

# 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 to secure the standards objectives<sup>1</sup>. Ofcom also has a duty to ensure that On Demand Programme Services ("ODPS") comply with certain standards requirements set out in the Act<sup>2</sup>.

Ofcom reflects these requirements in its codes and rules. The Broadcast and On Demand Bulletin reports on the outcome of Ofcom's investigations into alleged breaches of its codes and rules, as well as conditions with which broadcasters licensed by Ofcom are required to comply. The codes and rules include:

- a) [Ofcom's Broadcasting Code](#) ("the Code") for content broadcast on television and radio services licensed by Ofcom, and for content on the BBC's licence fee funded television, radio and on demand services.
- b) the [Code on the Scheduling of Television Advertising](#) ("COSTA"), containing rules on how much advertising and teleshopping may be scheduled on commercial television, how many breaks are allowed and when they may be taken.
- c) certain sections of the [BCAP Code: the UK Code of Broadcast Advertising](#), for which Ofcom retains regulatory responsibility for television and radio services. These include:
  - the prohibition on 'political' advertising;
  - 'participation TV' advertising, e.g. long-form advertising predicated on premium rate telephone services – notably chat (including 'adult' chat), 'psychic' readings and dedicated quiz TV (Call TV quiz services); and
  - gambling, dating and 'message board' material where these are broadcast as advertising<sup>3</sup>.
- d) other conditions with which Ofcom licensed services must comply, such as requirements to pay fees and submit information required for 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 (apart from BBC ODPS). Ofcom considers sanctions for advertising content on ODPS referred to it 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 requirements in the BBC Agreement, the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

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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.

**It is Ofcom's policy to describe fully 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.**

## Note to Broadcasters

### Monitoring of equality of opportunity and training in broadcasting

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On 14 September, Ofcom published its first Diversity and equal opportunities in television report. It set out how the industry is doing on equality and diversity overall, both in terms of what it's doing well and what it could do better. The [report](#) also contained our key recommendations on where industry needs to do more.

We would like to thank all those broadcasters who responded to our information request and provided us with the relevant data within the timeframe requested.

#### Next steps

##### Investigations

We have investigated 69 licensees in total who failed to respond to our information request by the required deadline, or who provided an incomplete response and we have published our findings on them in this bulletin.

Ofcom considers the breaches we have found to be serious and we will be engaging with these licensees on this matter. We will request diversity and equal opportunities information annually and if the breaches continue, we will consider the imposition of statutory sanctions.

We have examined in detail the arrangements each licensee has in place to promote equal employment opportunities and training, in line with their licence conditions, and we will be contacting licensees we assess to have inadequate arrangements in place.

##### Monitoring of the radio industry

Ofcom has already started engaging with the radio industry to discuss equal opportunities and diversity and we will begin our monitoring of radio broadcasters shortly. Each licensee will be sent an information request, detailing exactly what information we are collecting, when it is required and what action each licensee needs to take to comply with the request.

##### Further monitoring of the television and radio industry

We've committed to monitoring the broadcasting industry on an annual basis and publishing the results. Therefore, in 2018 we will be requesting, as a minimum, information on the same protected characteristics of gender, racial group, disability, sexual orientation, age, religion or belief, pregnancy and maternity, and gender reassignment. We are also very keen to understand the make-up of the industry in terms of additional characteristics such as social, geographic and educational background, and we welcome feedback on how this can be measured and improved.

Any broadcasters who wish to provide feedback or who have questions about our work in this area should contact [diversityinbroadcasting@ofcom.org.uk](mailto:diversityinbroadcasting@ofcom.org.uk)

## Broadcast Standards cases

### In Breach

#### The Spoken Word

***Notts TV, 13 June 2017, 20:00***

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#### Introduction

Notts TV is a local television service for Nottingham and its surrounding areas. The licence is held by Notts TV Limited ("Notts TV" or "the Licensee").

*The Spoken Word* was a documentary about performance poet Luke Wright which comprised interviews and clips of his live shows.

We received a complaint about the broadcast of offensive language in this pre-watershed programme. The programme contained 38 instances of the word "fuck", "fucking" or "motherfucking", and a further 23 instances of other examples of offensive language (e.g. "twat", "wanky", "shit" and "bollocks").

We considered that this material raised issues under the following Code rules:

- Rule 1.14: "The most offensive language must not be broadcast before the watershed";
- Rule 1.16: "Offensive language must not be broadcast before the watershed unless it is justified by the context. In any event, frequent use of such language must be avoided before the watershed"; and
- Rule 2.3: "In applying generally accepted standards, broadcasters must ensure that material which may cause offence is justified by the context...Such material may include...offensive language".

We asked the Licensee for its comments about how the material complied with these rules.

#### Response

Notts TV apologised for the broadcast and said it was fully aware of the seriousness of the issue.

The Licensee said that it took pride in offering a range of performance and owing to the time of broadcast and the format of the programme, the risk of it being watched by children would have been low. However, it fully acknowledged that the scheduling of this programme was inappropriate and its content was unsuitable.

The Licensee explained that in the process of arranging many hours of pre-recorded material, the programme had "slipped through" following a staff change in programme scheduling. It added that firm action had been taken to avoid a recurrence.

## Decision

Reflecting our duties under the Communications Act 2003<sup>1</sup>, Section One of the Code requires that people under eighteen are protected from unsuitable material in programmes. Section Two of the Code requires that generally accepted standards are applied to the content of television services to provide adequate protection for members of the public from the inclusion of harmful and/or offensive material.

Ofcom takes account of the audience's and the broadcaster's right to freedom of expression set out in Article 10 of the European Convention on Human Rights. Ofcom must seek to balance broadcasters' freedom of expression and compliance with the Code.

### Rule 1.14

This rule states that the most offensive language must not be broadcast before the watershed on television.

Ofcom research on offensive language<sup>2</sup> indicates that the word "fuck" and variations of it are considered by audiences to be among the most offensive language and should not be broadcast before the watershed. The repeated broadcast of the words "fuck", "fucking" and "motherfucking" was therefore a clear breach of Rule 1.14.

### Rules 1.16 and 2.3

Rule 1.16 states that offensive language must not be broadcast before the watershed unless it is justified by the context and that in any event, frequent use of such language must be avoided before the watershed.

In addition to the repeated use of the most offensive language as set out above, this pre-watershed programme included a further 23 instances of other language which Ofcom's research indicates audiences consider to be offensive. In our view this constituted frequent use.

Under Rule 2.3, broadcasters must ensure that potentially offensive material is justified by the context. In Ofcom's view, the frequent broadcast of offensive language clearly had the potential to offend.

Consistent with the broadcaster's and audience's right to freedom of expression, there is no prohibition on mild or moderately offensive language being broadcast before the watershed, as long as it is justified by the context, and is not used frequently. Context is assessed by reference to a range of factors including the editorial content of the programme, the time of broadcast and the likely expectation of the audience.

We went on to consider whether the frequent use of offensive language in this case were justified by the context.

We acknowledged that this was not a programme aimed at children or that would particularly appeal to them. However, the pre-watershed scheduling of the programme

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2003/21/section/319>

<sup>2</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0022/91624/OfcomOffensiveLanguage.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0022/91624/OfcomOffensiveLanguage.pdf)

meant that there could have been children in the audience. Additionally, we considered the frequency with which the offensive language was broadcast was very likely to have exceeded viewers' expectations for a programme broadcast at this time on a local television channel. Consequently, we concluded that the broadcast of offensive language was not justified by the context, in breach of both Rules 1.16 and 2.3.

