

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 objectives¹. Ofcom also has a duty to ensure that On Demand Programme Services ("ODPS") comply with certain standards requirements set out in the Act².

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 advertising³.
- 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.

¹ The relevant legislation is set out in detail in Annex 1 of the Code.

² The relevant legislation can be found at Part 4A of the Act.

³ 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 and On Demand Service Providers

Broadcaster compliance workshops

Ofcom has been considering how best to provide support to broadcasters to ensure they are fully aware of their obligations under their Ofcom licences.

Following a successful compliance workshop event at Ofcom's Birmingham office at the beginning of 2018, we are intending to hold three to four compliance workshops a year, principally at the various Ofcom offices across the UK.

Each workshop will be open to all Ofcom licensees (both TV and radio) in a given geographic area and members of Ofcom's Broadcast Licensing team and Standards and Audience Protection team will be present to answer any questions licensees may have. At the workshops, Ofcom staff will be able to provide general advice, but will not be able to give detailed compliance advice.

Ofcom will continue to undertake subject-specific workshops from time-to-time should the need arise, for example, before significant elections.

The next compliance workshop is due to take place in Ofcom's Edinburgh Office on 20 September 2018. Any Scottish licensees who wish to attend should contact Joy Wixley (joy.wixley@ofcom.org.uk) if they have not already done so.

We intend to hold a further compliance workshop at our Warrington Office towards the end of 2018 and will be contacting licensees in the local area about this in due course.

For any general enquiries about these compliance workshops, please contact OfcomStandardsTeam@ofcom.org.uk.

Broadcast Standards cases

In Breach

Single Mums' Club

Together, 24 June 2018, 20:00

Introduction

Together is a television channel broadcasting documentaries, reality and entertainment programming with a national and international community focus. The licence is held by The Community Channel ("the Community Channel" or "the Licensee").

Ofcom received a complaint that an episode of *Single Mums' Club* broadcast on the channel contained numerous examples of offensive language before the watershed.

Single Mums' Club explores the day to day issues faced by single mothers around the UK. This episode followed a community of mothers in Liverpool. During the episode there were nine clear uses of "fuck" and "fucking" for example, "You never know, someone might get fucking lucky"; "fucking rat race"; "...you got that fucking job" and "If you cut my fucking hair off too much...". There were also three uses of offensive language during the first two minutes of the programme where the language had been bleeped.

We considered the material raised potential issues under the following rule of the Code:

Rule 1.14: "The most offensive language must not be broadcast before the watershed".

Ofcom requested comments from the Licensee on how the programme complied with the above rule.

Response

The Licensee said that the broadcast of this episode at this time was "truly regrettable" and was the result of "human error". It added that the programme scheduling team entered incorrect data in the compliance notes and so the programme planner was not aware that the programme should only be broadcast after 9pm.

The Licensee said this was a one-off showing at 8pm, and it had no plans to re-broadcast *Single Mums' Club* again at this time. On being notified of the broadcast by Ofcom, the Community Channel said it had reviewed the compliance and post-watershed status of all its programme stock, viewer labelling and failsafe processes to ensure this does not happen again. The Licensee said it has rigorous compliance procedures in place which include detailed editorial and compliance guidelines, compliance escalation processes and compliance training with regular refresher sessions for all its staff.

The Community Channel said that "this is the first time in seven years – with approximately seventy-thousand broadcast hours – that we have had such an incident". It added that Together has a low child audience and this programme was unlikely to appeal to under viewers under the age of 18.

With reference to Rule 1.14, the Community Channel argued the majority of the offensive language appeared in the second half of this programme and any examples in the first half of the programme had been bleeped, apart from one use of the word "shit". It said that the offensive language in the second half of the programme was used by a single contributor "...as a filler in her sentences (e.g. 'fucking macaroni cheese') rather than emphasising the swear word". The Licensee added that, in its view, the context of the programme focusing on the issues faced by single mothers "from all walks of life and experiences", might mitigate this content "to a degree".

