITV News Granada Reports	ITV Granada	23/02/2016	Violence and dangerous behaviour	1
Back to the Future Part III	ITV2	07/03/2016	Generally accepted standards	1
Bordertown	ITV2	29/02/2016	Sexual orientation discrimination/offence	1
The Keith Lemon Sketch Show	ITV2	10/03/2016	Sexual material	1
You've Been Framed!	ITV2	01/03/2016	Race discrimination/offence	1
118 118's sponsorship of ITV Movies	ITV3	n/a	Sponsorship credits	1
Rising Damp	ITV3	25/01/2016	Sexual orientation discrimination/offence	1
Boutched	Kanal 11	01/03/2016	Gender discrimination/offence	1
Boutched	Kanal 11	08/03/2016	Gender discrimination/offence	1
Våra Omgjorda Kroppar	Kanal 11	09/02/2016	Gender discrimination/offence	1
Våra Omgjorda Kroppar	Kanal 11	01/03/2016	Gender discrimination/offence	1
Våra Pinsamma Kroppar	Kanal 11	11/02/2016	Gender discrimination/offence	1
Nick Ferrari	LBC 97.3FM	23/02/2016	Due impartiality/bias	1
Nick Ferrari	LBC 97.3FM	01/03/2016	Generally accepted standards	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Secret of Secrets	Muslim Ummah TV	18/01/2016	Generally accepted standards	1
Advertisements	n/a	n/a	Outside of remit / other	1
Various	NDTV	n/a	Outside of remit / other	1
Spongebob Squarepants	Nicktoons	28/02/2016	Scheduling	1
Daytime	Northsound 1	01/03/2016	Offensive language	1
Futurama	Pick	13/02/2016	Nudity	1
Ross Kemp: Extreme World	Pick	07/02/2016	Under 18s - Coverage of sexual and other offences	1
Easy Like a Sunday Morning	Radio Tyneside	21/02/2016	Offensive language	1
Jonathan	S4C Digital	04/03/2016	Outside of remit / other	1
Pobl Y Cwn	S4C Digital	01/03/2016	Television Access Services	1
Richard E Grant's Hotel Secrets	Sky Atlantic	23/02/2016	Offensive language	1
Press Preview	Sky News	27/02/2016	Generally accepted standards	1
Sky News	Sky News	07/03/2016	Due accuracy	1
Sky News	Sky News	n/a	Due impartiality/bias	1
Dogs Might Fly	Sky1	04/03/2016	Animal welfare	1
Futurama	Sky1	08/03/2016	Offensive language	1
Futurama	Sky1	26/02/2016	Nudity	1
Hawaii Five-0	Sky1	19/02/2016	Advertising minutage	1
Hawaii Five-0	Sky1	21/02/2016	Advertising minutage	1
That Hidden Camera Family	Sky1	20/02/2016	Scheduling	1
The Simpsons	Sky1	08/03/2016	Violence and dangerous behaviour	1
Babestation	Smile TV3	05/03/2016	Outside of remit / other	1
Police Interceptors	Spike	16/02/2016	Offensive language	1
Stopping Scotland's Scammers	STV	07/03/2016	Outside of remit / other	1
Vaporized's sponsorship of The Jeremy Kyle Show	STV	24/02/2016	Sponsorship credits	1
The 41-Year-Old Virgin Who Knocked Up Sarah Marshall and Felt Superbad About It	SuperTV2	26/09/2015	Scheduling	1
Extra Time	Talksport	04/03/2016	Generally accepted standards	1
Long Island Medium	TLC	n/a	Television Access Services	1
Skönhetsfällan	TV3	07/03/2016	Gender discrimination/offence	1

### **Complaints assessed under the Interim Breach Procedures for investigating breaches of rules for On Demand programme services**

<b>Programme</b>	<b>Service provider</b>	<b>Categories</b>	<b>Number of complaints</b>
Stretch	Now TV	Protection of under 18s	1
Daily Rundown Replay	Manchester.tv	Due impartiality/bias	1

For more information about how Ofcom assesses complaints about on demand services, go to: [http://stakeholders.ofcom.org.uk/binaries/broadcast/on-demand/rules-guidance/interim\\_procedures.pdf](http://stakeholders.ofcom.org.uk/binaries/broadcast/on-demand/rules-guidance/interim_procedures.pdf).

## Complaints outside of remit

Here are alphabetical lists of complaints received by Ofcom that fell outside of our remit. This is because Ofcom is not responsible for regulating the issue complained about. For example, the complaints were about the content of television, radio or on demand adverts, accuracy in BBC programmes or an on demand service does not fall within the scope of regulation.