**Breaches of Rules 1.14, 1.16 and 2.3**



## Broadcast Licence Conditions cases

### In Breach/Resolved

#### Provision of information: Diversity in Broadcasting *Various TV licensees*

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##### Introduction

Ofcom has a statutory duty under the Communications Act 2003 to take all such steps, as we consider appropriate, for promoting equality of opportunity in relation to employment and training by broadcasters, in terms of three of the 'protected characteristics' in the Equality Act 2010: gender, racial group and disability.

We wrote to all TV licensees to require them to submit information to Ofcom in relation to their employees and equal opportunities arrangements<sup>1</sup> in respect of the characteristics above<sup>2</sup>. We requested this information in accordance with the Licence Condition "General provision of information to Ofcom"<sup>3</sup> which states:

"The Licensee shall furnish to Ofcom in such manner and at such times as Ofcom may reasonably require such documents, accounts, returns, estimates, reports, notices or other information as Ofcom may require for the purpose of exercising the functions assigned to it by or under the 1990 Act, the 1996 Act, or the Communications Act..."

Failure by a licensee to submit this information when required represents breach of a broadcast licence, as the absence of the information contained in the return means that Ofcom is unable properly to carry out its regulatory duties.

##### In Breach

The following licensees failed to submit their diversity data by the specified deadline. These licensees have therefore been found **in breach of Licence Condition 12(1) of the Digital Television Programme Service and Television Licensable Content Service licences**<sup>\*</sup>:

Licensee	Service Name	Licence Number
A&A Inform Limited	Russian Hour	TLCS000680

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<sup>1</sup> Licensees employing more than 20 people in connection with the provision of their licensed services and authorised to broadcast for more than 31 days a year are required to make arrangements for promoting equal employment opportunities and training.

<sup>2</sup> We also requested data from licensees in respect of a number of other protected characteristics in the Equality Act 2010: age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment. The provision of this latter information is not a licence requirement.

<sup>3</sup> Licence Condition 12(1) in Television Licensable Content Service and Digital Television Programme Service licences and Condition 17(1) in Local Digital Television Programme Service licences.

<sup>\*</sup>This table was amended after publication to correct a factual inaccuracy.

Arabic News Broadcast UK Limited	Arabic News Broadcast	TLCS001079
Cira Media Productions Limited	Cira TV	TLCS001556
Daystar Television Network Limited	Daystar	DTPS100751
Decland Limited	Drive In Movie Channel	TLCS101125
DM Global Media Limited	DM News Plus	TLCS100193
Filmflex Movies Limited	FilmFlex	TLCS000861
General Entertainment & Music Limited	General Entertainment & Music (GEM) TV	TLCS001326
Geo TV Limited	Geo TV	TLCS000780
	Geo TEZ	TLCS001020
	Geo News	TLCS001075
Global Tamil Vision Limited	Global Tamil Vision	TLCS001281
Greener Technology Limited	BEN TV	TLCS001094
Harmony Media Enterprises (UK) Limited	UKS Fuzion TV	TLCS001292
JML Media Limited	JML Direct	TLCS000223
Kashmir Broadcasting Corporation Limited	KBC	TLCS000544
Leeds Trinity University	Trinity Vision	TLCS100470
Magine UK Limited	Magine TV	TLCS100910
Mercy Mission Media Limited	MYTV	TLCS101003
NFL Enterprises LLC	NFL Network	TLCS001009
Number 1 TV and Media Limited	Fashion One	TLCS001158
	NR1	TLCS001180
	NR1 Turk TV	TLCS101349
Pakistan Television Corporation Limited	PTV Global	TLCS001348
Passion Broadcasting Television Services Limited	Passion TV	TLCS000885
Polsat Limited	Polsat Volleyball 1 (HD)	TLCS100573
	Polsat Volleyball 2	TLCS100574
	Polsat Volleyball 3	TLCS100575
	Polsat Volleyball 4	TLCS100576
Prime Bangla Limited	Channel i	TLCS001127
Red Pepper Television & Media Limited	Party TV	TLCS101057
	Cinemachi Kids	TLCS101059
	Cinemachi Movies	TLCS101677
	Smilie TV	TLCS101678
Reflex Media Limited	Sufi Channel	TLCS101698
Saviour Broadcasting TV Network Limited	Saviour TV	TLCS100218
Sportsmax Ltd	SportsMax Ltd	TLCS101298
Sunbiz (PVT) Limited	7 News	TLCS101711
The Craft Channel Limited	The Craft Channel	DTPS101513
	The Craft Channel	TLCS101251
The Sikh Channel Community Broadcasting Company Limited	Sikh Channel	TLCS000912
TV Enterprises Limited	NTAI	TLCS000743

The following licensee failed to submit their diversity data by the specified deadline. They subsequently submitted a late return, but did not provide a reason for this late response. This licensee has therefore been found **in breach of Licence Condition 12(1) of the Television Licensable Content Service licence**:

Licensee	Service Name	Licence Number
Hidayat Welfare Society Limited	Hidayat Welfare Society	TLCS000914

### Resolved

The following licensees failed to submit their diversity data in accordance with the original deadline, but subsequently submitted a late return. For these licensees, we therefore consider the matter **resolved**.

### Condition 12(1) of the Digital Television Programme Service and Television Licensable Content Service licences\*

Licensee	Service Name	Licence Number
99 Media Org Limited	TV 99	TLCS001747
Al Ghad TV Limited	Al Ghad TV	TLCS001570
Al Shirkatul Islamiyyah	Muslim Television Ahmadiyya International	TLCS000521
	MTA 2 - SANIA	TLCS001452
	MTA 3 - ALARBIAYA	TLCS001453
ATN Bangla UK Limited	ATN Bangla UK	TLCS001029
Bloomberg LP	Bloomberg Television	DTPS000046
	Bloomberg Television	TLCS000089
	Bloomberg European English	TLCS000423
Cambridge Presents Limited	Cambridge TV	TLCS101062
Dawat-E-Islami UK	Madani Channel	TLCS001421
Fadak Media Broadcasts	Fadak Media Broadcasts	TLCS001490
Global Passion TV Limited	Global Passion TV	TLCS101384
Hellenic Television Limited	Hellenic TV	TLCS101764
International Television Channel Europe Limited	NTV	TLCS001624
ION TV Limited	ION TV	TLCS101764
Jesus Sanctuary Ministries Limited	JSM TV	TLCS101591
Light Upon Light Media Limited	TV ONE	TLCS101194
Media Liberty Limited	Iran Farda	TLCS001715
Nautical Channel Limited	Nautical Channel	TLCS001618
NDTV Lifestyle Limited	NDTV Good Times	TLCS001708
	NDTV Spice	TLCS101511
New Delhi Television Limited	NDTV 24x7	TLCS000827
	NDTV India	TLCS101516
Nollywood Movies Limited	Nollywood Movies	TLCS001073
Notts TV Limited	Notts TV	TLCS100478

\*This table was amended after publication to correct a factual inaccuracy.

Property TV Broadcasting Limited	Property TV	TLCS100677
REAL Digital TV Limit	REAL Digital	TLCS001447
SA Channel PVT Limited	SA TV	TLCS100194
That's Solent Limited	That's Solent	TLCS100799
To Sky Limited	AEE TV	TLCS100095
Tuwa Limited	Tuwa TV	TLCS001617
The Jewellery Channel Limited	TJC	DTPS000064
	TJC	TLCS000360
	TJC Choice	TLCS000454
Vision Studios Limited	Sports Tonight	TLCS001587

**Condition 17(1) of the Local Digital Television Programme Service licences:**

Licensee	Service Name	Licence Number
Notts TV Limited	Notts TV	L-DTPS000010
Your TV Preston	That's Lancashire	L-DTPS000019
Cambridge Presents Limited	Cambridge TV	L-DTPS100084
That's Solent Limited	That's Solent	L-DTPS000007
That's Oxford Limited	That's Oxford	L-DTPS000008

## Fairness and Privacy cases

### Not Upheld

#### Complaint by Mrs B on behalf of Miss C

***North West Today, BBC1 (North West), 15 March 2017***

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#### Summary

Ofcom has not upheld this complaint made by Mrs B on behalf of her daughter, Miss C, of unjust or unfair treatment and unwarranted infringement of privacy in the programme as broadcast.