Decision

Reflecting our duties under the Communications Act 2003, Section One of the Code requires that people under eighteen are protected from unsuitable material in programmes.

Rule 1.14 states that the most offensive language must not be broadcast before the watershed on television.

Ofcom's 2016 research¹ on offensive language clearly indicates that the word "fuck" and variations of it are considered by audiences to be among the most offensive language.

The Licensee argued that there was "only one use of the word shit" in the first 30 minutes of the programme and that other examples of offensive language in the first half of the programme had been bleeped.

While there were three occasions where offensive language had been bleeped, the programme included nine clear uses of "fuck" or "fucking" before the watershed, with one of these uses occurring within the first six minutes of the programme.

Therefore, our Decision is that the broadcast of this programme before the watershed was a clear breach of Rule 1.14.

Breach of Rule 1.14

¹ On 30 September 2016, Ofcom published updated research in this area – *Attitudes to potentially offensive language and gestures on television and on radio* – which is available at: https://www.ofcom.org.uk/_data/assets/pdf_file/0022/91624/OfcomOffensiveLanguage.pdf

In Breach

Programming

Heart Extra, various dates and times

Introduction

Heart Extra is a national radio station that broadcasts on DAB. The licence for this service is held by Global Radio Limited ("Global" or "the Licensee").

Ofcom received a complaint about offensive language in the music track *All the Stars* by Kendrick Lamar. This track included one instance of the word "fuck" and one instance of the word "motherfucker". Following Ofcom's enquiry into this complaint, the Licensee confirmed that the track was played a total of seven times across the same week at the following dates and times:

- 14 June 2018, 11:24
- 16 June 2018, 09:26
- 17 June 2018, 11:24
- 18 June 2018, 13:26
- 19 June 2018, 11:24
- 20 June 2018, 09:24
- 22 June 2018, 10:24

On each occasion, the track was broadcast during the period between 09:00 and 16:00 when the station broadcasts only pop music with no presenters.

Ofcom considered that the use of this language in each case raised issues under Rule 2.3 of the Code. This states:

"In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context..."

We also considered that the broadcast of this language on Saturday 16 June 2018 at 09:26 and Sunday 17 June 2018 at 11:24 raised further issues under Rule 1.14 of the Code. This states:

"The most offensive language must not be broadcast...when children are particularly likely to be listening..."

Ofcom requested comments from the Licensee about how the relevant content complied with these rules.

Response

Global said that it had been alerted to the broadcast of offensive language in this track by a listener. It explained that the audio was then checked and the song removed from the station's schedules and databases. The station confirmed the explicit version of this track had not been aired after 22 June 2018.

The Licensee explained that it had investigated the issue and discovered that the track had been mistakenly attributed to a file for a different track. It said because the track was labelled incorrectly, staff had been unable to identify that it contained explicit language and this resulted in it being inadvertently played on Heart Extra on seven occasions during its daytime music-only programming.

It also outlined the actions that it said it had subsequently taken to prevent a recurrence of this issue:

- music programming staff have been retrained to reiterate the importance of the mandatory checks on adding or copying any song to the database;
- "...all explicit tracks from the station from which the tracks originated have now all been removed from the shared database"; and,
- "the producer responsible for the station will monitor automated music-only output more closely, with more frequent spot checks".

Global said that the latest RAJAR¹ figures for Heart Extra show that there are typically no children listening to the station between 09:00 and 13:30. The Licensee did, however, accept that the content of the lyrics exceeded the expectations of the audience of the station.

Decision

Rule 2.3

Reflecting our duties under the Communications Act 2003², Section Two of the Code requires that generally accepted standards are applied to provide adequate protection for members of the public from the inclusion of offensive and harmful material in programmes.

Rule 2.3 requires broadcasters to ensure that the broadcast of potentially offensive material is justified by the context. Context includes for example: the editorial content of the programme, the service on which it is broadcast, the time of broadcast and the likely size and composition of the potential audience and the likely expectation of the audience.