For more information about what Ofcom's rules cover, go to:

<http://consumers.ofcom.org.uk/complain/tv-and-radio-complaints/what-does-ofcom-cover/>

### Complaints about television or radio programmes

For more information about how Ofcom assesses complaints about television and radio programmes, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/procedures/standards/>

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
BBC News	BBC 1	25/02/2016	Due accuracy	1
Dynamo: Magician Impossible	BBC 1	27/02/2016	Promotion of products/services (tv)	1
Question Time	BBC 1	10/03/2016	Due impartiality/bias	2
Sunday Politics	BBC 1	06/03/2016	Due impartiality/bias	1
The Andrew Marr Show	BBC 1	06/03/2016	Due impartiality/bias	58
Party Political Broadcast by the UK Independence Party	BBC1	02/03/2016	Due impartiality/bias	1
Advertisement	CBS Reality	04/03/2016	Advertising content	1
Advertisement	Challenge	05/03/2016	Advertising content	2
Advertisement	Channel 4	04/03/2016	Advertising content	2
Advertisements	Channel 4	28/02/2016	Advertising content	1
Advertisement	Channel 5	09/03/2016	Advertising content	1
Advertisement	Drama	03/03/2016	Advertising content	1
Advertisement	E4	06/03/2016	Advertising content	2
Teleshopping	Ideal World	28/02/2016	Teleshopping	1
Advertisement	ITV	01/02/2016	Advertising content	1
Advertisement	ITV	28/02/2016	Advertising content	1
Advertisement	ITV2	06/03/2016	Advertising content	1
Advertisement	ITV2	08/03/2016	Advertising content	1
Advertisement	ITV3	02/03/2016	Advertising content	1
Advertisement	Movie Mix	08/03/2016	Advertising content	1
Advertisement	Movies 24+	06/03/2016	Advertising content	1
Advertisement	n/a	08/03/2016	Advertising content	2
Advertisement	n/a	n/a	Advertising content	1
Advertisement	Nation Radio	08/03/2016	Advertising content	1
Advertisement	Sky Sports 2	28/02/2016	Advertising content	1

<b>Programme</b>	<b>Broadcaster</b>	<b>Transmission Date</b>	<b>Categories</b>	<b>Number of complaints</b>
Advertisement	STV	27/02/2016	Advertising content	1
Advertisement	Tiny Pop	05/03/2016	Advertising content	1
Advertisement	Various	28/02/2016	Advertising content	1
Advertisement	Various	n/a	Advertising content	3
Advertisement	Yesterday	06/03/2016	Advertising content	1

### **Complaints about on demand services**

<b>Programme</b>	<b>Service name</b>	<b>Categories</b>
The Spice Girls Fan Page	www.denden.co.uk	Fairness & Privacy
Brits 2016 Twitter	www.zigazig-ha.com	Fairness & Privacy
Adam Johnson: Downfall of a Football Star	Sky News	Generally accepted standards
Adam Johnson: Downfall of a Football Star	Sky News	Generally accepted standards
Anywhere.xxx	Anywhere.xxx	Jurisdiction
YouTube	YouTube	Advertising content

For more information about how Ofcom assesses complaints about on demand services, go to: [http://stakeholders.ofcom.org.uk/binaries/broadcast/on-demand/rules-guidance/interim\\_procedures.pdf](http://stakeholders.ofcom.org.uk/binaries/broadcast/on-demand/rules-guidance/interim_procedures.pdf)

## Investigations List

If Ofcom considers that a broadcaster or service provider may have breached its codes, rules, licence condition or other regulatory requirements, it will start an investigation.

**It is important to note that an investigation by Ofcom does not necessarily mean the broadcaster or service provider has done anything wrong. Not all investigations result in breaches of the codes, rules, licence conditions or other regulatory requirements being recorded.**

Here are alphabetical lists of new investigations launched between 29 February and 13 March 2016.

### Investigations launched under the Procedures for investigating breaches of content standards for television and radio

Programme	Broadcaster	Transmission date
Advertising minutage	Akaal	Various
Clara Amfo Live Lounge	BBC Radio 1	10 February 2016
Children's Hour	Betar Bangla	21 February 2016
Frostgun Invitational	Channel 4	27 February 2016
Våra Pinsamma Kroppar (Embarrassing Bodies)	Kanal 11	11 February 2016

### Investigations launched under the General Procedures for investigating breaches of broadcast licences

Licensee	Licensed Service
BritAsia TV Limited	BritAsia TV
LBC Radio Limited	LBC 97.3 FM
Tees Valley Christian Media	Cross Rhythms
Ipswich Community Radio	ICR FM
1 Ummah FM CIC	1Ummah FM
Greener Technology Limited	BEN TV

For more information about how Ofcom assesses complaints and conducts investigations about broadcast licences, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/procedures/general-procedures/>