The news programme reported on concerns raised by the Child Commissioner for England that children in the north west of England were waiting too long for specialist mental health treatment. It included footage of Miss C, who was 17 years old at the time, speaking about her mental health issues.

Ofcom found that:

- material facts in relation to Miss C's mental health were not presented, omitted or disregarded in a way that was unfair to her.
- Miss C had a legitimate expectation of privacy in relation to the broadcast of the footage of her. However, Miss C had consented to the footage being broadcast and therefore, her privacy was not unwarrantably infringed in the programme as broadcast.

#### Programme summary

On 15 March 2017, BBC1 North West broadcast an edition of *North West Today*. The presenter in the studio said that there was *"a call to do more for children with mental health issues as many are left waiting for treatment"* as footage of the complainant, Miss C, sitting inside an office using her mobile phone was shown.

The full news story about children with mental health issues was included later in the programme. The presenter said:

*"Now, too many children in our region are having to wait too long for specialist mental health treatment, that's according to the Children's Commissioner for England. Anne Longfield said despite more money being put into the system, there's still a massive backlog. She's also calling for earlier intervention and that's where schools can step in".*

A pre-recorded report was then broadcast and footage of Miss C and the reporter was shown. The reporter said:

*"When [Miss C] was seven, two things happened which changed her life – she was adopted and she started hearing voices".*

Miss C, who was identified in the programme by her first name, said:

*"It first started off saying to 'burn the house down because I didn't want to live there'. Then it got a bit worse to going to 'why don't you go and jump off a bridge. See what happens, see if people miss you'".*

The reporter said:

*"[Miss C] needed immediate help, [footage of the office of the charity Mind Manchester was shown] but to get the right help took her family five years. [Miss C was shown sitting inside the office looking at her mobile phone] A recent report found that in this region nearly half of the children referred to CAMHS, the specialist Children and Adolescent Mental Health Service, had to wait for treatment and another 40% were turned away because their problem wasn't seen as serious enough, far higher than the national average of 28%".*

A representative from Manchester Mind then said:

*"What we find is that the longer a child or young person waits before they get the help they need, the more problematic and complex their mental health becomes and it gets much more difficult to resolve problems the longer it's left".*

The reporter continued:

*"The government is putting an extra £1.4billion into CAMHS. The Children's Commissioner in Manchester last week also wants to see better early intervention".*

The report concluded as Ms Longfield, the Children's Commissioner for England, said:

*"They want people who are there, that can help them here and now, they say 'well we want someone to talk to in schools'. If we have long waiting lists we want people to keep in touch with us, want to be able to talk to someone online. So quite practical things".*

No further footage or reference to the complainant was made in the programme.

### **Summary of the complaint**

#### *Unjust or unfair treatment*

- a) Mrs B complained that Miss C was treated unjustly or unfairly in the programme as broadcast because the programme gave an incorrect and unfair impression of Miss C's mental health.

Mrs B said that the programme stated that at the age of seven, Miss C had *"started hearing voices"*. This implied that Miss C experienced auditory hallucinations and that viewers were likely to have understood that Miss C was schizophrenic. Mrs B said that when her daughter discussed hearing voices with the programme makers, she was referring to *"her own internal dialogue and thought processes"*. Mrs B said that Miss C had never been diagnosed with having, nor experienced, auditory hallucinations.

### *Unwarranted infringement of privacy*

- b) Mrs B also complained that Miss C's privacy was unwarrantably infringed in the programme as broadcast because footage of her daughter in which she disclosed "personal information" about herself was included in the programme without consent.

Mrs B said that information about her daughter's mental health and that she was adopted at the age of seven was included in the programme. Mrs B said that her daughter was identifiable from the footage because her face was unobscured and her first name was included. Further, the inclusion of footage of the Mind charity office disclosed the area where her daughter lived.

Mrs B also said that her daughter was 17 years old at the time of broadcast and was a vulnerable young adult with a history of "emotional and behavioural challenges". Mrs B said that it was unlikely that her daughter would have fully understood the implications of foregoing confidentiality for the interview. She said that her daughter was not given the option of anonymity and believed that she had been filmed for a radio programme. Mrs B said that she should have been informed about the programme and her daughter's contribution prior to its broadcast.

As a result of the programme, Mrs B said that her daughter had been put at risk of "ridicule and judgement amongst peers" and, potentially, being located by her birth parents who lived in the same region.

### **Broadcaster's response**

The BBC said that the programme makers were aware of the need to take due care of any under-eighteens who contributed to its news report which highlighted the concerns of the Children's Commissioner for England that children in the north west of England were waiting too long for specialist mental health treatment.

The BBC said that the Editor of *North West Today* had previously apologised to both Miss C and Mrs B for any distress which the report had caused. It repeated that apology and said that it accepted that it would have been courteous for the programme makers to have contacted Miss C's parents in advance of the broadcast and doing so may have given the programme makers a more complete picture of Miss C's background. However, the BBC said that it believed that the appropriate level of protection for someone aged under 18 was provided on this occasion.

### *Unjust or unfair treatment*

- a) The BBC said that the report accurately and fairly represented Miss C's own description of her mental health issues. It said that she told the programme's reporter that she heard "*voices in my head*" and described what those voices were saying to her and when the experience first occurred. The broadcaster said that the report included Miss C's description of what she was hearing in her own words. It added that the reporter had summarised Miss C's mental health based on information she was given by Miss C on the day of filming and by the head of Manchester Mind's Young Adults Service and Projects, who had arranged the interview and was present during the interview.

The BBC said that in the interview, the reporter had summarised what she had been told about Miss C prior to filming her and received the following response:

- Reporter: "I suppose what I'm talking about specifically, as you know, you started hearing things didn't you, you started hearing people talking to you?"
- Miss C: Voices in my head, yeah.
- Reporter: What sort of age were you when that all started?
- Miss C: Seven, just after I was adopted.
- Reporter: And what was that like? What were you hearing, what were they saying to you?
- Miss C: Different things to be honest. I think it first started off saying to 'burn the house down because I didn't want to live there'. Then it got a bit worse to going to 'why don't you go and jump off a bridge. See what happens, see if people miss you, see if people don't', then it just got worse and it's got worse ever since.
- Reporter: So that must have been really frightening?
- Miss C: It still is".

The broadcaster said that it therefore believed that the report gave a fair and accurate summary of Miss C's mental health issues and explained the context in which Miss C said she had first experienced voices in her head. At no stage, the broadcaster said, did the report suggest that she had experienced "auditory hallucinations" or mention schizophrenia. It said that it did not believe it was reasonable to infer that viewers would have assumed Miss C suffered from schizophrenia solely on the information provided in the report.

The BBC said that those with expertise in mental health recognise that schizophrenia is just one of a number of conditions which may result in a person hearing voices. It added that the website of the charity, Mind<sup>1</sup>, listed ten separate potential reasons for people to hear voices. The broadcaster also said that the Hearing Voices Network, a charity which aims to raise awareness of voice hearing, said on its website that "...there are many explanations for hearing voices. Many people begin to hear voices as a result of extreme stress or trauma" and listed a number celebrities who had spoken publicly about hearing voices, none of whom it said would be regarded by the general public as schizophrenics<sup>2</sup>.