Ofcom's research on offensive language³ indicates that the words "fuck" and "motherfucker" are considered by audiences to be among the most offensive language. The use of the words in this case clearly had the potential to cause offence to the audience.

Ofcom therefore considered whether the content was justified by the context.

Our guidance on offensive language in radio⁴ states that: "In reaching any decision about compliance with the Code, Ofcom will take into account the likely audience expectations of a particular radio station at the time of broadcast". In our view, the majority of listeners to a

¹ The Radio Joint Audience Research (RAJAR) is the official body in charge of measuring radio audiences in the UK.

² <http://www.legislation.gov.uk/ukpga/2003/21/section/319>

³ <http://www.legislation.gov.uk/ukpga/2003/21/section/319>

⁴ https://www.ofcom.org.uk/_data/assets/pdf_file/0014/40541/offensive-language.pdf

mainstream station that plays pop music would be unlikely to expect the most offensive language to be broadcast during the morning and early afternoon. Therefore, our Decision is that these broadcasts were in breach of Rule 2.3 of the Code.

Rule 1.14

Section One of the Code requires that people under eighteen are protected from unsuitable material in programmes.

Rule 1.14 states that the most offensive language must not be broadcast on radio when children are particularly likely to be listening.

As described above, Ofcom's 2016 research on offensive language⁵ makes clear that the words "fuck" and "motherfucker" are considered by audiences to be amongst the most offensive language.

The Code states that the phrase "when children are particularly likely to be listening" refers to "the school run and breakfast time, but might include other times". Ofcom's guidance on offensive language in radio⁶ states that:

"broadcasters should have particular regard to broadcasting content at the following times: between 06:00 and 19:00 at weekends all year around...".

Two of these incidents occurred during the weekend (Saturday 16 June 2018 at 09:26 and Sunday 17 June 2018 at 11:24). On these occasions the most offensive language was broadcast at a time when children were particularly likely to be listening. We took account of the RAJAR figures provided by the Licensee and the steps it said it had taken to prevent a recurrence of this issue. However, our Decision is that Rule 1.14 was also breached on these two occasions.

Breaches of Rules 1.14 and 2.3

⁵https://www.ofcom.org.uk/_data/assets/pdf_file/0022/91624/OfcomOffensiveLanguage.pdf

⁶<http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/offensive-language.pdf>

Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 20 August and 2 September 2018 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	Service	Transmission date	Categories
Advertising minutage	HUM Europe and Hum Masala	Various	Various

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

Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 20 August and 2 September 2018 because they did not raise issues warranting investigation.

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

Programme	Service	Transmission Date	Categories	Number of complaints
A Place in the Sun: Winter Sun	4Seven	12/08/2018	Gender discrimination/offence	1
Beware: Britain Running Riot	5Spike	13/08/2018	Violence	1
Can't Pay? We'll Take It Away!	5Star	24/08/2018	Generally accepted standards	1
Celebs on the Farm	5Star	22/08/2018	Generally accepted standards	1
Celebs on the Farm	5Star	27/08/2018	Sexual material	1
Dalziel and Pascoe	Alibi	05/08/2018	Offensive language	1
Louis Theroux: Under the Knife	BBC Brit	26/07/2018	Nudity	1
8 Out of 10 Cats Does Countdown	Channel 4	03/08/2018	Offensive language	1
999: What's Your Emergency?	Channel 4	21/08/2018	Age discrimination/offence	2
Channel 4 News	Channel 4	26/07/2018	Due impartiality/bias	5
Channel 4 News	Channel 4	31/07/2018	Generally accepted standards	1
Channel 4 News	Channel 4	22/08/2018	Due accuracy	1
Countdown	Channel 4	03/08/2018	Generally accepted standards	2
Dispatches: Breastfeeding Uncovered	Channel 4	30/07/2018	Due impartiality/bias	1
Dispatches: Breastfeeding Uncovered	Channel 4	30/07/2018	Generally accepted standards	1
Hollyoaks	Channel 4	21/08/2018	Scheduling	1
Hollyoaks	Channel 4	23/08/2018	Materially misleading	1
How to Get Rich Quick	Channel 4	20/08/2018	Offensive language	1
Mama's Angel	Channel 4	12/08/2018	Animal welfare	1
Manhunting with My Mum	Channel 4	21/08/2018	Race discrimination/offence	1
Married at First Sight	Channel 4	15/02/2018	Other	1