The BBC said that it therefore did not consider the report was unfair to Miss C and there was no evidence to support Mrs B's assumption that viewers would have concluded Miss C had schizophrenia.

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<sup>1</sup> [https://www.mind.org.uk/information-support/types-of-mental-health-problems/hearing-voices/?gclid=CjwKEAjwsLTJBRCvibaW9bGLtUESJAC4wKw1CgO-SVXmQTn1\\_sHcaMm\\_25agwfoNQpEsdBMtmiMTzhoCjlvw\\_wcB#.WS1Wdze1vIU](https://www.mind.org.uk/information-support/types-of-mental-health-problems/hearing-voices/?gclid=CjwKEAjwsLTJBRCvibaW9bGLtUESJAC4wKw1CgO-SVXmQTn1_sHcaMm_25agwfoNQpEsdBMtmiMTzhoCjlvw_wcB#.WS1Wdze1vIU)

<sup>2</sup> <http://www.hearing-voices.org/voices-visions/about/>



### *Unwarranted infringement of privacy*

- b) The BBC accepted that details of Miss C's mental health issues and background were inherently private. It said that the programme makers therefore considered what measures were appropriate to safeguard her welfare, bearing in mind the context of the report, the level of her involvement, and taking account of her age, maturity and capacity to make an informed judgement about the likely consequences of talking about her mental health.

The broadcaster said that the Code recognised that those aged 16 and over were able to give their own consent to participate and the programme makers believed that Miss C gave her informed consent for details of her mental health and background to be made public in the full knowledge that she was being filmed for a television news report, her first name would be used and her face would be shown. It added that the programme makers took the view that the circumstances of the interview and the information Miss C provided about herself indicated an appropriate self-awareness and understanding of her mental health issues, and indicated she was an independent young person with an "optimistic and positive view" of her future. The BBC said that Miss C explained that things had started to improve when she first moved into supported accommodation (i.e. a combination of housing with support services aimed to help people with mental health issues to live as independently as possible).

The BBC said that consent was also obtained from mental health experts at Manchester Mind and Miss C's key worker, who the BBC described as acting *in loco parentis*. Both, the BBC said, had a long-standing relationship with Miss C and an understanding of her mental health history. It added that they were experts in juvenile mental health.

The BBC said that the filming for this report was discussed a number of weeks in advance with a representative from Manchester Mind. It said that a number of potential interviewees for the report were suggested, including Miss C. The broadcaster said that the charity and the reporter discussed concerns about confidentiality, including any requirement to protect the identity of young people during filming. It said that the programme makers had worked with Manchester Mind on a number of previous occasions and had filmed reports at its premises and interviewed its clients, all of whom were identified and had been so with their consent.

The BBC said that it subsequently discussed Miss C's involvement with Manchester Mind's representative, who had known Miss C for "at least a year" in order to ensure that the content of this statement accurately reflected its views and understanding of the circumstances of Miss C's contribution. It said that following a number of discussions between Miss C and Manchester Mind's representative about her contribution to the programme, Miss C had known what she wanted to say and how she wanted to say it. In particular, Manchester Mind's representative said it had informed Miss C about: the subject of the report; that it was for television; and the kind of questions that would be put to her. Miss C was also asked by Manchester Mind's representative whether she would like a list of questions in advance and she confirmed that she did not. Miss C told Manchester Mind's representative that she did not wish to talk about where she lived.

The BBC said that Manchester Mind's representative had described Miss C as being a regular visitor to the Manchester Mind centre, where she worked as a "reliable and

trusted volunteer", had sat on the recruitment panel for new members of staff, and spoke openly about her mental health issues to those at the centre.

The BBC also said that Manchester Mind's representative said that a colleague from Manchester Mind had spoken to Miss C's supported housing key worker in advance of the BBC interview to confirm that the key worker shared their assessment of Miss C as a capable, stable and confident young woman.

The BBC said that Manchester Mind's representative had confirmed that they provided additional confidential information about Miss C's background prior to the interview, including details of the nature of her relationship with her adoptive parents, the fact she had not lived with them for some time, and was now living in supported accommodation. The broadcaster said that the reporter had understood from this that the circumstances in which Miss C left her family home and moved into supported accommodation were directly related to her relationship with her family. It added that this further led the reporter to conclude that she could rely on the professional expertise of Manchester Mind's representative and Miss C's housing key worker in deciding whether Miss C was in a position to give informed consent.

The BBC said that on the day of filming, Miss C was chaperoned by Manchester Mind's representative throughout, who agreed with the reporter that only Miss C's first name would be used in the report and confirmed that Miss C had agreed to and was content with this. Two days after the filming, the BBC said that Manchester Mind's representative had contacted the programme makers and said that Miss C had seemed pleased and happy with the way the interview had gone. They also said that they had discussed with Miss C the likelihood that people she knew might see the report and made it clear to her that she could come and discuss any aspect of the interview or her experience of being filmed at any stage. Manchester Mind's representative also reminded Miss C to avoid looking at social media sites in the days after the report was broadcast because of the possibility people she knew might comment about any aspect of her contribution.

The BBC said that on the day the report was broadcast, the programme makers spoke again to Manchester Mind's representative and confirmed that the representative had discussed the interview with Miss C's housing key worker and had given the key worker an overview of what was involved. Manchester Mind's representative added that the key worker said that they were happy for the interview to go ahead and expressed no concerns about any potentially negative effects on Miss C of the interview being broadcast or her being identified. It said that the key worker requested that the name of the supported housing where Miss C was living should not be used which was agreed by the reporter.

The BBC said that it appreciated that both Miss C and Mrs B had told Ofcom that their understanding was that Miss C was being filmed for a radio programme. However, it said that it did not understand the basis for any confusion which may have arisen. The broadcaster said that the reporter had said that she had consistently made it clear to Manchester Mind and to Miss C that she was compiling a report for television. It added that Manchester Mind's representative subsequently confirmed to the BBC that she was aware the interview was for television and informed potential contributors, including Miss B, accordingly.

The BBC also said that it believed that Miss C would have been aware at the time, that she was being filmed for a television report. It stated that the reporter and the cameraman both recalled explaining to Miss C and other people in the centre that they would be filmed for a television report and the cameraman filmed numerous general shots from various angles (some of which were included in the broadcast report). It added that the camera used was a full-size television camera on a tripod (rather than a hand-held video camera). Further, it said that Miss C had assisted with moving chairs from the room where the interview was conducted to create more space. The BBC stated that the interview included standard two-shots and cutaways, the purpose of which was explained to Miss C, and which would not have been necessary if the interview had been for radio. After the interview, the broadcaster said that Miss C went outside with the cameraman and was filmed walking along the street and looking into the window of a cake shop to illustrate her desire to start her own cake-making business. It added that she responded to directions from the cameraman throughout.

The BBC said that it did not know on what basis Mrs B asserted that her daughter had been put at risk of "ridicule and judgement amongst peers". The broadcaster added that it would be a matter of great regret for the BBC if this were to be the case, but the view of experts at Manchester Mind was that there were positive benefits of raising awareness of mental health issues among young people and those with mental health issues tended to benefit from talking openly and publicly about the issues they faced. It said that this was one of the significant factors which led *North West Today* to run a series of reports linked to Mental Health Awareness Week and to include interviews with young people addressing the effects of mental health issues.