Programme	Service	Transmission Date	Categories	Number of complaints
Married to a Paedophile (trailer)	Channel 4	29/08/2018	Scheduling	1
Naked Attraction	Channel 4	25/08/2018	Nudity	6
Naked Attraction	Channel 4	28/08/2018	Generally accepted standards	1
Naked Attraction	Channel 4	28/08/2018	Nudity	1
Sunday Brunch	Channel 4	12/08/2018	Generally accepted standards	1
The Great British Bake Off	Channel 4	28/08/2018	Offensive language	3
The Great British Bake Off	Channel 4	28/08/2018	Other	1
The Last Leg	Channel 4	10/08/2018	Due impartiality/bias	1
The Last Leg	Channel 4	10/08/2018	Generally accepted standards	4
The Last Leg	Channel 4	17/08/2018	Due impartiality/bias	1
Who is America?	Channel 4	20/08/2018	Generally accepted standards	2
World War Z (trailer)	Channel 4	25/08/2018	Violence	1
5 News Tonight	Channel 5	08/08/2018	Materially misleading	1
Big Week at the Zoo	Channel 5	20/08/2018	Generally accepted standards	1
Can't Pay? We'll Take It Away	Channel 5	04/08/2018	Generally accepted standards	1
Celebrity Big Brother	Channel 5	16/08/2018	Generally accepted standards	9
Celebrity Big Brother	Channel 5	17/08/2018	Generally accepted standards	2
Celebrity Big Brother	Channel 5	17/08/2018	Offensive language	1
Celebrity Big Brother	Channel 5	19/08/2018	Generally accepted standards	39
Celebrity Big Brother	Channel 5	19/08/2018	Race discrimination/offence	13
Celebrity Big Brother	Channel 5	20/08/2018	Generally accepted standards	10
Celebrity Big Brother	Channel 5	21/08/2018	Generally accepted standards	10
Celebrity Big Brother	Channel 5	22/08/2018	Generally accepted standards	54
Celebrity Big Brother	Channel 5	23/08/2018	Generally accepted standards	180
Celebrity Big Brother	Channel 5	24/08/2018	Generally accepted standards	1
Celebrity Big Brother	Channel 5	27/08/2018	Gender discrimination/offence	7

Programme	Service	Transmission Date	Categories	Number of complaints
Celebrity Big Brother	Channel 5	27/08/2018	Religious/Beliefs discrimination/offence	6
Gino's Win Your Wish List	Channel 5	25/08/2018	Generally accepted standards	1
Neighbours	Channel 5	13/08/2018	Sexual material	1
The Wright Stuff	Channel 5	13/08/2018	Due impartiality/bias	1
The Wright Stuff	Channel 5	23/08/2018	Generally accepted standards	1
Tribute to Barry Chuckle: Chuckle Time	Channel 5	05/08/2018	Generally accepted standards	1
Yorkshire Vet (trailer)	Channel 5	27/08/2018	Animal welfare	1
Heat	Dave	17/08/2018	Advertising minutage	1
Classic EastEnders	Drama	06/08/2018	Nudity	1
Hollyoaks	E4	29/08/2018	Violence	1
Made in Chelsea	E4	13/08/2018	Generally accepted standards	1
Big Star's Little Star	ITV	19/08/2018	Scheduling	1
Brexit Britain	ITV	21/08/2018	Due impartiality/bias	1
Coronation Street	ITV	03/07/2018	Generally accepted standards	1
Coronation Street	ITV	22/08/2018	Scheduling	1
Coronation Street	ITV	27/08/2018	Product placement	1
Dickinson's Real Deal	ITV	08/08/2018	Competitions	1
Emmerdale	ITV	06/08/2018	Generally accepted standards	1
Emmerdale	ITV	07/08/2018	Scheduling	1
Emmerdale	ITV	09/08/2018	Violence	48
Emmerdale	ITV	28/08/2018	Generally accepted standards	1
Good Morning Britain	ITV	13/08/2018	Race discrimination/offence	7
Good Morning Britain	ITV	28/08/2018	Generally accepted standards	1
Good Morning Britain	ITV	29/08/2018	Race discrimination/offence	1
ITV News	ITV	18/08/2018	Due accuracy	1
ITV News	ITV	28/08/2018	Disability discrimination/offence	1
ITV News	ITV	28/08/2018	Generally accepted standards	1
ITV News at Ten	ITV	05/08/2018	Due impartiality/bias	1
Japandemonium	ITV	04/08/2018	Dangerous behaviour	4
Loose Women	ITV	08/08/2018	Religious/Beliefs discrimination/offence	7

Programme	Service	Transmission Date	Categories	Number of complaints
Loose Women	ITV	17/08/2018	Generally accepted standards	1
Loose Women	ITV	27/08/2018	Gender discrimination/offence	1
News at Ten	ITV	20/08/2018	Due impartiality/bias	1
The Chase	ITV	09/08/2018	Materially misleading	1
The Chase	ITV	23/08/2018	Fairness	1
The Jeremy Kyle Show	ITV	07/08/2018	Generally accepted standards	1
The Jeremy Kyle Show	ITV	21/08/2018	Generally accepted standards	2
The Voice Kids (trailer)	ITV	18/08/2018	Sexual orientation discrimination/offence	1
This Morning	ITV	01/08/2018	Materially misleading	2
This Morning	ITV	20/08/2018	Generally accepted standards	1
This Morning	ITV	23/08/2018	Generally accepted standards	1
Unforgotten	ITV	05/08/2018	Generally accepted standards	1
Inspector Morse	ITV3	22/08/2018	Offensive language	1
Maajid Nawaz	LBC 97.3 FM	25/08/2018	Generally accepted standards	1
Nick Ferrari	LBC 97.3 FM	30/07/2018	Materially misleading	1
Nick Ferrari	LBC 97.3 FM	01/08/2018	Due impartiality/bias	1
Nick Ferrari	LBC 97.3 FM	10/08/2018	Generally accepted standards	1
Nigel Farage	LBC 97.3 FM	19/08/2018	Due impartiality/bias	1
Shelagh Fogarty	LBC 97.3 FM	06/08/2018	Due impartiality/bias	1
Steve Allen	LBC 97.3 FM	13/08/2018	Sexual orientation discrimination/offence	1
Steve Allen	LBC 97.3FM	07/08/2018	Generally accepted standards	1
Teen Mom 2	MTV	08/08/2018	Under 18s in programmes	1
News Bulletins	Northsound 1	03/08/2018	Due impartiality/bias	1
Wake Up With Webbo	Radio Ashford	28/08/2018	Other	1
Ghost Adventures (trailer)	Really	28/07/2018	Scheduling	1
Dathlu 'Da Dona	S4C	10/07/2018	Race discrimination/offence	1
Dathlu 'Da Dona	S4C	17/07/2018	Other	1
The April Rose show	Sid Valley Radio	01/08/2018	Due accuracy	1
All Out Politics	Sky News	18/07/2018	Due impartiality/bias	1
All Out Politics	Sky News	31/07/2018	Due impartiality/bias	1