The BBC said that it could not comment on the likelihood of Miss C's birth parents using information provided in the report to try to locate her, or assess what impact this might have were it to take place. The broadcaster said that it was its understanding that Miss C had had no contact with her birth parents since the age of seven and so it did not know on what basis Mrs B believed that they may try to make contact now.

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

Ofcom prepared a Preliminary View on this case that the complaint should be not upheld. Both the complainant and the broadcaster were given the opportunity to make representations and neither party 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.

In reaching this decision, we carefully considered all the relevant material provided by both parties. This included a recording of the programme as broadcast and transcript of it, the unedited footage and both parties' written submissions.

### *Unjust or unfair treatment*

When considering complaints of unjust or 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 addition to this Rule, Section Seven (Fairness) of the Code contains "practices to be followed" by broadcasters when dealing with individuals or organisations participating in, or otherwise directly affected by, programmes, or in the making of programmes. Following these practices will not necessarily avoid a breach of Rule 7.1 and failure to follow these practices will only constitute a breach where it results in unfairness to an individual or organisation in the programme.

- a) We first considered the complaint that Miss C was treated unjustly or unfairly in the programme as broadcast because the programme gave an incorrect and unfair impression of Miss C's mental health.

Practice 7.9 states:

"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".

We carefully reviewed the news report and noted that the reporter said that at the age of seven, Miss C had "*started hearing voices*". It also included Miss C's own description of what this meant for her in the programme. Although we considered that some viewers may associate "hearing voices" with schizophrenia, the programme did not state that Miss C was schizophrenic, nor did it provide a specific explanation as to the reason Miss C heard voices. It was therefore our view that the programme did not portray Miss C as having schizophrenia.

We also had regard to the unedited footage in which Miss C described her mental health issues to the reporter (as set out in the "broadcaster's response" section above). It was our view that although the programme did not always include Miss C's own description of her mental health issues and when they had first started, the reporter had based her summary on what she had been told by Manchester Mind's representative and Miss C, and we considered it to be an accurate reflection of what Miss C had said to her in the unedited footage.

In light of this, we considered that the broadcaster had taken reasonable care to satisfy itself that material facts were not presented, disregarded or omitted in a way that portrayed Miss C unfairly.

Taking the above factors into account, it was our view that Miss C was not treated unjustly or unfairly in the programme as broadcast in this respect.

### *Unwarranted infringement of privacy*

In Ofcom's view, the individual's right to privacy has to be balanced against the competing rights of the broadcaster to freedom of expression. Neither right as such has precedence over the other and where there is a conflict between the two, it is necessary to intensely focus on the comparative importance of the specific rights. Any justification for interfering with or restricting each right must be taken into account and any interference or restriction must be proportionate. This is reflected in how Ofcom applies Rule 8.1 which states that any infringement of privacy in programmes, or in connection with obtaining material included in programmes, must be warranted.

In addition to this rule, Section Eight (Privacy) of the Code contains "practices to be followed" by broadcasters when dealing with individuals or organisations participating in, or otherwise directly affected by, programmes, or in the making of programmes. Following these practices will not necessarily avoid a breach of Rule 8.1 and failure to follow these practices will only constitute a breach where it results in an unwarranted infringement of privacy.

- b) We next considered the complaint that Miss C's privacy was unwarrantably infringed in the programme as broadcast because footage of Miss C in which she disclosed "personal information" about herself was included in the programme without consent.

Practice 8.6 states:

"if the broadcast of a programme would infringe the privacy of a person, consent should be obtained before the relevant material is broadcast, unless the infringement of privacy is warranted".

Practice 8.21 states:

"where a programme features an individual under sixteen or a vulnerable person in a way that infringes privacy, consent must be obtained from:

- a parent, guardian or other person of eighteen or over *in loco parentis*; and,
- wherever possible, the individual concerned;
- unless the subject matter is trivial or uncontroversial and the participation minor, or it is warranted to proceed without consent".

We first considered the extent to which Miss C had a legitimate expectation of privacy in relation to footage of her included in the programme.

Ofcom considers that the test as to whether a legitimate expectation of privacy arises is objective: it is fact-sensitive and must always be assessed in light of the circumstances in which the person concerned finds him or herself. Ofcom therefore approaches each case on its facts.

The BBC accepted that details of Miss C's mental health issues and background were inherently private. The programme disclosed that Miss C had been adopted and it provided some very specific details about her mental health issues. Miss C's face was

shown unobscured, her voice was heard and she was identified by her first name. In light of this, we considered that the material included in the programme about Miss C related to very personal and sensitive information about her private life and it was likely that she would have a heightened legitimate expectation of privacy in relation to this information.

Ofcom took into account that Miss C was 17 years old at the time the programme was filmed and broadcast and that she had mental health issues. We recognise that a person's age and mental health are factors that might result in them being a "vulnerable person", such that consent would need to be obtained under the Code from a parent, guardian or other person of eighteen or over *in loco parentis*. However, in this particular case, we had regard to the broadcaster's response in which it said that those who had a relationship with Miss C at Manchester Mind and her key worker, had confirmed that Miss C was capable of making her own decisions. We recognised that while Miss C had mental health issues, it did not, in our view, prevent her from being able to give her informed consent to contribute to the programme. Given this, we solely considered whether the broadcaster had obtained Miss C's consent before the relevant material was broadcast.

It does not appear from the broadcaster's response that Miss C was provided with a contributor consent form to sign. However, this is not the only means of obtaining consent from an individual. We therefore considered whether the broadcaster had obtained Miss C's informed consent for the footage of her to be included in a programme.

The Foreword to Section Eight (Privacy) of the Code sets out that where consent is referred to in Section Eight, it refers to "informed consent" as set out in Practice 7.3 of the Code. Practice 7.3 sets out that individuals who are invited to make a contribution to a programme should normally, at an appropriate stage, be given sufficient information about (amongst other things): the nature and purpose of the programme; when (if known) and where the programme is likely to be first broadcast; the kind of contribution the individual is expected to make (for example, whether it will be live or pre-recorded, edited or unedited); the areas of questioning and, wherever possible, the nature of other likely contributions; and any changes to the programme that might affect their decision to contribute. Taking these measures is likely to result in any consent that is given being 'informed' consent (which, for the purposes of Rule 8.1 and the Code more generally means 'consent').

We considered the extent to which the BBC had taken steps to provide Miss C with the information set out above. We took into account the broadcaster's response that it had consulted both with mental health experts at Manchester Mind and Miss C's key worker who had a long-standing relationship with her and an understanding of her mental health history. We also recognised that the broadcaster had discussed in advance with Manchester Mind's representative, who had known Miss C for at least a year, the purpose of the news report and that they had identified Miss C as a potential contributor. In particular, prior to agreeing to being filmed, Manchester Mind's representative had informed Miss C about: the subject of the report, the type of questions that would be put to her; and the areas which she may not wish to discuss (to which Miss C said that she did not want to discuss where she lived); and the fact it was for television. We took into account too that Manchester Mind's representative had said that Miss C had had a further discussion with a supervisor at the centre about what she

wanted to say during the interview. Further, following the filming of the interview, Manchester Mind's representative and Miss C had discussed the interview and how it went.

We acknowledged the disparity between the views of the parties regarding whether Miss C understood that she was being filmed for a television programme and, in particular, that Miss C may not have considered the issues surrounding anonymity because she believed she was taking part in a radio interview. The BBC was unable to provide any written evidence which showed that Miss C had been informed that she was taking part in a television interview. Nevertheless, we took into account that Manchester Mind's representative had said subsequently to the BBC that it had informed Miss C that the interview was for television and had discussed with Miss C the likelihood of people she may know seeing the news report. We also had regard to the unedited footage and the programme as broadcast which showed Miss C being filmed as she walked down the road, looked in the window of a bakery and sat in the Mind office. In such circumstances, we considered that Miss C would have understood at the time of filming that the presence of these cameras and the purpose of any filming was that it would potentially be included in a television, rather than radio, programme.