Programme	Service	Transmission Date	Categories	Number of complaints
Press Preview	Sky News	17/08/2018	Due impartiality/bias	1
Sky News	Sky News	30/07/2018	Due impartiality/bias	1
Sky News	Sky News	06/08/2018	Due accuracy	1
Sky News	Sky News	07/08/2018	Generally accepted standards	592
Sky News	Sky News	16/08/2018	Due impartiality/bias	1
Sky News	Sky News	23/08/2018	Due impartiality/bias	1
Sky News	Sky News	26/08/2018	Generally accepted standards	1
Sky News with Kay Burley	Sky News	01/08/2018	Due impartiality/bias	1
Brit Cops	Sky1	28/08/2018	Generally accepted standards	1
The Simpsons	Sky1	19/08/2018	Sexual material	1
STV News	STV	08/08/2018	Due accuracy	1
Jim White on Talk sport	Talksport	22/08/2018	Generally accepted standards	1
Station ident	Talksport	11/08/2018	Drugs, smoking, solvents or alcohol	1
The Two Mikes	Talksport	24/08/2018	Generally accepted standards	1
Super Simple Science Stuff	TBN UK	08/08/2018	Due accuracy	1
Deuce Bigalow: Male Gigolo	Universal HD	04/08/2018	Scheduling	1
Forbidden History	Yesterday	19/07/2018	Religious/Beliefs discrimination/offence	2

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

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

Programme	Service	Transmission Date	Categories	Number of complaints
BBC News	BBC 1	31/01/2018	Due impartiality/bias	2
EastEnders	BBC 1	15/06/2018	Crime and disorder	1
The Andrew Marr Show	BBC 1	25/03/2018	Due impartiality/bias	1
Victoria Derbyshire	BBC 2	19/01/2018	Generally accepted standards	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

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

Here is an alphabetical list of complaints that, after careful assessment, Ofcom has decided not to pursue between 20 August and 2 September 2018 because they did not raise issues warranting investigation.

Licensee	Licensed service	Categories
Birmingham CEDARS Limited	Unity FM Birmingham	Key Commitments
ITV Broadcasting Limited	ITV	Television Access Services

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

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 that does not fall within the scope of regulation.

Programme	Service	Transmission Date	Categories	Number of complaints
Glass Castle	Netflix	13/08/2018	Protection of under 18s	1
Non-editorial (billing, technical)	TalkTalk TV	05/04/2017	Other	1
Advertisement	Various	Various	Advertising content	1
Programming	Vintage TV	06/08/2018	Other	1

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>

BBC First

The BBC Royal Charter and Agreement was published in December 2016, which made Ofcom the 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
BBC News	BBC 1	Due impartiality/bias	24/07/2018	1
EastEnders	BBC 1	Violence	17/08/2018	1
Holby City	BBC 1	Generally accepted standards	21/08/2018	1
Panorama	BBC 1	Due impartiality/bias	20/08/2018	1
Panorama	BBC 1	Race discrimination/offence	20/08/2018	1
Springwatch	BBC 2	Dangerous behaviour	05/05/2018	1
Victoria Derbyshire	BBC 2	Due impartiality/bias	22/08/2018	1
Programming	BBC channels	Due impartiality/bias	23/08/2018	1
BBC News	BBC News Channel	Due impartiality/bias	21/08/2018	1
Radio 1 Breakfast Show	BBC Radio 1	Other	20/08/2018	1
Today	BBC Radio 4	Due impartiality/bias	24/08/2018	1
Today	BBC Radio 4	Due impartiality/bias	25/08/2018	1
Today	BBC Radio 4	Generally accepted standards	28/08/2018	1
Today	BBC Radio 4	Materially misleading	28/08/2018	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 20 August and 2 September 2018.

Investigations launched under the Procedures for investigating breaches of content standards for television and radio ¹

Programme	Service	Transmission date
Lorraine	ITV	16/08/2018
James O'Brien	LBC 97.3 FM	01/08/2018

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

¹ This Bulletin was amended after publication to correct a factual inaccuracy.