We considered that Miss C had engaged fully in the programme making process and having regard to the unedited footage, had spoken freely and openly to the programme makers. In addition, at no point had Miss C or her key worker raised any concerns about the interview being broadcast. Further, in our view, the broadcaster had taken steps to ensure that Miss C, and those who had a long-standing relationship with her, had been provided with the necessary information (as set out above) to enable Miss C to make an informed decision about whether or not she wanted to contribute to the programme. It was therefore our view that the broadcaster had Miss C's informed consent to contribute to the programme.

Having reached the view that Miss C had consented to the broadcast of the footage of her, Ofcom considered that it was not necessary to assess whether or not any infringement of Miss C's privacy was warranted.

Given all the factors set out above, we considered that there was no unwarranted infringement of Miss C's privacy in the programme as broadcast.

**Ofcom has not upheld Mrs B's complaint on behalf of Miss C of unjust or unfair treatment and unwarranted infringement of privacy in the programme as broadcast.**

## Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 2 and 15 October 2017 and decided that the broadcaster or service provider did not breach Ofcom's codes, rules, licence conditions or other regulatory requirements.

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

Programme	Broadcaster	Transmission date	Categories
Misused Trust	The Sikh Channel	20 May 2017	Generally accepted standards

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

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0020/55109/breaches-content-standards.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf)



## Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 2 and 15 October 2017 because they did not raise issues warranting investigation.

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

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Castle	5USA	20/09/2017	Generally accepted standards	2
Khabar Din Bhar	ABP News	01/10/2017	Scheduling	1
Christian O'Connell Breakfast Show	Absolute Radio	27/09/2017	Sexual material	1
Scottish Football: Hamilton v Rangers	BT Sport 1	29/09/2017	Race discrimination/offence	1
Programming	Capital FM	07/08/2017	Competitions	1
Capital Breakfast	Capital FM (Manchester)	28/09/2017	Generally accepted standards	1
Back	Channel 4	04/10/2017	Offensive language	1
Back	Channel 4	04/10/2017	Violence	1
Barbie: The Most Famous Doll in the World	Channel 4	03/10/2017	Generally accepted standards	1
Celebrity Hunted	Channel 4	10/10/2017	Dangerous behaviour	1
Channel 4 News	Channel 4	03/10/2017	Due impartiality/bias	1
Channel 4 News	Channel 4	04/10/2017	Due impartiality/bias	3
Channel 4 News	Channel 4	05/10/2017	Other	1
Countdown	Channel 4	02/10/2017	Generally accepted standards	1
Electric Dreams: Crazy Diamond	Channel 4	08/10/2017	Animal welfare	1
Gogglebox	Channel 4	06/10/2017	Generally accepted standards	4
Great British Bake Off: Extra Slice	Channel 4	21/09/2017	Generally accepted standards	1
Naked Attraction	Channel 4	29/06/2017	Nudity	1
Naked Attraction	Channel 4	11/10/2017	Nudity	1
The Great British Bake Off	Channel 4	12/09/2017	Dangerous behaviour	55
The Great British Bake Off	Channel 4	03/10/2017	Other	1
The Great British Bake Off	Channel 4	03/10/2017	Race discrimination/offence	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
The Great British Bake Off	Channel 4	10/10/2017	Race discrimination/offence	1
The Last Leg	Channel 4	29/09/2017	Due impartiality/bias	1
The Political Slot	Channel 4	02/10/2017	Other	1
Football on 5	Channel 5	30/09/2017	Race discrimination/offence	2
Innerspace	Channel 5	08/10/2017	Offensive language	1
Police Interceptors	Channel 5	02/10/2017	Offensive language	1
There's a Croc In My Kitchen	Channel 5	16/06/2017	Animal welfare	1
Columbo (trailer)	Channel 5+1	10/10/2017	Generally accepted standards	1
Russell Howard Live: Wonderbox	Comedy Central	23/09/2017	Disability discrimination/offence	1
Next Base's sponsorship of Driving Entertainment on Dave	Dave	08/09/2017	Sponsorship credits	1
Advertisement	Drama	17/09/2017	Advertising minutage	1
Brush Strokes	Drama	25/09/2017	Gender discrimination/offence	1
Made In Chelsea	E4	09/10/2017	Generally accepted standards	1
Naked Attraction	E4	04/10/2017	Nudity	1
Abraham Lincoln: Vampire Hunter	Film4+1	04/10/2017	Offensive language	1
Drivetime	Heart FM (Yorkshire)	29/09/2017	Gender discrimination/offence	1
Heart Breakfast with Ed, Troy & Paulina	Heart FM Bristol	25/09/2017	Generally accepted standards	1
After the News	ITV	10/10/2017	Due impartiality/bias	1
Bad Move	ITV	20/09/1978	Generally accepted standards	1
Bad Move	ITV	27/09/2017	Generally accepted standards	1
Big Heads	ITV	08/10/2017	Generally accepted standards	1
Coronation Street	ITV	21/08/2017	Violence	29
Coronation Street	ITV	30/08/2017	Scheduling	3
Coronation Street	ITV	03/09/2017	Violence	26
Coronation Street	ITV	06/09/2017	Generally accepted standards	2
Coronation Street	ITV	11/09/2017	Generally accepted standards	6

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Coronation Street	ITV	01/10/2017	Race discrimination/offence	1
Coronation Street	ITV	02/10/2017	Generally accepted standards	8
Coronation Street	ITV	02/10/2017	Violence	1
Coronation Street	ITV	04/10/2017	Generally accepted standards	1
Coronation Street	ITV	06/10/2017	Scheduling	1
Coronation Street	ITV	09/10/2017	Sexual material	1
Coronation Street	ITV	11/10/2017	Religious/Beliefs discrimination/offence	1
Coronation Street	ITV	Various	Generally accepted standards	1
Dickinson's Real Deal	ITV	29/09/2017	Competitions	1
Doc Martin	ITV	11/10/2017	Disability discrimination/offence	1
Emmerdale	ITV	19/09/2017	Disability discrimination/offence	2
Emmerdale	ITV	21/09/2017	Generally accepted standards	2
Emmerdale	ITV	02/10/2017	Materially misleading	1
Emmerdale	ITV	02/10/2017	Religious/Beliefs discrimination/offence	1
Emmerdale	ITV	03/10/2017	Violence	2
Emmerdale	ITV	04/10/2017	Materially misleading	1
Emmerdale	ITV	05/10/2017	Religious/Beliefs discrimination/offence	1
Emmerdale	ITV	06/10/2017	Religious/Beliefs discrimination/offence	1
Emmerdale	ITV	09/10/2017	Disability discrimination/offence	1
Emmerdale	ITV	09/10/2017	Scheduling	1
Good Morning Britain	ITV	05/09/2017	Due impartiality/bias	3
Good Morning Britain	ITV	05/09/2017	Sexual material	1
Good Morning Britain	ITV	05/09/2017	Sexual orientation discrimination/offence	1
Good Morning Britain	ITV	27/09/2017	Gender discrimination/offence	1
Good Morning Britain	ITV	28/09/2017	Sexual material	1
Good Morning Britain	ITV	29/09/2017	Violence	1
Good Morning Britain	ITV	02/10/2017	Generally accepted standards	2
Good Morning Britain	ITV	03/10/2017	Generally accepted standards	1
Good Morning Britain	ITV	04/10/2017	Sexual material	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Good Morning Britain	ITV	09/10/2017	Generally accepted standards	7
HSL's sponsorship of Tipping Point	ITV	04/10/2017	Sponsorship credits	1
ITV News	ITV	22/05/2017	Due impartiality/bias	1
ITV News	ITV	27/09/2017	Due accuracy	1
ITV News	ITV	29/09/2017	Due accuracy	1
ITV News	ITV	02/10/2017	Violence	1
ITV News	ITV	04/10/2017	Due impartiality/bias	1
ITV News	ITV	05/10/2017	Due impartiality/bias	1
ITV News	ITV	05/10/2017	Violence	2
ITV News	ITV	06/10/2017	Due impartiality/bias	1
Liar	ITV	09/09/2017	Gender discrimination/offence	1
Liar	ITV	11/09/2017	Other	2
Liar	ITV	18/09/2017	Gender discrimination/offence	1
Liar	ITV	09/10/2017	Generally accepted standards	1
Loose Women	ITV	02/10/2017	Race discrimination/offence	2
Loose Women	ITV	05/10/2017	Sexual material	1
Loose Women	ITV	11/10/2017	Gender discrimination/offence	1
Programming	ITV	28/09/2017	Competitions	1
Scrambled!	ITV	01/10/2017	Due impartiality/bias	1
Screwfix's sponsorship of ITV coverage of England Football	ITV	05/10/2017	Sponsorship credits	1
The Chase	ITV	30/09/2017	Materially misleading	1
The Jeremy Kyle Show	ITV	02/10/2017	Generally accepted standards	1
The Jeremy Kyle Show	ITV	09/10/2017	Generally accepted standards	1
The Jonathan Ross Show	ITV	30/09/2017	Generally accepted standards	1
The X Factor	ITV	30/09/2017	Fairness	4
The X Factor	ITV	30/09/2017	Generally accepted standards	2
The X Factor	ITV	01/10/2017	Advertising minutage	1
The X Factor	ITV	01/10/2017	Other	1
The X Factor	ITV	08/10/2017	Generally accepted standards	1
The X Factor	ITV	08/10/2017	Other	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
This Morning	ITV	26/09/2017	Generally accepted standards	1
This Morning	ITV	27/09/2017	Scheduling	1
This Morning	ITV	27/09/2017	Sexual material	3
This Morning	ITV	02/10/2017	Sexual material	1
This Morning	ITV	03/10/2017	Under 18s in programmes	1
This Morning	ITV	10/10/2017	Generally accepted standards	1
Timewasters (trailer)	ITV	04/10/2017	Drugs, smoking, solvents or alcohol	1
Timewasters (trailer)	ITV	07/10/2017	Race discrimination/offence	1
Timewasters (trailer)	ITV	09/10/2017	Race discrimination/offence	1
ITV News London	ITV London	02/10/2017	Gender discrimination/offence	1
ITV News West Country	ITV West Country	04/10/2017	Generally accepted standards	1
Family Guy	ITV2	08/10/2017	Generally accepted standards	1
Love Island	ITV2	05/06/2017	Drugs, smoking, solvents or alcohol	1
Love Island	ITV2	18/06/2017	Drugs, smoking, solvents or alcohol	1
Love Island	ITV2	19/06/2017	Drugs, smoking, solvents or alcohol	8
Love Island	ITV2	22/06/2017	Drugs, smoking, solvents or alcohol	2
Love Island	ITV2	01/07/2017	Drugs, smoking, solvents or alcohol	1
Love Island	ITV2	02/07/2017	Drugs, smoking, solvents or alcohol	1
Love Island	ITV2	03/07/2017	Drugs, smoking, solvents or alcohol	5
Love Island	ITV2	04/07/2017	Drugs, smoking, solvents or alcohol	2
Love Island	ITV2	05/07/2017	Drugs, smoking, solvents or alcohol	11
Love Island	ITV2	06/07/2017	Drugs, smoking, solvents or alcohol	2
Love Island	ITV2	07/07/2017	Drugs, smoking, solvents or alcohol	10
Love Island	ITV2	08/07/2017	Drugs, smoking, solvents or alcohol	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Love Island	ITV2	09/07/2017	Drugs, smoking, solvents or alcohol	6
Love Island	ITV2	10/07/2017	Drugs, smoking, solvents or alcohol	5
Love Island	ITV2	11/07/2017	Drugs, smoking, solvents or alcohol	2
Love Island	ITV2	12/07/2017	Drugs, smoking, solvents or alcohol	2
Love Island	ITV2	17/07/2017	Drugs, smoking, solvents or alcohol	2
Love Island	ITV2	20/07/2017	Drugs, smoking, solvents or alcohol	2
Love Island	ITV2	various	Drugs, smoking, solvents or alcohol	1
Love Island	ITV2	various	Drugs, smoking, solvents or alcohol	1
Love Island	ITV2	various	Drugs, smoking, solvents or alcohol	1
Sach Di Awaaz	KTV	26/09/2017	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	25/09/2017	Due impartiality/bias	1
James O'Brien	LBC 97.3 FM	29/09/2017	Due impartiality/bias	1
James O'Brien	LBC 97.3 FM	29/09/2017	Race discrimination/offence	1
James O'Brien	LBC 97.3 FM	04/10/2017	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	05/10/2017	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	11/10/2017	Due impartiality/bias	1
Nick Abbot	LBC 97.3 FM	22/09/2017	Due impartiality/bias	1
Nick Ferrari	LBC 97.3 FM	11/10/2017	Sexual material	1
Steve Allen	LBC 97.3 FM	03/10/2017	Generally accepted standards	1
Bo' Selecta!	London Live	20/09/2017	Generally accepted standards	1
999: What's Your Emergency?	More4	01/10/2017	Generally accepted standards	1
Gypsies on Benefits and Proud	My5	30/09/2017	Race discrimination/offence	1
'Kiss The Car' Competition	Original 106 FM	22/09/2017	Competitions	1
Piny Institute of New York	Pop	18/09/2017	Religious/Beliefs discrimination/offence	1
Piny Institute of New York	Pop	10/10/2017	Religious/Beliefs discrimination/offence	1
Pirate Express	Pop Max	22/09/2017	Offensive language	2

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Chris Moyles	Radio X	13/09/2017	Race discrimination/offence	1
RT News	RT	Various	Due impartiality/bias	1
Programming	Sheffield Live	07/08/2017	Materially misleading	1
Scottish Football: Rangers v Celtic	Sky Football	23/09/2017	Offensive language	1
Ian King Live	Sky News	03/10/2017	Generally accepted standards	1
Press Preview	Sky News	30/09/2017	Age discrimination/offence	1
Press Preview	Sky News	09/10/2017	Generally accepted standards	1
Press Preview	Sky News	10/10/2017	Generally accepted standards	2
Sky News	Sky News	22/09/2017	Due impartiality/bias	1
Sky News	Sky News	02/10/2017	Due impartiality/bias	1
Sky News	Sky News	03/10/2017	Religious/Beliefs discrimination/offence	1
Sky News	Sky News	05/10/2017	Due accuracy	1
Sky News	Sky News	07/10/2017	Other	1
Sky News	Sky News	09/10/2017	Generally accepted standards	1
Sky News	Sky News	09/10/2017	Offensive language	1
Sky Q promotion	Sky News	02/10/2017	Promotion of products/services	1
Stand Up Central (trailer)	Sky Sports Main Event	26/09/2017	Sexual material	1
The Russell Howard Hour	Sky1	21/09/2017	Due impartiality/bias	1
The Russell Howard Hour	Sky1	05/10/2017	Generally accepted standards	1
The Russell Howard Hour	Sky1	05/10/2017	Religious/Beliefs discrimination/offence	1
Boxing	Spike	07/10/2017	Advertising minutage	1
Iss Pyaar Ko Kya Naam Doon	StarPlus	04/09/2017	Violence	1
Iss Pyaar Ko Kya Naam Doon	StarPlus	05/09/2017	Violence	1
Alan Brazil	Talksport	12/10/2017	Race discrimination/offence	1
Fifty Shades of Grey	TV3 Sweden	01/10/2017	Gender discrimination/offence	1
Skönhetsfällan Sverige	TV3 Sweden	23/09/2017	Gender discrimination/offence	1
Skönhetsfällan Sverige	TV3 Sweden	03/10/2017	Gender discrimination/offence	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Bosch	TV8 Sweden	29/09/2017	Gender discrimination/offence	1
Programming	Various	01/08/2017	Animal welfare	1
Programming	Various	07/09/2017	Hypnotic and other techniques	1

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

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0020/55109/breaches-content-standards.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf)

Complaints assessed under the Procedures for investigating breaches of content standards on BBC broadcasting services and BBC ODPS.

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
BBC Breakfast News	BBC 1	27/04/2017	Due impartiality/bias	1
Tracey Breaks the News	BBC 1	23/06/2017	Generally accepted standards	1
Vienna: Empire, Dynasty and Dream	BBC 2	17/05/2017	Materially misleading	1
The Bottom Line	BBC Radio 4	30/03/2017	Due accuracy	1
Today	BBC Radio 4	25/05/2017	Due impartiality/bias	1
You and Yours	BBC Radio 4	03/03/2017	Due impartiality/bias	1

For more information about how Ofcom assesses complaints about content standards on BBC broadcasting services and BBC ODPS, go to:

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0002/100100/Procedures-for-investigating-breaches-of-content-standards-on-BBC-broadcasting-services-and-BBC-on-demand-programme-services.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0002/100100/Procedures-for-investigating-breaches-of-content-standards-on-BBC-broadcasting-services-and-BBC-on-demand-programme-services.pdf)

Complaints assessed under the General Procedures for investigating breaches of broadcast licences

Licensee	Licensed service	Categories
Radio Asian Fever CIC	Radio Asian Fever	Key Commitments
Radio Essex Limited	Radio Essex	Format
Wave 102 FM Limited	Wave 102	Format

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

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0019/31942/general-procedures.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0019/31942/general-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 or an on demand service does not fall within the scope of regulation.

For more information about what Ofcom's rules cover, go to: <https://www.ofcom.org.uk/tv-radio-and-on-demand/how-to-report-a-complaint/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:

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0020/55109/breaches-content-standards.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf)

Programme	Service	Transmission Date	Categories	Number of complaints
Advertisement	Channel 4	29/09/2017	Advertising content	1
Advertisement	Channel 4	09/10/2017	Advertising content	1
Advertisement	Channel 4	10/10/2017	Advertising content	1
Outlander	Channel 4	16/10/2017	Outside of remit	1
Advertisement	Film4	08/10/2017	Advertising content	1
Ideal World Christmas Show	Ideal World	04/10/2017	Teleshopping	1
Advertisement	ITV	30/09/2017	Advertising content	1
Advertisement	ITV	07/10/2017	Advertising content	1
Britain's Got Talent	ITV	01/06/2017	Outside of remit	1
Advertisement	ITV3	29/09/2017	Advertising content	2
Advertisement	n/a	02/10/2017	Advertising content	1
Background music	n/a	various	Outside of remit	1
Advertisement	Planet Rock	02/10/2017	Advertising content	1
Sunrise	Sky News	10/10/2017	Outside of remit	1
F1	Sky Sports Main Event	08/10/2017	Outside of remit	1
Advertisement	The Eagle	30/09/2017	Advertising content	1
Advertisement	TJC	30/09/2017	Advertising content	1
Advertisement	True Entertainment	04/10/2017	Advertising content	1
Advertisement	Various	05/09/2017	Advertising content	1

## BBC First

A new BBC Royal Charter and Agreement was published in December 2016, which made Ofcom the new independent regulator of the BBC.

Under the BBC Agreement, Ofcom can normally only consider complaints about BBC programmes where the complainant has already complained to the BBC and the BBC has reached its final decision (the 'BBC First' approach).

The complaints in this table had been made to Ofcom before completing the BBC's complaints process.

### Complaints about BBC television, radio or on demand programmes

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
Programming	BBC	07/10/2017	Due impartiality/bias	1
BBC News	BBC 1	03/10/2017	Violence	1
BBC News	BBC 1	04/10/2017	Due impartiality/bias	3
BBC Weather	BBC 1	09/10/2017	Other	1
Doctor Foster	BBC 1	03/10/2017	Generally accepted standards	1
Doctors	BBC 1	02/10/2017	Generally accepted standards	1
Newsnight	BBC 1	04/10/2017	Generally accepted standards	1
Panorama	BBC 1	19/09/2017	Generally accepted standards	1
Panorama: When Kids Abuse Kids	BBC 1	09/10/2017	Scheduling	1
Rellik	BBC 1	09/10/2017	Violence	1
Stacey Dooley Investigates	BBC 1	various	Generally accepted standards	1
Strictly Come Dancing	BBC 1	23/09/2017	Generally accepted standards	1
Strictly Come Dancing	BBC 1	08/10/2017	Outside of remit	1
The Graham Norton Show	BBC 1	06/10/2017	Offensive language	1
Newsnight	BBC 2	05/10/2016	Due impartiality/bias	1
Newsnight	BBC 2	05/10/2017	Due accuracy	1
Rugby League Cup Final Highlights	BBC 2	08/10/2017	Advertising content	1
This Farming Life	BBC 2	27/09/2017	Materially misleading	1
The Craig Charles Funk and Soul Show	BBC 6Music	07/10/2017	Offensive language	1
Inside Out	BBC News	23/09/2017	Due impartiality/bias	1
BBC News	BBC News Channel	02/10/2017	Offensive language	1
BBC News	BBC News Channel	various	Due impartiality/bias	1

<b>Programme</b>	<b>Service</b>	<b>Transmission or Accessed Date</b>	<b>Categories</b>	<b>Number of Complaints</b>
HARDTalk	BBC News Channel	28/09/2017	Due impartiality/bias	1
Proms in the Park promotions	BBC Radio 2	04/05/2017	Commercial communications on radio	1
BBC News	BBC Radio 4	17/09/2017	Due impartiality/bias	1
BBC News	BBC Radio 4	02/10/2017	Violence	1
Out of School, Out of Sight	BBC Radio 4	04/10/2017	Due impartiality/bias	1
PM	BBC Radio 4	04/10/2017	Due impartiality/bias	1
PM	BBC Radio 4	04/10/2017	Generally accepted standards	1
Today	BBC Radio 4	20/09/2017	Due impartiality/bias	1
Craig Brown, Bob and Roberta Smith, Alison Harper and The Barking Hour	BBC Radio London	21/09/2017	Due accuracy	1
BBC News	BBC Services	04/10/2017	Due impartiality/bias	1
The JVS Show	BBC Three Counties Radio	04/10/2017	Race discrimination/offence	1

## 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 2 and 15 October 2017.

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

Programme	Service	Transmission date
Programming	Al Hiwar	various
First Dates	Channel 4	2 October 2017
Vanessa Carter	Harbour Radio GY (107.4)	31 August 2017
In the Shade of the Scholars	Peace TV Urdu	12 September 2017
Wanted	Sky1	18 September 2017

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

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0020/55109/breaches-content-standards.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf)