



People's Forum: The Prime Minister GB News, 12 February 2024, 20:00

Summary

Ofcom received 547 complaints about this live, hour-long current affairs programme which featured the Prime Minister, Rishi Sunak, in a question-and-answer session with a studio audience about the Government's policies and performance, in the context of the forthcoming UK General Election.

We considered that this constituted a matter of major political controversy and a major matter relating to current public policy. When covering major matters, all Ofcom licensees must comply with the heightened special impartiality requirements in the Code. These rules require broadcasters to include and give due weight to an appropriately wide range of significant views within a programme or in clearly linked and timely programmes.

Ofcom had no issue with this programme's format in principle. Broadcasters have freedom to decide the editorial approach of their programmes as long as they comply with the Code. We took into account factors such as: the audience's questions to the Prime Minister; his responses; the Presenter's contribution; and whether due impartiality was preserved through clearly linked and timely programmes. In this case:

- While some of the audience's questions provided some challenge to, and criticism of, the Government's policies and performance, audience members were not able to challenge the Prime Minister's responses and the Presenter did not do this to any meaningful extent.
- The Prime Minister was able to set out some future policies that his Government planned to implement, if re-elected in the forthcoming UK General Election. Neither the audience or the Presenter challenged or otherwise referred to significant alternative views on these.
- The Prime Minister criticised aspects of the Labour Party's policies and performance. While politicians are of course able to do this in programmes, licensees must ensure that due impartiality is preserved. Neither the Labour Party's views or positions on those issues, or any other significant views on those issues were included in the programme or given due weight.
- The Licensee did not, and was not able to, include a reference in the programme to an agreed future programme in which an appropriately wide range of significant views on the major matter would be presented and given due weight.

We found that an appropriately wide range of significant viewpoints was not presented and given due weight in this case. As a result, Rishi Sunak had a mostly uncontested platform to promote the policies and performance of his Government in a period preceding a UK General Election.

GB News failed to preserve due impartiality, in breach of Rules 5.11 and 5.12 of the Code. Our decision is that this breach was serious and repeated. We will therefore consider this breach for the imposition of a statutory sanction. This is the initial view of the breach decision-maker. It will be reconsidered by the Sanctions Panel.¹

¹ This sentence was added on 4 October 2024 as a clarification.

Type of case	Broadcast Standards
Outcome	In Breach
Service	GB News
Date & time	12 February 2024, 20:00
Category	Due Impartiality

Introduction

GB News is a UK-based channel that broadcasts a range of news and current affairs programmes. It describes itself as “Britain’s News Channel”. The licence for GB News is held by GB News Limited (“GB News” or “the Licensee”).

On 12 February 2024, GB News broadcast the programme *People’s Forum: The Prime Minister* (the “Programme”), which featured an hour-long question and answer (“Q&A”) session with Prime Minister Rishi Sunak in front of a live studio audience. GB News described *People’s Forum* as a recently launched “series” in which members of the public put questions to leading politicians during a live broadcast. *People’s Forum: The Prime Minister* was advertised as the first programme in this series².

Ofcom received 547 complaints about the Programme. In summary, the complainants alleged that the Programme breached the due impartiality requirements in Section Five of Ofcom’s Broadcasting Code (“the Code”). They considered, for example, that the Programme was “biased”, “unbalanced” and akin to a “party political broadcast”.

Programme Summary

The hour-long Programme was broadcast live from County Durham and included a studio audience of “a hundred undecided voters” who sat around a central stage area. The studio included signage around the room which read “GBN PEOPLE’S FORUM” and “GBN BRITAIN’S ELECTION CHANNEL”. Throughout the Programme, an on-screen banner read “GBN PEOPLE’S FORUM: THE PRIME MINISTER” and a news ticker scrolled underneath with various headlines.

At the very start of the Programme, Stephen Dixon (or “the Presenter”) briefly introduced the Programme before the opening credits were broadcast with the title “GBN BRITAIN’S ELECTION CHANNEL”, followed by the title sequence for *People’s Forum: The Prime Minister*. Rishi Sunak then

² On 6 February 2024, GB News published an article on its website promoting the upcoming *People’s Forum: The Prime Minister* and invited people to register their interest to be part of the studio audience. The article referred to the Programme as follows: “The event will kick-off a series of special broadcasts planned across GB News this year, as the clock ticks down to the General Election”. The article further said that GB News had also invited Keir Starmer to “participate in a forum where voters will be able to quiz the Labour leader on his vision for Britain”. See: <https://www.gbnews.com/politics/gb-news-peoples-forum-rishi-sunak-join-audience>

entered the studio and stood in the centre surrounded by the audience. The Presenter, who stood amongst the audience, introduced the Programme:

“Well, Prime Minister, thank you for being here tonight and joining us for our first GB News People’s Forum of 2024. Now, at the start of an election year, we’re here in the North East. It’s a key battleground as the Conservatives try to keep the seats they won in the Red Wall back in 2019. Now, following promotion on GB News and social media, tonight’s People’s Forum audience were chosen independently by Survation³, a third-party polling and market research agency. Everyone here is either undecided on who they’d vote for in a General Election or open minded to changing their vote. Now, GB News does not know the questions that are going to be asked tonight, and most importantly, neither does the Prime Minister”.

The Prime Minister’s Opening Remarks

The Presenter handed over to Rishi Sunak for “opening remarks”. Rishi Sunak thanked GB News for “hosting this first of its kind event” before acknowledging the difficulties that the country has faced over the past few years which he described as including Covid, the war in Ukraine and rising energy bills. Rishi Sunak talked through the Government’s “five priorities...to halve inflation, grow the economy, reduce debt, cut waiting lists and stop the boats” and acknowledged that “there’s more work to do on all of them but we are making progress”. He told the audience that:

“Inflation has been more than halved from 11% when I got this job to around 4% now. The economy’s outperformed expectations. Debt is on track to fall and because of all of that, we’ve been able to start cutting taxes. The number of illegal migrants crossing the Channel is down by a third last year and although of course there are challenges in the NHS, we’ve eliminated the longest waits; people waiting two years or a year and a half, and that is progress. But, as I said, there’s more to do and that’s what the election this year is about. That’s the choice. Do we stick with this plan, our plan that is starting to deliver the change that you all want and the country deserves? Or do we go back to square one with Keir Starmer and the Labour Party? Now we’ve just seen in the last week, with absolute chaos over the £28 billion decarbonisation policy⁴, that Labour simply don’t have a plan, and if you don’t have a plan, you can’t deliver any change. In contrast, what I want to do is give all of you the peace of mind that comes from knowing that your children can look forward to a brighter future and that all of us can have a renewed sense of pride in our country. That’s what I know you want, and if we stick to the plan that is starting to deliver change, that’s what I know that I can deliver for all of you. But this is about your questions and what’s on your mind. So, Stephen, over to you”.

³ Survation is a polling and market research agency who provide public opinion insights for brands and organisations. See here: <https://www.survation.com/who-are-we/>

⁴ In 2021, the Labour Party announced a spending pledge of £28 billion a year on its green investment plan. In February 2024, it announced that it had changed its position on this policy. See here: <https://www.ft.com/content/77d205f5-eb11-4648-ad33-06af1d1d9cc0>, <https://www.theguardian.com/politics/live/2024/feb/08/labour-green-investment-keir-starmer-rishi-sunak-nhs-uk-politics-live?filterKeyEvents=true>, <https://www.bbc.co.uk/news/uk-politics-68244772>.

The live studio audience Q&A with the Prime Minister

The Presenter then invited audience members to ask Rishi Sunak questions. Those asking questions stood up and spoke into fixed microphones placed throughout the audience.

Question One (Conservative Party performance since 2019)

Question: *“Since the 2019 election, when the Conservative Party won an 80-seat majority, do you believe that the Conservative Party have delivered anything of real substance and value since then?”*

Rishi Sunak spoke about “levelling up”, using Teesside as an example of “what we’re delivering for people”. Rishi Sunak said that Teesside was “an area that had been neglected by the Labour Party for decades” but that it now had a “great Conservative Mayor”⁵. He said that the Government had “taken advantage of Brexit to create a brand new Freeport in Teesside” which is “something that we couldn’t properly do inside the European Union”, and which “attracts businesses with tax incentives, and businesses are investing in Teesside, creating jobs in the industries of the future”. Rishi Sunak said that he had also “put the Treasury campus in Darlington...because it’s places like Darlington that are now getting the focus from a Conservative Government” and discussed the changes that had been made in the North as a result of the “levelling up money”. Rishi Sunak stated that “That is the plan that is working” and “if I can win another election, I can make sure that we can keep delivering that change”.

Question Two (NHS waiting lists)

Question: *“As you know, the NHS is a key priority to most voters and you said recently that you didn’t make as much progress as you wanted to last year. But how can you convince us today that this year we’re going to see some real, meaningful change in the NHS and we’ll see waiting lists fall?”*

Rishi Sunak said that he comes “from an NHS family” and that “it’s really important to me, that we support our NHS”. He explained that the Covid-19 pandemic has “caused backlogs in the NHS...and whoever was Prime Minister, whoever was standing here tonight, there would be backlogs in the NHS because of what happened”. Rishi Sunak outlined the Government’s actions on the NHS:

“Well, first of all, we’re putting in record amounts of money, so more money than the NHS has ever had. Some of you reasonably might say ‘Well, hang on, maybe we should stop focusing so much on the money we’re putting in and actually focus on the reform as well?’ So we’re doing that too. More doctors and more nurses, because no one has ever trained enough doctors and nurses for the long term. But I’ve done that...And we’re doing lots of new things. I can bore you to death with all the innovations; elective surgical hubs, community diagnostic centres, so you don’t have to go to the big hospital to get your elective surgery or your MRI or CT scan. All of these things speed things up”.

The Prime Minister then addressed the NHS waiting lists, referring to industrial strike action:

“But look, we haven’t made enough progress, in spite of all those things I’ve told you about, which is a lot. The NHS is doing more than it’s ever done before. We

⁵ Ben Houchen has been the Conservative Mayor of the Tees Valley since 2017.

haven't made enough of a dent in the waiting list. Now, we've practically eliminated the number of people waiting the longest – two years, one and a half years – but overall, the waiting list has largely risen over the past year. The good news is though, we saw that it started to fall, because we didn't have strikes for a period at the end of last year and that has been a real challenge, and I'll just be honest with you about that. But in November, first month where we had absolutely no strikes in the NHS, do you know what? The waiting lists fell by 100,000. Biggest one-month fall in the waiting list in well over a decade outside of Covid. So that gives me the confidence that our plans can work and will work. The industrial action is something we need to work through and we're going to continue to have those conversations with the doctors and I'm sure we can talk about that later but if we stick to the plan, I'm confident that we can bring it down. We've got a sense that that was possible at the end of last year without strikes and, because of all those things that I've told you about, I know that it will just get better over time if we can get the strikes behind us”.

Question Three (social care)

Question: *“Social care is chronically underfunded, and the Government has abdicated responsibility to local government, effectively making a postcode lottery for many. Do you agree that it needs radical reform and if so, what?”*

Rishi Sunak acknowledged that *“social care is something that is a particular challenge for councils”* and stated that *“just the other week we announced an extra £600 million for local government across the country and it will mean that on average, this coming financial year, councils will have about 7.5% more money to invest in local services like social care than they did last year”*. He explained that he does not *“have an overnight fix to the challenges in social care...but I do know that if we improve how social care works with hospitals...it will make a difference because that’s where there isn’t enough join up”*.

After Rishi Sunak’s response, the Presenter said *“I know a lot of you will be wanting to get in touch with us about that one. It's such, it's such a difficult issue, has faced so many governments, but do we ever seem to get an answer where we can really see any significant difference within a short timescale at least? Let us know what you think about that one”*.

Question Four (Rwanda policy)

Question: *“My question is, why are you so adamant about Rwanda, when public documentation shows it isn't working and that it's not going to work? So can you be open and honest with everybody today and tell us what the next steps are?”*

Rishi Sunak explained that *“stopping the boats is one of my five priorities, right? Because I think illegal migration is profoundly unfair”*. He said that he *“also think[s] as a matter of compassion it's the right thing to do because there are very vulnerable people who are being exploited by criminal gangs and tragically, some of them losing their lives...And then lastly, of course, there's the pressure on public services”*. Rishi Sunak said that *“stopping the boats has got to be a national priority”* and then spoke about the Government’s action on illegal migration:

“...the plans we've put in place are working, we're making progress. Illegal migration is a good example of that. Last year, for the first time since the ‘small

boats' thing became a phenomenon, the numbers were down. They weren't down by a little. They were down by over a third. Meanwhile, in the rest of Europe, they were up by quite a lot, right. That didn't happen by accident. It happened because we worked really hard on lots of different things to start getting the numbers down. You may have heard about the new deal with Albania, which means that when people illegally migrate from Albania to here, because of the deal that I struck with Albania, we're able to return them. We returned something like 5,000 last year. What do you know? They stopped coming. Numbers were down by 90%. We've increased our cooperation with the French: joint patrols on the beaches, sharing intelligence, placing barriers in some of the rivers that lead up to the beaches in France. That's helped make sure that the interception rates remain strong. We started fighting crime upstream in Europe before people get anywhere close to the Channel. We passed laws that allow us to arrest people connected with this awful trade. In the last 15-18 months, we've arrested almost 1,000 people. We're starting to sentence them to hundreds of years in jail. We've done thousands of illegal enforcement raids...But, to answer [the] question, in order to fully solve this problem, we need a deterrent. We need to be able to say pretty simply and unequivocally that if you come to our country illegally, you won't get to stay. We want to be able to remove you, either to your home country, if it's safe, like we've done with Albania, and for everyone else, we need an alternative, and that's what Rwanda is about. So, yes, we've made progress, down by a third, but in order to fully solve this problem, we need a deterrent. That's what Rwanda is all about, and that is why I'm absolutely committed to getting this bill through Parliament and getting this scheme up and running, and without that we won't be able to fully solve this problem. And I think you all want me to solve this problem. The country certainly does, and I want to deliver for all of you".

The Presenter then said to Rishi Sunak: *"Prime Minister. I'm not meant to really interject with any questions, but I've got to say a lot of people will be wondering how do you get this through Parliament? This is a big problem".* The Prime Minister responded:

"Yeah, well, it's actually less, so in one sense, less a question for me and it's a question for Keir Starmer and the Labour Party, right. We are committed to getting it through Parliament, but unfortunately, we don't have a majority in the House of Lords as you know, and everyone else right now as we speak, is lining up to do deals in the House of Lords to block us, right. We've already seen that in the Commons. They will keep doing that in the Lords, but I will keep going. I'm absolutely committed. I fought very hard for this legislation. It's the toughest legislation anyone's seen. It will make sure that we can implement and operationalise the scheme and get flights off. Get that deterrent working. And that's what I'm gonna do, right? And the question really is, why is everyone else lining up to try and stop me? Because I don't think that's right. I don't think that's what the country wants. We can't stop the boats unless we get the scheme up and running".

The Presenter replied:

“Prime Minister, thank you. That's the last question for me, everybody. I promise you because, because this is not about me, it's about you. So let's have our next question, please”.

Question Five (Covid vaccine injured)

Question: *“Hi, Rishi Sunak. I've got so much to say but such little time. My name is [redacted] and I'm one of the Covid vaccine injured in this country. I want you to look into my eyes Rishi Sunak, I want you to look at the pain, the trauma and the regret I have in my eyes. We have been left with no help at all. Not only am I in here that's vaccine injured, there's another man over there whose life's been ruined by that Covid-19 vaccine. I know people who have lost legs, amputations. I know people with heart conditions like myself, Rishi Sunak. Why have I had to set up a support group in Scotland to look after the people that have been affected by that Covid-19 vaccine? Why are the people who are in charge, who told us all to do the right thing, have left us all to rot and left me and the thousands and the tens of thousands in this country to rot? Rishi Sunak, look me in the eye. When are you gonna start to do the right thing? The vaccine damage payment scheme is not fit for purpose. In Scotland right now, according to the yellow card system, there are over 30,000 people who have had an adverse reaction to that vaccine and 200 deaths. It's time for you to start doing the right thing, Mr Rishi Sunak and the rest”.*

Another audience member also spoke out about being *“silenced in the press”*. Rishi Sunak said that he was *“very sorry”* to hear about the audience member's circumstances and explained that he could not comment on their individual cases. Rishi Sunak said that there is a *“vaccine compensation scheme...in the NHS”*. He also stated:

“When it came to the vaccine, those decisions were always taken on the basis of medical advice from our medical experts to tell us, as politicians who are obviously not doctors, about how best to roll out the vaccine, what was in the public health interest, the priority order, how that should be done, who should be eligible? That was something that the doctors recommended on, and that's something that we followed. Now obviously, if there are individual circumstances that haven't worked out, then that's why we have the compensation scheme in place, and I'll make sure that we follow up on your cases”.

Question Six (Reform UK Party)

Question: *“My question is, the Reform Party is surging in the polls. They hit a note with many disillusioned Conservative voters like myself. What are you going to do to convince traditional, traditional Conservative voters that their vote is still better off with you?”* [Applause from the audience].

In his response, Rishi Sunak reiterated that *“it's been a tough couple of years”* and that he understood the *“enormous amount of frustration”*. He then said to the audience:

"I think fundamentally what you want and what I want are the same, right. What I talked about at the beginning, the things that I'm focused on, like the values that are important to me, I think, are things that we probably share and all of you who clapped, I'd probably say the same thing, right. I think actually, we want the same things for our country. We share the same values, whether that's on controlling spending, cutting your taxes to ease the cost of living, making sure that we have strong borders and we tackle illegal migration, right. These are things that we have in common. These are all things that we want and what I'd say to you and everyone else is, the next election is a straightforward choice. At the end of it, either Keir Starmer or I are going to be Prime Minister, right. And a vote for anyone who is not a Conservative candidate is simply a vote to put Keir Starmer into Number 10. So the question for you and everyone else who clapped, I completely appreciate your frustration, is who do you want to see in government after the next election? Who do you think is more likely to deliver on the things that you care about? You talked about those traditional Conservative things, right. Controlling spending, cutting taxes, a strong economy, bringing mortgage rates and inflation and borrowing down, strong borders, police on the streets, right. All those things that you care about, who's more likely to deliver them? Because it's certainly not Keir Starmer".

Rishi Sunak continued to talk about Sir Keir Starmer and the Labour Party:

"A vote for anyone who is not us is a vote for him, right. We've just seen over the last, I mean last few days, you've seen what's happened, right. Keir Starmer has been running around for the last year trying to tell everybody OK, the Labour Party's changed, right? Well, look what just happened in Rochdale. A candidate saying the most vile, awful conspiracy theories, antisemitic, and what happened? He stood by and sent Cabinet Ministers to support him, right, until, and apparently, literally five minutes before I walked on tonight, under enormous media pressure, has decided to change his mind⁶. That's not principled, right. Not principled at all. So no, the Labour Party hasn't changed. It's not change, it's a con, right. And that's what you have to remember. A vote for anyone who's not me, who's not your Conservative candidate, is a vote to put him with his values and his party in power. You saw it last week, what that would mean for the economy. Can't tell you how he's going to pay for £28 billion decarbonisation policy, which means higher taxes for you and everyone else. Stood by this person in Rochdale until the media pressure got too much, like that's the values. He's doing everything he can right now to frustrate the passage of our Rwanda bill in the House of Lords. Do you want any of that? No, I don't think you do, right and I'm gonna keep delivering for you. You and I want the same things and that's how we're gonna get them because I'm gonna win the next election".

The Presenter thanked Rishi Sunak for his response, saying *"that's the big argument, isn't it? That is the big argument"*.

⁶ On 12 February, Labour withdrew its support for Azhar Ali, its candidate for the Rochdale by-election, as a result of comments he made about the 7 October 2023 attacks on Israel a few days before. See: <https://www.theguardian.com/politics/2024/feb/12/labour-withdraws-support-for-rochdale-candidate-after-israel-gaza-remarks>; <https://www.dailymail.co.uk/news/article-13075993/anti-Semitic-comments-Labours-Rochdale-candidate-Sir-Keir-Starmer-ditch-man.html>

Question Seven (council tax)

Question: *“I’m retired and I’m worried about the local council finances, they’re in such a parlous state, so why not review the council tax system so that a Band D in Darlington no longer has to pay the same council tax as the Band D in London, when a house in Darlington might be £150,000 and the same house in London would be £1.5 million?”*

Rishi Sunak explained that *“ultimately, those individual decisions are for your local councils”* but that the Government had *“provided an extra £600 million for local councils, which means this year they’ll have about 7.5%...more to invest in local services than they did last year”*. Rishi Sunak acknowledged that *“there’s never enough money. People want more”* but said that *“one thing I wanna do is keep all your taxes coming down”*. He concluded by saying to the audience that *“if you want lower council tax, when it comes to the local elections in May, vote Conservatives because that’s what we deliver in local government”*.

Question Eight (LGBT issues)

Question: *“Why should LGBT people vote Conservative?”*

Rishi Sunak responded that everyone should be *“proud of”* the Government’s record over the past few years, saying that *“It was a Conservative Government under one of my predecessors who made sure that we had same sex marriage and, more recently, we’re making sure that all our public services work better, that we’ve made changes in the NHS for provision of healthcare services for same sex couples”*. He said that *“this is a country whose values are reflected in our Party and in Government, and that is that it’s a compassionate, tolerant place...and I’ll always make sure that’s the case while I’m Prime Minister”*.

The Presenter interjected, *“Forgive me slightly, but I think some of the issue may be less about the LGB and more about the ‘T’ Prime Minister. More about the trans issue”*.

Rishi Sunak responded:

“On that issue look, my view on that is relatively straightforward. Look, first of all right, for people who are going through that, particularly children, right, we have to be really sensitive about it. We should be understanding, we should be tolerant and compassionate, as I said, because that’s who we are as a people respecting everyone and their differences. But I also think on that issue that particularly when it comes to questions around women’s safety, women’s health, that biological sex is important and I don’t think that should be a controversial thing to say. I think that is a relatively common-sense view that I think is held by the vast majority of people. And unfortunately, this debate over the past few years has become incredibly charged and polarised. But I really don’t think anything I just said, quite frankly, should be controversial. Are we respectful and tolerant of people and their differences, particularly when they’re going through things that are sensitive? Yes, of course we are. Do we think it, biological sex was important when we’re thinking about women’s safety, women’s health? Yes, of course. I think most people would think that is important. And in particular, I think these things are important when we’re considering our children. Which is why we’ve recently published guidance for schools about how to deal with these issues in our classrooms. Uh, teachers’ unions asked the Government to do that, and you’ll see what I’ve said reflected in that guidance, but also making it clear that parents

should be involved when these issues arise at school and concern children. It's of course right that parents should be involved in those things and we should be particularly sensitive about these issues when it comes to children".

Question Nine (devolution of culture and arts)

Question: *"My question concerns devolution. I live in Bridlington, which, as you probably know, is part of the East Riding of Yorkshire, and shortly we are to be combined with Hull to become a new devolved area. Now, in previous devolvments, if that's the correct word, there's been provision and proposals with regard to spending on culture and the arts. As far as we are aware, for our devolution, Hull and the East Riding of Yorkshire, there is no proposal for spending on culture and the arts. Why is that?"*

Rishi Sunak spoke about the benefits of devolution, saying *"we think that's a good thing for the country so we've done a decent amount of that, particularly here in the North"*. He then spoke about the importance of arts and culture, which he said is *"part of our social fabric"* and *"also part of our soft power...it's how we project ourselves across the world through the creative industries"*. Rishi Sunak also spoke about how he was proud of the *"Cultural Recovery Fund"* which was implemented by the Government during the Covid-19 pandemic, saying *"In your local areas there will be something like a small theatre, maybe a comedy store or something like that that will have been supported by this Cultural Recovery Fund so that we could keep all of them together"*.

Question Ten (British housing supply)

Question: *"I'm a student from Shrewsbury, and I'm 19. The UK is estimated to be short of over a million homes but, despite this, your party have scrapped the house building target and you've scrapped Michael Gove's proposed planning reforms that would have liberalised the building of houses. You say you have a plan, Rishi, do you have a plan to fix the supply crisis in British housing?"*

Rishi Sunak spoke about the importance of home ownership, saying that *"it's really important that we make sure that you and everyone of your generation can do that"* but that he doesn't have an *"overnight fix"*. He then explained the Government's actions in this area:

"We said we were going to deliver a million homes this Parliament. We are on track to deliver a million homes in this Parliament. So, yes, the plan is working, right. We're also making it easier to get on the housing ladder. So, stamp duty, you know that when you're trying to buy that first home, that stamp duty was a real problem but now we've cut stamp duty for first-time buyers, you probably won't know this, but something like 85% of first-time buyers right now don't pay any stamp duty when they buy their first home so it saves them thousands of pounds. That's the tax cut that we introduced".

Rishi Sunak then spoke about “old EU rules called nutrient neutrality”⁷ which he said are “defective” and “don’t actually do anything to help the environment, but they [the Labour Party] are blocking 100,000 homes from being very quickly delivered across the country”⁸. He said:

“Now, we were going to pass a law to change that and protect the environment, and that would have very quickly unlocked 100,000 homes for you and people of your generation. What did the Labour Party do in the House of Lords? They blocked it, right. And this is what I talk about, and I talk about Keir Starmer. I say he doesn't have a plan, doesn't have principles. This is a guy who's saying, oh yes, we've changed. We want to build homes all the rest of it. But there was an opportunity. We put a law down in the House of Lords to change this defective EU law that we've inherited, that's blocking 100,000 homes, and what do they do? They blocked it, right. So look, do I know we've got more to do? Of course we do, because it is too hard and I'd love it to be easier, right, but we are making progress. We are building the homes and we will keep going. And actually, we'll be making some more announcements about that this week and you may have seen a little bit about that over the weekend from Michael, making it easier to build in certain places where we do need to do homes but do that in a way that brings everyone with us. But there was an opportunity for Keir Starmer to do the right thing and make it easier for you and your generation to have those 100,000 homes, and he said no. So we're gonna keep that going because I want you to feel what I feel and what many of us did 'cause it's a very special thing and that's the kind of country we want, where you and your friends can own that home”.

Question 11 (energy security)

Question: *“My question is, why aren’t you making the UK more self-sufficient in power rather than paying exorbitant prices to other countries, e.g France?”*

Rishi Sunak agreed that the country needs to be more “energy secure” and said that he had “created an entire Government department for it...the Department of Energy Security and Net Zero”. He then explained the actions that the Government had taken on energy security:

“So look, we are doing that, right. We’re building new nuclear for the first time in a long time, not just the big gigawatt power stations, but we’re looking at small modular reactors as well. We’re investing in renewables. Right now. Orsted is building one of the world’s biggest offshore wind farms off the East Coast. We’ve already got not just the world’s biggest offshore wind farm, but the second, the third and the fourth too. So we are doing more homegrown renewables. We’re doing nuclear. But crucially, we’re doing a couple of other things too, and these are a bit more controversial, right. I think that in order to have energy security,

⁷ Nutrient neutrality is defined by the NHS Property Services as ‘a means of ensuring that development does not add to existing nutrient burdens [to the surrounding water environment]. See <https://www.property.nhs.uk/media/2532/nhsps-nutrient-neutrality-guide.pdf>. In August 2023, the Conservative Government announced it would make changes to the Habitats Regulations underpinning nutrient neutrality rules. See: <https://www.gov.uk/government/news/100000-more-homes-to-be-built-via-reform-of-defective-eu-laws>

⁸ See <https://www.theguardian.com/environment/2023/sep/12/labour-to-oppose-reckless-tory-plans-to-rip-up-eu-pollution-laws>

we need to focus on the energy we have here at home, and that means the North Sea oil and gas, right. Now, even the Independent Committee for Climate Change say that we will need some oil and gas in 2050 right. So the question is, where would you rather get that from? Are we better off getting it here at home? Good for the economy, good for jobs, good for energy security or we're better off importing it from halfway around the world with three times the carbon emissions? To me, that's pretty straightforward, right. That's why we've said we will keep issuing licences in the North Sea, right. Use our energy here at home, build our energy security. That's the right thing to do for the country. It's the right long-term thing for our national interest".

Rishi Sunak then referred to Sir Keir Starmer and the Labour Party:

"What do Keir Starmer and the Labour Party do? What do you expect them to do? Virtue signalling and they opposed it, right. That's not going to help our energy security and it's also not going to help cut your bills, right. Because that's the other thing I want to do, is make sure that as we transition to this more secure, greener future ... but we need to do that in a pragmatic way, right, and there are far too many people who view that project as something ideological. They want to race to net zero, regardless of the cost on you and your families. I don't think that is right".

Rishi Sunak continued by saying that, because the UK had *"decarbonised faster than any country in the world"*, he had *"changed course in autumn"*. He said:

"I made a speech. I got a lot of criticism for it. People came at me, but I said no, this is the right thing to do. We've done more than anyone else. We're going to do more than anyone else... We're gonna get to net zero. We're going to do it in a proportionate way and at the same time, we're going to build our domestic energy security. That is a common-sense approach to this issue".

Question 12 (independent schools)

Question: *"I'm assistant head of an independent school on Teesside. Independent schools in regions such as the North East are not the Etons of this world and one of Labour's few remaining policies is to charge VAT on independent school fees. Now many of our families are middle income families that make lifestyle compromises to be able to invest in their children's education. Any rise in fees would be very difficult for them to manage, meaning their children would likely end up back in a swamped state sector. What are your plans for education and why are you not doing more to call out a policy that is at best ideological grandstanding but at worst fiscally irresponsible in playing politics with the education of young people?"*

Rishi Sunak said that the Government's plan on education is working *"thanks to the reforms that have happened under the Conservative Governments over the past few years"*. He said:

"Now, when we came in office in 2010, we were plummeting down the league table. Standards were slipping. Because of our reforms, all of that is reversed. We are just marching up those international league tables. That's how well our kids

are doing at school, outperforming SNP-run Scotland schools, Labour-run schools in Wales, right, because of our reforms”.

Rishi Sunak also spoke about the Government’s investment in apprenticeships and *“changing how they are perceived”*. He said that if he was *“fortunate enough to get your support to have another term”*, he would focus on reforming post-16 education.

On private schooling, Rishi Sunak said:

“The people you’re talking about, people like my parents ... they worked really hard to give their kids a better life. And for them, they thought education was the best way to do that...Do you know I get attacked by Keir Starmer because of where I went to school, and I said to him once, actually, I said, you’re not really attacking me, you’re attacking my parents and you’re attacking everybody like them that works hard to aspire for a better life for them and their family. I think that’s wrong. I don’t think it’s British and that’s not the type of country that I’m gonna build”.

Question 13 (Conservative Party leadership)

Question: *“Given the number of Conservative MPs not standing at the next General Election and the number of factions within the Party, there appears to be a lack of leadership at the head of the Party. What are your plans to bring the factions together to build a team and to stop voter defections to Reform and other parties?”*

Rishi Sunak said that *“Conservative MPs do have a unity of purpose and that is that we want a Conservative Government returned at the next election”*. He acknowledged that there were differences within the Party, but said he believed that, in this *“focused election year”*, his colleagues *“will focus their attention on Keir Starmer and the Opposition”*. He referred to coverage of conversations and debates within the Conservative Party about the Illegal Migration Bill, recognising that *“there may be some differences of opinion about how best to implement the Rwanda scheme”*. However, he said that *“Those differences are an inch, but the real difference is the difference between us and the Labour Party. That difference is a mile right, and that’s the choice for all of you and everyone else, right. That’s the choice at the election, right, on that issue in particular, but on every other issue”*.

Question 14 (NHS reform)

Question: *“I’m a pharmacy technician, I’ve worked within the NHS for 25 years and I’m currently working in a mental health hospital. Conditions now are the hardest that I’ve ever seen within the NHS but without thinking about the staff, the people working within it, I want to focus on the patients themselves. How do you plan to improve conditions for the patients and put money towards resources to treat the patients and stop wasting money unnecessarily?”*

Rishi Sunak referred to a recent reform that meant that *“for seven of the most common ailments that we all have...you can get the medicines you need direct from your pharmacist, without having to make a GP appointment”*. He said that this was *“an example of us doing something practical, reforming to just improve quality of health care, improve the speed of healthcare”*. Rishi Sunak also said that this *“means we’re also supporting our pharmacy sector at the same time”*.

When Rishi Sunak had finished responding to the question, The Presenter approached the middle of the stage and held out a large box with a hole in the top. The box was branded “GBN PEOPLE’S FORUM”. The Presenter invited Rishi Sunak to pick a question out of the box. Instead, Rishi Sunak said:

“Well, you know what? Actually, so I’m, I’m very happy to do that. I don’t know how much time we’ve got left. I am genuinely surprised we’ve not had any questions about the economy, the cost of living, right. So that I’m just generally puzzled by it. It’ll be the first time I’ve ever done one of these where that hasn’t come up. I can’t imagine all of you are really happy about the tax you’re paying and don’t want to complain. So I mean, no one got an economy, cost of living, tax question?”

Multiple audience members raised their hands and the Presenter approached one with a microphone.

Question 15 (taxation in Scotland)

Question: *“With the high tax rates in Scotland and the inferior services compared to what you have in England, in education, healthcare, what would your plan be to make Scotland vote for the Conservatives and make them more voteable?”*

Rishi Sunak told the audience member that *“you’ve got a good reason not to be very happy about them [Scottish taxes], right. Because they’re higher...and that’s because of the budget that the SNP Government just put in place recently”*. Rishi Sunak said that the Government was:

“...starting to cut taxes now, right, for all of you, and this is something I really wanted to deliver and lots of you probably got frustrated with me that I hadn’t done it a year ago...but, when I got this job, inflation was running at 11% and...I knew that the right thing to do for our country economically was to get inflation down first, control spending and borrowing, get inflation down, and then we could start responsibly cutting taxes”.

He then explained that the Government had now cut the national insurance rate from 12% to 10% and that *“when it’s responsible to do so, of course we want to keep cutting your taxes”*. He added that:

“...inflation is down from 11% to 4%, right. Wages have now been rising steadily for the last six months above prices. Mortgage rates are starting to come down, right. We’ve controlled welfare and so we’re in a position where, because the economic conditions have improved, we can start cutting your taxes. Now that’s the type of party we are, that’s the type of government we will be”.

Rishi Sunak then compared the Conservative Government’s actions with the Labour Party:

“And the contrast is very clear. You can see it in Scotland with the SNP, you can see it in Wales with the Labour Party. Many of you will be small business people. Many people watching will be small businesses. If you own a pub or restaurant, a cafe, we’ve cut your business rates by 75% this year to support our high streets, support those businesses and the jobs. Labour government in Wales hasn’t done that, right. Those pubs are all paying more and Keir Starmer can’t tell you how he’s going to pay for his £28 billion green decarbonisation policy. What does that

mean? That means higher taxes. And that, go right back to where I said at the beginning, stick with the plan. The plan is working. You can see that on the economy. You can see it in lower taxes. The alternative, is going back to square one with the Labour Party. He can't tell you what he's going to do differently. He doesn't have a plan. And that means we won't get the change that our country deserves. That's the change that I want to deliver for all of you".

The Presenter then concluded the Programme:

"Well, thank you, Prime Minister, very much indeed for joining us for the first GB News People's Forum of this election year. And thank you, of course, to our studio audience for taking part. Thank you very, very much indeed. Now, we are hoping that the Labour Leader, Sir Keir Starmer, will accept our invitation to take part in one of these people's forums. Let's hope he does. But for now, let's take you back to London from the glorious North East to Patrick Christys".

The Programme was then followed directly by the programme *Patrick Christys Tonight*, presented by Patrick Christys from a separate studio. The on-screen banner changed from "GBN PEOPLE'S FORUM: THE PRIME MINISTER" to "SUNAK PEOPLE'S FORUM: THE VERDICT: How did the Prime Minister fare answering questions from the public?"

Ofcom considered that *People's Forum: The Prime Minister* Programme was dealing with a matter of major political controversy and major matter relating to current public policy, namely the performance and policies of the current Conservative Government led by Prime Minister Rishi Sunak in the context of the forthcoming UK General Election due to take place no later than 28 January 2025. We considered that it raised potential issues warranting investigation under the following rules of the Code:

Rule 5.11: "In addition to the rules above, due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service... in each programme or in clearly linked and timely programmes".

Rule 5.12: "In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented".

Ofcom wrote to the Licensee on 15 February 2024 requesting its comments on how the Programme complied with Rules 5.11 and 5.12. We informed the Licensee that, due to the nature of the Programme, we considered it necessary to expedite this investigation and requested that it provided representations on the Programme within five working days.

In our letter, we further explained that we had also assessed the programme that immediately followed, *Patrick Christys Tonight*. We considered that this programme also dealt with the same matter of major political or industrial controversy and major matter relating to current public policy, namely the performance and policies of the current Conservative Government led by Prime Minister Rishi Sunak in the context of the forthcoming UK General Election, specifically by reference to what Rishi Sunak had said during the *People's Forum: The Prime Minister*.

Response

The Licensee responded to Ofcom to say that the two programmes, *People's Forum: The Prime Minister* and *Patrick Christys Tonight* “were different from each other in their nature, purpose and format and we believe they should be considered separately by Ofcom”.

Ofcom clarified that the investigation was solely in relation to *People's Forum: The Prime Minister*. Ofcom explained that *Patrick Christys Tonight* was not separately being investigated, but that we had referred to it in our request for comments in anticipation that GB News would make the case that it was a “linked programme”. Ofcom stated that the decision to make this argument was up to the Licensee.

GB News provided further representations saying that it believed “very strongly” that *People's Forum: The Prime Minister* complied with Rules 5.11 and 5.12 of the Code. It also agreed that both of the rules were engaged because of the “important matters of public policy that were discussed”.

The Licensee said that the rules require that due impartiality and an appropriately wide range of voices are provided “...in each programme or in linked and timely programmes”. It said that *People's Forum* is “a series of programmes designed with a straightforward purpose, to allow members of the public to put their own questions directly to leading politicians, starting with the Prime Minister, in a live broadcast”. GB News said that “the format is based on voters directly questioning politicians without the interference of journalists”.

The Licensee said that it had gone to “great lengths to ensure the integrity of the format and has consulted extensively, including with the leading political parties, in terms of the robustness of that format”. It said that it had held senior level meetings in 2023 in preparation for the series, “firstly with the Labour Party and then the Conservative Party” and that they discussed “format, audience selection and question selection to ensure they were comfortable engaging in the Forums”.

GB News explained that it had made “a formal approach to both parties and received encouraging responses” and that it decided to launch the series with the sitting Prime Minister. It said that “Labour were informed of that decision with the Leader of the Opposition invited to follow in a subsequent programme” and that “that offer was repeated directly to Sir Keir’s team in the days before the first programme was broadcast”. It said that Labour was also advised at the same time that the Prime Minister had accepted the invitation to appear in the first episode of the series.

GB News said that it “only proceeded with the programme once we had received clear encouragement from **both** of the country’s leading parties that they would participate, as this was an important consideration for us in the context of being able to ensure due impartiality due to the fact that each programme would necessarily be focused on that particular party”.

The Licensee said that it is “proud to be the People’s Channel and to differentiate itself from legacy broadcasters” and that it therefore “put the public front and centre of this series”. It said that the format was “considered carefully” and that it had decided that “the interaction between the public and the politician...should be as direct and pure as possible”. GB News said that it was aware that in similar programmes there was “constant intervention from a presenter who would add his or her own interpretation to the questions and therefore dilute the face-to-face element of interaction”. It said that it wanted to avoid this in this Programme so the role of the presenter was “deliberately kept ‘light touch’”. GB News said that this resulted in a “very robust and challenging question and answer session which was widely recognised by other media and audiences as a positive development in the political discourse”.

GB News said that it had “commissioned the independent polling specialists ‘Survation’ to secure a panel of 100 voters who had yet to make up their minds about who to support in the forthcoming General Election or were open-minded about changing their vote”. It added that the audience had been selected from a wide geographic region and that only Survation made contact with the audience members. It said that “at all times GB News and its staff remained one step removed from the participants”.

The Licensee said that the format of the Programme “puts the power directly in the hands of the audience” and that “this approach has been a major success in other Western democracies”. It said that it had “proven an important tool to explore what the public, rather than journalists, consider important in their lives” and that it was a “robust test of the policies and ability of those who seek to govern”.

GB News said that, as was made “very clear” in the Programme, “neither GB News nor the Prime Minister or his staff had any knowledge of what the questions would be” and that it was “as spontaneous and as candid as possible”. It said that the Programme was a live broadcast and followed the planned format and that the audience “asked about the issues that mattered to them”. It said that the Prime Minister gave his responses directly to them, without notes.

The Licensee said that the list of subjects covered in the questions was very broad. It named the following topics in its representations: “whether the Conservatives had achieved anything of real value in the past fourteen years; the poor state of the NHS; the ‘chronic underfunding’ of social care; the likely failure of the Government’s Rwanda plan; the betrayal of those injured by the Covid vaccine; the threat to the Conservatives from the Reform Party; the poor state of local council finances; the (implied) lack of any reason for LGBT people to vote Conservative; the apparent lack of investment in culture and the performing arts; the serious housing shortage and the Government’s decision to scrap housebuilding targets; the dangers of being reliant on imported energy; the future of independent schools; warring factions within the Conservative Party; poor patient experiences in the NHS; and levels of taxation in Scotland”.

GB News said that “the people delivered what a news conference could not have done – a personal and at times emotional series of questions that mattered strongly to them”. It also argued that it is “inevitable, of course, that in a programme where the public question the leader of one party, that party’s policies are going to be discussed more than any other”. It said that this did not, however, mean that “the Prime Minister was given an easy ride”. The Licensee said that the Prime Minister “was asked difficult and detailed questions and his party’s record and policies were criticised to his face”. GB News referred to an occasion where Rishi Sunak was confronted about the Covid-19 vaccine injured and also said that “questioners were unmistakably critical of Rishi Sunak and his Government and showed their scepticism and disagreement”. The Licensee also referred to the Prime Minister’s surprise that certain topics had not been asked about during the questioning.

GB News submitted that “the programme was legitimate and compliant in its own right”. It said that “the Prime Minister was directly questioned on his own record and that of his Government by ordinary citizens without outside interference, a very rare event and one that was genuinely fair, informative and a valuable contribution to democracy”. The Licensee said it could “see no way in which this programme could be regarded as lacking due impartiality”.

It said that the Programme’s compliance was strengthened because the broadcast was one of a series of “clearly linked and timely programmes”. GB News said that this was made clear to the audience when the Presenter said at the start of the Programme that this was “... *our first GB News People’s Forum of 2024*”. It also referenced the Presenter’s later statement at the end of the Programme that “*we are hoping that the Labour leader Sir Keir Starmer will accept our invitation to*

take part in one of these People's Forums. We hope he does". GB News reiterated that it had invited Sir Keir Starmer to participate in the *People's Forum* series and said that "ideally of course we would have liked to be able to announce the date and time of the 'Forum' edition featuring Sir Keir during the February 12th programme but that was not possible as those details had not been settled with Sir Keir's office". It said that any *People's Forum* featuring Sir Keir would follow the format of the 12 February Programme very closely and that "naturally... the policies and views of the Labour Party and his own record as leader will be the focus of that programme".

GB News said that "once a date has been fixed [for the broadcast of a *People's Forum* with Sir Keir Starmer] GB News will give the programme the widest possible promotion and publicity" to enable viewers of the Prime Minister's Programme to also watch Sir Keir Starmer "addressing issues of equal importance in the same manner". It said that "this, we believe, completely fulfils the need for such broadcasts to provide due impartiality in a programme or in 'clearly linked and timely programmes'".

The Licensee reiterated that *People's Forum: The Prime Minister* was "compliant with the Ofcom Code in its own right, in every respect" and said that it was "additionally compliant as one of a series of linked and timely programmes".

GB News said that "the format of this programme was refreshingly direct and straightforward". It recognised that the Programme had received criticisms and suggestions that there "should have been more interpretation of what was being said, more intervention by the presenter, more spontaneous questioning from the audience at large". The Licensee said that this amounted to "more shouting in other words".

GB News said that "the format of this programme fell completely within GB News's editorial discretion and freedom of expression and was totally compliant with Ofcom's Code". It said that the Programme was "an important contribution to democratic debate in the UK and was an absolutely legitimate and appropriate programme to transmit". The Licensee said that "above all it credited both the audience and those at home as being able to judge for themselves the qualities and success, or otherwise, of the politician being questioned".

The Licensee said that, for Ofcom to find the Programme in breach, "it could only be on the basis that the format itself...had somehow failed to provide due impartiality". It said it was "hard to see how that argument could be sustained" and that "there would also be the worrying implication that an identical programme featuring Sir Keir Starmer (or any other party leader) could not be broadcast without attracting a similar Ofcom investigation".

GB News said that Ofcom's investigation into the Programme had "already had a negative effect" as, once the investigation was announced, "Sir Keir Starmer's office told us that the issue of his participation was 'on hold'". The Licensee said that Ofcom's actions had been damaging to GB News and "to political discourse in a wider sense too".

The Licensee concluded by stating that it is "a broadcaster that is bringing innovation and plurality of programming to the people of the United Kingdom". It said that it "hoped and expected to be able to do so in a regulatory environment that recognised those values and championed freedom of expression". GB News said that, "instead, Ofcom's narrow and selective interpretation of its rules and excessive intervention in purely editorial matters is inhibiting those freedoms it claims to support".

Upon receipt of the Licensee's representations, Ofcom requested that GB News provide all correspondence with the Labour Party to date in relation to the possibility of Sir Keir Starmer appearing in a future edition of *People's Forum*. The Licensee told Ofcom that it did not "believe it

would be appropriate or necessary to share confidential journalistic communications between ourselves and the political contacts in question". It instead provided Ofcom with two signed statements (both with statements of truth) from GB News' Editorial Director, Michael Booker, and Head of Politics and Political Editor, Christopher Hope.

The statements set out the timeline of the engagement of GB News with the Labour Party team as follows:

- 7 December 2023: Mr Booker and Mr Hope both said they met with Sir Keir Starmer's senior advisory team, led by Matthew Doyle, over dinner. Mr Booker said this was to discuss the "ongoing working relationship between the Party and the Channel". One of the main topics for discussion was the proposed *People's Forum* series, including how it would work and that GB News wished Sir Keir Starmer to participate. Mr Booker also said that they "left the dinner with the impression that there was serious interest on their side in participating".
- 15 December 2023: Another meeting was held between GB News and Labour Party representatives. Mr Booker said the topic was discussed again during a presentation at the GB News offices, and GB News were again under the impression that Sir Keir Starmer would participate. Mr Booker said that it was only after this meeting that GB News "felt sufficiently encouraged by Labour's stance and their positive response" to then approach the Conservative Party and request the Prime Minister's participation.
- Mr Booker said that, following their initial discussions with the Conservative Party, "matters moved quite swiftly" leading up to the Prime Minister's inclusion in the 12 February broadcast and that he personally kept Matthew Doyle up to date during the process.
- 7 February 2024: Mr Hope said that he spoke to another Labour Party spokesperson who Mr Hope said "responded positively to my suggestion that Sir Keir take part". Mr Hope added that he also sent text messages to the spokesperson on 7 and 12 February, asking if it could be announced that Sir Keir would appear in the next *People's Forum*. Mr Hope said that the spokesperson replied that they wanted to see the broadcast featuring Rishi Sunak first.
- 13 February 2024: Mr Hope said that he contacted the Labour Party spokesperson the day following the broadcast of the Programme and told us that the spokesperson said "there was a lot on at the moment in the party...and to speak again next week".
- 19 February 2024 (five days after the Programme and prior to Ofcom announcing its investigation): Mr Booker said that he requested a catch up with Mr Doyle to discuss Sir Keir Starmer appearing in a future programme. Mr Hope also contacted a Labour Party spokesperson on the same date and was told prior to the announcement of the Ofcom investigation, that the Labour Party "was still considering GB News' request". Mr Booker said that Mr Doyle responded later that day and "informed me that in light of developments (i.e. the Ofcom investigation, which had just been announced) Sir Keir's participation had been placed 'on hold'". Mr Hope's contact then told him later that day that there had been an "agreement to pause pending this Ofcom process".

Representations on Ofcom's Preliminary View

Ofcom reached a Preliminary View that the Programme was in breach of Rules 5.11 and 5.12 of the Code and invited GB News to make representations in response.

In its representations, GB News reiterated its initial arguments that, in its view, the Programme was duly impartial “both in its own right and as part of a series of planned ‘linked and timely’ broadcasts”. In particular, it made the following points:

The format of the Programme

- GB News considered Ofcom had not given fair consideration to the “purpose and effect of the programme’s format” which it considered to be “robust, fair and editorially honest”. It believed that “facilitating a direct dialogue between the audience and the Prime Minister, with the minimum of interference, would provide a pure interaction whereby unrehearsed questions would be asked and answered, and viewers could decide for themselves what they thought”. It said that it was “dismayed and puzzled that Ofcom finds such an approach to be inherently wrong”.
- In GB News’ view, “Ofcom argued that without more intervention and active management of the discussion, the programme was overly dominated by the Conservative perspective to the exclusion of the other political standpoints, most notably the Labour’s Party’s”. It said, however, that Ofcom’s Preliminary View “conspicuously underplays the impact” of the audience questions to the Prime Minister and that it was “unfairly dismissive and misrepresents the impact” of the audience questions. It argued that “at least fourteen of the fifteen questions (not ‘some’ of them) were unmistakably and bluntly critical of the Prime Minister, his party, his politics and his plans”.
- The Licensee argued that Ofcom “characterises the questioning, and therefore the format of the programming, as somehow half-hearted, a token effort to challenge the Prime Minister”. In its view, however, the fact that the Prime Minister was “put on the spot” and had not seen the questions in advance, “kept him under constant pressure to justify his record and his party’s policies”. The Licensee considered therefore that it was “wrong and unfair” for Ofcom to conclude that “the Prime Minister was given a ‘largely uncontested platform to promote his party’s policies and performance’”.
- GB News questioned whether Ofcom was supporting innovation and said that, by rejecting GB News’ approach, it seemed to “imply a refusal to accept that a political programme can be live, spontaneous and unpredictable in its course and still compliant with its rules”.
- GB News argued that in its view, the “purity and clarity of the format – questions about important public matters asked and answered with the minimum of intervention – was, and remains a positive rather than negative quality, and one that achieved genuine due impartiality”.
- The Licensee considered that, by appearing to “object to the format of the programme itself” and “as much as its perceived outcome”, there was a “clear danger” that Ofcom risked “substituting its own editorial preferences for the broadcaster’s” and that this position was “not compatible with its position as regulator”.

Linked and timely programmes

- GB News argued that the Programme provided due impartiality “within itself” and that “this was additionally underlined by the fact that further programmes in the series were already being planned and prepared”.
- The Licensee stated it “understands the principles applying to ‘linked and timely programmes’ and the arguments put forward by Ofcom about them in UK courts”. It

accepted that “in many circumstances the intention to provide such a programme (or programmes) and details about future scheduling should ideally be signalled to the audience at the time of the original broadcast”. However, it argued that Ofcom was “bound to consider the facts of each case on their merits”.

- GB News reiterated its original representations that: it was “working toward further programmes in the People’s Forum series”; it was “made clear to the audience of the original live broadcast that an invitation had been issued to the Labour leader Sir Keir Starmer”; and GB News “hoped such a programme would take place”.
- GB News said that Ofcom’s Preliminary View had misrepresented GB News’ view by suggesting that the Licensee believed that “‘simply engaging in discussions with the Labour Party’ would fulfil the need for linked and timely programmes”. It stated that this was not its position at all and reiterated that it was “our clear sense that the Labour Party had signalled its intention to GB News that its leader, Sir Keir Starmer, would be likely to take part” in a People’s Forum programme “in the near future”. It referred to the statements it submitted previously which it said confirmed that “Sir Keir’s team twice gave GB News such an impression” and that, on that basis, GB News “believed it was safe to go ahead with the programme”.
- GB News submitted that, since its original submissions to Ofcom, the Labour Party had confirmed that, prior to the broadcast of the Programme, it was “actively and positively considering taking part in the series featuring Sir Keir” and GB News believed that the Labour Party “would be prepared to make this clear to Ofcom too”.
- The Licensee argued that the issue of ‘linked and timely programmes’ “revolves around whether it is possible to guarantee that a viewer who watches one programme will necessarily watch its later counterpart”. It argued that “such a guarantee cannot be absolute as even if a hypothetical viewer is well aware of the second programme, he or she might simply decide not to watch it”. It argued that Ofcom’s approach to ‘linked and timely’ programming, “as the best chance of achieving that guarantee” could not be considered the “only valid approach” and that “the approach taken by GB News to broadcast a programme as soon as possible with very widespread publicity on and off-screen and a commitment to the same format...is just as likely to guarantee that the programme reaches a similar audience as the approach preferred by Ofcom, perhaps even more so”. It argued that its approach to achieving ‘linked and timely programmes’ – “an identical programme undertaken as soon as possible after the original broadcast and heavily promoted to a similar group of viewers” – was reasonable. Specifically, because the “audience for mid-evening programmes on GB News is regular and consistent, there is every reason to believe that heavy promotion of a People’s Forum featuring the Labour leader would be seen by a very large percentage of those who had viewed the February 12th broadcast”.
- GB News argued that “the potential availability of political leaders to participate” was also a factor that Ofcom should take into account to decide whether GB News’ approach to due impartiality was “reasonable”. It reiterated that when it scheduled the original broadcast, the position was that “the Prime Minister was available to take part in the programme within a reasonable timeframe AND that the office of the Labour leader had given us a credible indication that he would participate in the second edition of the same programme”.

- It argued that the fact that GB News was not able at that stage to “announce a definite date for the second programme in the series (while making clear to the audience that it was being planned) should not be sufficient for Ofcom to regard the first programme as in breach of the Code” and that, in doing so, Ofcom was “wrongly disregarding the acknowledged work that was going on to produce and broadcast a number of programmes under the ‘People’s Forum’ banner”. The Licensee argued that Ofcom’s Preliminary View referring to the Programme as “...the People’s Forum series’, was an indication that Ofcom “understand that several programmes of a similar format were being planned”.
- GB News said it would be fair and correct for Ofcom to accept that due impartiality for the People’s Forum could be achieved “over a somewhat longer timescale and that Ofcom should wait until the programme involving Sir Keir Starmer had been broadcast before coming to a final judgement”.

GB News set out its concerns based on its understanding of Ofcom’s Preliminary View – that if Ofcom finds that the format of the first Programme was not compliant, it would not be able to make a similar programme in the future. It asked Ofcom to give it reassurance that a “People’s Forum programme featuring the Labour Party leader and using a similar format in appropriate context would not automatically be regarded as breaching the Code”.

Finally, GB News said that “Ofcom’s premature intervention in this matter and its public announcement of an investigation” into the Programme made it more difficult to achieve a follow-up programme. It said this intervention “distorted the process of political debate (to the detriment of the Labour Party in [its] view) and interfered with GB News’s legitimate editorial activities and freedom of expression”.

Decision

Reflecting our duties under the Communications Act 2003 (“the Act”), [Section Five of the Code](#) requires that the due impartiality requirements of sections 319 and 320 of the Act are met.

Ofcom must perform its duties in accordance with the right to freedom of expression set out in Article 10 of the European Convention on Human Rights. Freedom of expression is one of the essential foundations of a democratic society. As is well established, it encompasses the ‘broadcaster’s right to freedom of expression as well as the audience’s right to receive information and ideas without interference’⁹. It applies not only to the content of information but also to the means of transmission or reception¹⁰. Any interference must be prescribed by law, pursue a legitimate aim, and be necessary in a democratic society (i.e., proportionate to the legitimate aim pursued and corresponding to a pressing social need). Decisions at both a domestic level and before the European Court of Human Rights make clear the scope for restrictions on freedom of expression is likely to be especially limited in overlapping two fields, namely political speech and on matters of public interest. Accordingly, a high level of protection of freedom of expression will normally be accorded, with the authorities having a particularly narrow margin of appreciation.

⁹ Lingens v Austria (1986) 8 EHRR 407.

¹⁰ Autronic v Switzerland (1990) 12 EHRR 485.

It is well established that the freedom of expression of licensed broadcasters may legitimately be restricted where such measures are necessary to achieve the positive objective of maintaining fair and equal democratic discourse on influential media platforms to the benefit of society generally¹¹.

The due impartiality standards required under sections 319 and 320 of the Act form part of a tripartite series of measures (the others being a prohibition on paid political advertising¹² and the provision of free party political and party election broadcasts according to defined rules¹³) which aim to safeguard the integrity of democratic debate on matters of public concern by preventing influential broadcast media platforms from being hijacked by wealthy or well-placed interests promoting a partial agenda.

In passing the Act, Parliament set out in legislation the restrictions prescribed by law and which it judged to be necessary in our democratic society. The legitimate aim is for the protection of the rights of others. The statutory framework set by Parliament specifically assigns an area of judgment, to be exercised by Ofcom, as to how the requirements of the legislation are to be applied to the facts of each case.

Section 319 of the Act requires that news in television and radio services is presented with due impartiality¹⁴. Section 320 of the Act sets out special impartiality requirements, which include the preservation, in the case of every television and radio service, of due impartiality on matters (and major matters) of political or industrial controversy and matters relating to current public policy.

In 2020, the Divisional Court found: “the requirement that due impartiality has to be satisfied by the actual broadcaster and by the programme under consideration or specifically linked programmes drawn to the attention of the viewer, is one that accords with good sense and with the legislative objective, which the due impartiality regime is designed to safeguard. The legislative objective is the preservation of the democratic process itself, which is safeguarded by providing a level playing field for competing views and opinions so that those views and opinions are expressed, heard, answered and debated”¹⁵.

The requirements of section 320 are reflected, for example, in Rule 5.5 of the Code, which provides that due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service. This may be achieved within a programme or over a series of programmes taken as a whole, and section 320(5) further

¹¹ *Animal Defenders v United Kingdom* [2013] EMLR 28 and *R (On The Application of Animal Defenders International) v Secretary of State For Culture, Media and Sport* [2008] 1 AC 1312 and *Animal Defenders v United Kingdom* [2013] EMLR 28.

¹² See s.319(2)(g) and 321(2) of the Act.

¹³ Section 333 of the Act provides that licences for certain broadcasters must require the inclusion of free broadcasts and the observance of the Ofcom Rules on Party Political and Referendum Broadcasts. Those Rules regulate party political broadcasts (offered to qualifying parties outside election periods); party election broadcasts (offered to qualifying parties during election periods); and referendum campaign broadcasts (offered to each designated referendum organisation before each referendum).

¹⁴ This is reflected, for example, in Rule 5.1 of the Code which states that news, in whatever form, must be reported with due accuracy and presented with due impartiality.

¹⁵ See *R (on the application of Autonomous Non-Profit Organisation TV-Novosti) v Ofcom* [2020] EWHC 689 (Admin) paragraph 36.

requires Ofcom to determine what constitutes a “series of programmes” for these purposes. The requirements regarding major matters are reflected in Rules 5.11 and 5.12 of the Code, which are set out in full above.

Rule 5.6 of the Code also makes clear that “The broadcast of editorially linked programmes dealing with the same subject matter (as part of a series in which the broadcaster aims to achieve due impartiality) should normally be made clear to the audience on air”.

Section Five of the Code makes clear that “due” is an important qualification to the concept of impartiality. Impartiality itself means not favouring one side or another. “Due” means adequate or appropriate to the subject and nature of the programme. It does not mean an equal division of time has to be given to every view, or that every argument and every facet of every argument has to be represented. The approach to due impartiality may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience. In addition, context, as defined in [Section Two of the Code](#), is important in preserving due impartiality. Context includes a number of factors, such as the editorial content of the programme, the service on which the material is broadcast, and audience expectations; and the effect on viewers who may come across the programme unaware.

The Code sets out that the meaning of “matters of major political or industrial controversy and major matters relating to current public policy” will vary according to events but are generally matters of current public policy which are of national, and often international, importance, or are of similar significance within a smaller broadcast area.

Ofcom’s Guidance on Section Five of the Code

Ofcom has published Guidance to assist broadcasters in complying with the due impartiality rules in Section Five of the Code, including the heightened requirements contained in Rules 5.11 and 5.12. Amongst other things, Ofcom’s Guidance makes clear that:

- the concept of due impartiality is central to the application of Section Five and in reaching a decision on whether due impartiality needs to be preserved in a particular case, broadcasters should have regard to the likely expectation of the audience as to the content, and all other relevant contextual factors¹⁶; and
- it is an editorial matter for the broadcaster how due impartiality is preserved, as long as the Code is complied with, and there are various editorial techniques which can help to ensure this¹⁷.

Our Guidance also makes clear that the broadcasting of comments either supporting or criticising the policies and actions of any political organisation, political party or elected politician is not, in itself, a breach of the due impartiality rules¹⁸. Any broadcaster may do this provided it complies with

¹⁶ [Ofcom’s Section Five Guidance](#), paragraph 1.4. See also paragraph 1.34, which explains that other relevant factors may include the nature of the programme, the programme’s presentation of its argument and the transparency of its agenda. References to “Ofcom’s Guidance to Section Five of the Code” in this Decision are to the version of the Guidance dated 22 March 2017 which was in force at the time of the Programme’s broadcast on 12 February 2024. On 24 April 2024 Ofcom published an [update to the Guidance on Section Five of the Code](#), taking effect from that date.

¹⁷Ibid., paragraph 1.6. See also paragraph 1.37 which makes clear that there are a range of editorial techniques which may be employed.

¹⁸Ibid., paragraph 1.34.

the Code. However, depending on the specific circumstances of any particular case, it may be necessary to reflect alternative viewpoints or provide context in an appropriate way to ensure, in general, that Section Five of the Code is complied with.

In relation to Rules 5.11 and 5.12, the Guidance explains these additional rules are necessary because of the nature of the subject matter concerned: a matter of major political and industrial controversy or major matter relating to current public policy is of a significant level of importance and is likely to be of the moment. When these rules apply, the broadcaster is specifically required to ensure that due impartiality is preserved on the major matter by including and giving due weight to an appropriately wide range of significant views.

In order to reach a Decision on whether due impartiality was preserved in this Programme, Ofcom has had careful regard to the broadcaster's and audience's Article 10 rights and relevant contextual factors.

Application of Section Five to the Programme

Ofcom considered whether the heightened special impartiality requirements under Rules 5.11 and 5.12 were engaged and applied to the *People's Forum: The Prime Minister* Programme.

The Programme was an hour-long Q&A between Rishi Sunak, the Prime Minister, and a live studio audience, during which the Prime Minister was questioned and provided comprehensive and largely unchallenged answers about the policies and performance of the Conservative Government that Rishi Sunak is currently leading.

We took into account that the latest date the next UK General Election could take place is 28 January 2025¹⁹ and that in the weeks preceding the broadcast Rishi Sunak had made several suggestions that he would call the election in the second half of 2024²⁰. In his introduction the Presenter, Stephen Dixon, welcomed the audience to County Durham "*where a hundred undecided voters are hoping to put their questions to the Prime Minister, Rishi Sunak*". He further added that it was the "*first GB News People's Forum of 2024...at the start of an election year*" and that County Durham was a "*key battleground*" for the Conservative Party as it "*tr[ies] to keep the seats they won in the Red Wall back in 2019*". The Presenter also explained that "*[e]veryone here is either undecided on who they'd vote for in a General Election or open minded to changing their vote*". The studio where the Q&A took place also included prominent signage around the room that said "*GBN BRITAIN'S ELECTION CHANNEL*" and the opening title sequence included the same. The clear objective of the Programme was therefore for the Prime Minister, in response to questioning from "*undecided voters*", to be given the opportunity to set out his views on the policies and performance of the Conservative Government, in light of the upcoming UK General Election.

In this context, Ofcom therefore considered, and the Licensee accepted, that the Programme dealt with a matter of major political controversy and major matter relating to current public policy, namely the Conservative Government's performance and policies, in the context of the forthcoming

¹⁹ 17 December 2024 will be exactly five years since Parliament first met after the last General Election, in 2019. If a General Election has not been called by this point, Parliament would be automatically dissolved and the election would take place 25 working days later. This means the latest date for the next General Election is 28 January 2025.

²⁰ See: <https://www.bbc.co.uk/news/uk-politics-67883242>; <https://news.sky.com/story/when-could-the-next-general-election-be-the-factors-rishi-sunak-will-be-weighing-up-12971113>

UK General Election²¹. We therefore considered that the heightened special impartiality requirements were engaged. As a result, it was incumbent on GB News to ensure that the Programme included an appropriately wide range of significant views and that these views were given due weight, in the Programme or in clearly linked and timely programmes in accordance with Rules 5.11 and 5.12 of the Code.

The preservation of due impartiality in the Programme

We took into account, and the Licensee acknowledged in its representations, that the stated purpose of the *People's Forum* "series" was that members of a live studio audience put their unedited questions directly to "leading politicians", in this case, to the Prime Minister, to hold them and their policies and performance to account, with minimal external intervention. We acknowledged GB News' representations that it was "inevitable, of course, that in a programme where the public question the leader of one party, that party's policies are going to be discussed more than any other". Taking into account the premise and format of the Programme, we recognised that the content would focus mainly on the policies and performance of the current Conservative Government on the specific issues discussed. For example, in his opening remarks, Rishi Sunak talked through his Government's "*five priorities...to halve inflation, grow the economy, reduce debt, cut waiting lists and stop the boats*" and acknowledged that "*there's more work to do on all of them but we are making progress*". The questions that were then put to him and his answers therefore covered how his Government had performed on a number of specific issues or policies (including for example: NHS reform, the Rwanda policy, the compensation scheme for people who had suffered from injuries as a result of the Covid-19 vaccine, the underfunding of social care), as well as wider questions and answers about how he would convince voters that they should vote for the Conservative Party. Ofcom therefore recognised that Conservative Party viewpoints would be prevalent in the Programme. Ofcom is clear that this, in and of itself, did not mean that the Programme could not comply with the Code.

However, while we acknowledged that the next UK General Election, although potentially imminent, had yet to be called by the Government at the time of the broadcast, we considered that the issues discussed were of major political and economic importance in this context. Indeed, this context was specifically emphasised within the Programme, by the studio signage reading "*GBN BRITAIN'S ELECTION CHANNEL*" and by the Presenter, in his introduction, making clear that the Programme was being broadcast "*...at the start of an election year*", and that "*everyone here is either undecided on who they'd vote for in a General Election or open minded to changing their vote*". It follows that the policy priorities set out by Rishi Sunak in his opening remarks, and issues covered in his responses to the questions asked by members of the audience, were the subject of debate across the political spectrum. Given this, in our view, the major political parties other than the Conservative Party, and in particular the Official Opposition, i.e. the Labour Party, were likely to have had specific views and/or positions on the approach to the policy priorities and other issues set out by the Prime Minister. Therefore, in accordance with Section Five of the Code, it was incumbent on GB News to ensure that the Programme as broadcast included "an appropriately wide range of significant views" representing these positions, and that these views were given "due weight" in the Programme, or to ensure that due impartiality was preserved through clearly linked and timely programmes.

In considering whether or not the Programme as broadcast was duly impartial, Ofcom took into account a range of factors such as: the audience's questions to the Prime Minister; the Prime

²¹ We also noted that on 2 May 2024 there would be local, London Assembly and Mayoral elections taking place in some parts of England, and elections for Police and Crime Commissioners for England and Wales, and that national topics may be of interest to voters in local elections.

Minister's responses; the presenter's contribution; and whether or not due impartiality was preserved through clearly linked and timely programmes. Taking each of these in turn:

Audience's questions

We took into account the questions that members of the live studio audience put to the Prime Minister throughout the Q&A in relation to the policies and performance of his Conservative Government on a wide range of issues. For example:

- one audience member asked if Rishi Sunak believed that *"the Conservative Party have delivered anything of real substance and value"* since the 2019 UK General Election;
- another questioned the Prime Minister on his Government's performance to reduce NHS waiting lists, including *"how can you convince us today that this year we're going to see some real, meaningful change in the NHS and we'll see waiting lists fall?"*;
- in relation to social care, one person criticised the UK Government, saying it *"has abdicated responsibility to local government, effectively making a postcode lottery for many"* and questioned the Prime Minister on the need for a *"radical reform"*;
- one person expressed the view that the current Conservative Government's Rwanda immigration policy *"is not working and that it isn't going to work"* and asked the Prime Minister to *"be open and honest with everybody today and tell us what the next steps are?"*;
- a person who introduced himself as *"one of the Covid vaccine injured"* robustly criticised Rishi Sunak and his Government's handling of compensation for people who had suffered from injuries resulting from the Covid vaccine, and expressed the view that *"the vaccine damage payment scheme is not fit for purpose"*;
- one person said *"the Reform Party is surging in the polls"* and had *"hit a note with many disillusioned Conservative voters"*. They asked how Rishi Sunak could *"convince traditional... Conservative voters that their vote is still better off with you?"*;
- there was criticism of the discrepancies in the council tax system and whether the UK Government had any plan to review it;
- one person questioned Rishi Sunak on *"why should LGBT people vote Conservative?"*;
- there was a question about the UK Government's position on spending on culture and the arts in devolved areas in the UK;
- a student questioned Rishi Sunak about his Government's *"plan to fix the supply crisis in British Housing"*;
- one person asked Rishi Sunak about why he isn't *"making the UK more self-sufficient in power"*;
- one person challenged Rishi Sunak on his plans for education, in particular on a potential rise in school fees, and why he was *"not doing more to call out a policy [the Labour Party's policy to charge VAT on independent school fees] that is at best ideological grandstanding, but at worst, fiscally irresponsible in playing politics with the education of young people?"*;
- one person said that there were a *"number of factions within the [Conservative] Party"*, and *"a lack of leadership"*. They asked Rishi Sunak how he *"plans to bring the factions together to build a team and to stop voter defections to Reform and other parties"*;

- an NHS worker observed the current conditions within the NHS, which they described as *“the hardest that I’ve ever seen”*, and questioned how Rishi Sunak and his Government *“plan to improve conditions for the patients and put money towards resources to treat the patients and stop wasting money unnecessarily”*; and
- one person from Scotland asked Rishi Sunak what the UK Government’s plan was in relation to taxation *“to make Scotland vote for the Conservatives”*.

Ofcom acknowledged the Licensee’s representations that the Prime Minister was not given “an easy ride” and that he “was asked difficult and detailed questions and his party’s record and policies were criticised to his face”. We also acknowledged that many of the questions were critical of the policies and performance of the current Conservative Government, with members of the audience sometimes expressing, in their questions, their strong disagreement with the Government’s handling of specific issues (for example in relation to illegal migration and the compensation for people who had suffered from injuries resulting from the Covid vaccine). We considered that the line of questioning and criticism from members of the audience therefore provided some different perspectives to those expressed by Rishi Sunak about the policies and performance of his Conservative Government.

However, in our view, the other major political parties, and in particular the Labour Party – the Official Opposition in the forthcoming General Election – were likely to have had significant views and/or positions on the approach to the policy priorities and other issues set out by the Leader of the current UK Government. We did not consider that, overall, the questions asked by the audience represented such significant views, and the Licensee had not demonstrated in its representations to Ofcom how those views were included in the Programme. In this regard, we did not consider that the negative reference to the Labour Party’s policy of imposing VAT on independent school fees in one question, and brief references to the Reform Party in two other questions, were sufficient such as to constitute a “significant view... given due weight” for the purposes of Rule 5.12.

In its representations on the Preliminary View, GB News said that Ofcom “conspicuously underplays the impact” of the audience questions to the Prime Minister and that it was “unfairly dismissive” of the impact of those questions. It contended that “at least fourteen of the fifteen questions (not ‘some’ of them) were unmistakably and bluntly critical of the Prime Minister, his party, his politics and his plans”. In GB News’ view, the questions, which it said Rishi Sunak had not seen ahead of the live broadcast, kept him “under constant pressure to justify his record and his party’s policies”.

As outlined above, we acknowledged that the audience questions to the Prime Minister were challenging, including some that were critical of the policies and performance of Rishi Sunak’s Government. However, a challenging or critical audience question, in itself, does not mean that due impartiality has been preserved and that an “appropriately wide range of significant views” have been given “due weight” in a programme which deals with a major matter. The fact that Rishi Sunak, an expert on his own party’s policies and performance and, as Prime Minister, highly experienced in answering questions on the same, did not have sight of the detail of the questions in advance, does not alter this conclusion.

We therefore did not consider that the views and challenge expressed by audience members in their questions amounted to what could be considered an “appropriately wide range of significant views” on what was a matter of major political controversy and current public policy, namely the policies and performance of the UK Conservative Government in the context of the forthcoming General Election, as required under the Code, nor were they given due weight in the Programme.

We additionally recognised that Rishi Sunak did at points acknowledge that there were criticisms of the Conservative Government. For example:

- when discussing the NHS, Rishi Sunak said *“Some of you reasonably might say ‘Well, hang on, maybe we should stop focusing so much on the money we’re putting in and actually focus on the reform as well?’”*. He also acknowledged that *“we haven’t made enough of a dent in the waiting list”*;
- in relation to the question about Reform UK, Rishi Sunak stated that *“I think fundamentally what you want and what I want are the same, right. What I talked about at the beginning, the things that I’m focused on, like the values that are important to me, I think, are things that we probably share and all of you who clapped, I’d probably say the same thing, right. I think actually, we want the same things for our country”*;
- in response to a question about council tax, Rishi Sunak recognised that *“there’s never enough money. People always want more”*;
- on the housing shortage, Rishi Sunak said that he doesn’t *“have an overnight fix”* and that *“it’s become trickier, particularly in the South East”*;
- Rishi Sunak agreed with an audience member about the UK not being self-sufficient in power, saying *“I agree with you, right, we need to be more energy secure”*. He also acknowledged that the Government’s plan to use *“North Sea oil and gas”* was *“a bit more controversial”*;
- when responding to a question about factions within the Conservative Party, Rishi Sunak acknowledged that *“there may be some differences of opinion about how best to implement the Rwanda scheme”*; and
- on the topic of taxation, Rishi Sunak said he *“can’t imagine all of you are really happy about the tax you’re paying and don’t want to complain”* and, after discussing recent tax cuts, he said *“lots of you probably got frustrated with me that I hadn’t done it a year ago and all the rest of it”*.

We also considered that in his opening remarks Rishi Sunak acknowledged that *“things haven’t been easy over the past couple of years”*, referring to Covid, public service backlogs and the increase in energy bills. After discussing his priorities and the progress the Government had made, he said that *“there’s more to do”*.

We therefore did not consider that the challenges and criticism expressed by the audience in their questions or the references Rishi Sunak made to any criticisms himself, as set out above, represented an appropriately wide range of significant views that were given “due weight” on what was a matter of major political and industrial controversy and major matter relating to current public policy.

Rishi Sunak’s opening remarks and responses to the Q&A

In his opening remarks, after briefly setting out the five priorities for his Government and the progress on them, Rishi Sunak went on to say:

“there’s more to do and that’s what the election this year is about”. He asked *“do we go back to square one with Keir Starmer and the Labour Party?...now we’ve just seen in the last week with absolute chaos over the £28 billion decarbonisation policy, that Labour simply don’t have a plan, and if you don’t have a plan, you can’t deliver change”*.

He explained that, *“in contrast”* to the Labour Party, he wanted to *“give all of you the peace of mind that comes from knowing that your children can look forward to a brighter future and that all of us can have a renewed sense of pride in our country”*.

We took into account that the clear objective of the Programme, as set out by the Presenter in the introduction, was for Rishi Sunak to be given an opportunity to convince, in particular the studio audience made up of *“undecided voters”* and those *“open minded to change their vote”* to vote for the Conservative Party at the next UK General Election.

In answering the questions put to him by the audience throughout the Q&A, Rishi Sunak was able to clearly set out the current policies and his view of the performance of his Government on the issues raised. For example:

- Rishi Sunak referred to the progress made in the North as a result of the *“levelling up money”* and further stated that *“if I can win another election, I can make sure that we can keep delivering that change”*;
- he set out the *“innovations”* that his Government was in the process of putting in place to reduce the NHS waiting lists, including: *“elective surgical hubs, community diagnostic centres, so you don’t have to go to the big hospital to get your elective surgery or your MRI or CT scan”* to *“speed things up”*;
- in relation to illegal immigration, Rishi Sunak discussed: the *“new deal with Albania”* allowing the UK to return Albanian migrants coming to the UK illegally; increased *“cooperation with the French”*; and passing *“laws that allow us to arrest people connected”* with illegal immigration. He also referred to his Government’s commitment to getting the ‘Rwanda Bill’ *“through Parliament and getting the scheme up and running”* to be able to *“fully resolve this problem”*;
- he explained his plan to *“keep all your taxes coming down”*;
- in relation to energy security, Rishi Sunak explained that the plan of the Government is to *“keep issuing licences in the North Sea”* and *“use our energy here at home, build our energy security. That’s the right thing to do for the country. It’s the right long-term thing for our national interest”*; and
- in relation to the upcoming local elections Rishi Sunak said: *“if you want lower council tax, when it comes to the local elections in May, vote Conservatives because that’s what we deliver in local government”*.

Rishi Sunak was also able to speak positively about the Conservative Government’s performance more generally including:

- *“I believe we have made progress and that we are headed in the right direction”*;
- *“The economy’s outperformed expectations”*;
- *“do we stick with this plan, our plan which is starting to deliver change”*;
- *“we’re doing lots of new things”*;
- *“the plans we’ve put in place are working, we’re making progress”*; and
- *“if you look at our record over the past few years, it’s one that I hope you and everyone else is proud of”*.

We took into account that there was no opportunity for the audience members to challenge the Prime Minister's responses or to elaborate further on the concerns raised in their questions and neither did the Presenter do this to any meaningful extent. In Ofcom's view, in those circumstances, Rishi Sunak had a mostly uncontested platform to promote the policies and performance of his Government on several key current public policy issues. We were also mindful that the Prime Minister was further able to set out uncontested some of the future policies that his Government planned to implement, were they to be re-elected in the forthcoming UK General Election.

The Licensee said in its representations on our Preliminary View that Ofcom's position on this was "wrong and unfair". However, the audience members were not able to rebut or follow up on Rishi Sunak's responses and did not in fact do so (in this respect, we noted that, while two members of the audience interrupted Rishi Sunak as he started to respond to a question about the damages caused by the Covid vaccine, they did not provide challenge to the substance of his response). As a consequence, the Prime Minister was able, at length, to share his views endorsing his and the Government's actions with little to no challenge from the audience or Presenter. Again, the fact that Rishi Sunak, an expert on his own party's policies and performance and, as Prime Minister, highly experienced in answering questions on the same, did not have sight of the detail of the questions in advance, does not alter this conclusion.

Ofcom further took into account that, as well as being able to praise the Government's performance without challenge, Rishi Sunak also made several critical statements about the views and performance of other political parties such as the SNP and the Labour Party, as well as those of Sir Keir Starmer, the Leader of the Labour Party. For example:

- in his opening remarks, Rishi Sunak said that voters would be going "*back to square one with Keir Starmer and the Labour Party*". He said that the "absolute chaos over the £28 billion decarbonisation policy" demonstrated "that Labour simply don't have a plan, and if you don't have a plan, you can't deliver any change";
- Rishi Sunak said that Teesside "is an area that had been neglected by the Labour Party for decades";
- following a question about why voters should vote Conservative, Rishi Sunak said: "*who do you think is more likely to deliver on the things that you care about?...Controlling spending, cutting taxes, a strong economy, bringing mortgage rates and inflation and borrowing down, strong borders, police on the streets, right. All those things you care about, who's more likely to deliver them? Because it's certainly not Keir Starmer...We've just seen over the last few days...Keir Starmer has been running around trying to tell everybody OK, the Labour Party's changed, right? Well, look what just happened in Rochdale. A candidate saying the most vile, awful conspiracy theories, antisemitic, and what happened? He stood by and sent Cabinet Ministers to support him, right, until, and apparently, literally five minutes before I walked on tonight, under enormous media pressure, has decided to change his mind. That's not principled, right. Not principled at all. So no, the Labour Party hasn't changed. It's not change, it's a con, right...A vote for anyone who's not me, who's not your Conservative candidate is a vote to put him with his values and his party in power...Can't tell you how he's going to pay for £28 billion decarbonisation policy, which means higher taxes for you and everyone else. Stood by this person in Rochdale until the media pressure got too much, like that's the values. He's doing everything he can right now to frustrate the passage of our Rwanda bill in the House of Lords. Do you want any of that? No, I don't think you do*";

- when discussing the UK Government’s plan to keep issuing licences in the North Sea, Rishi Sunak said: *“What do Keir Starmer and the Labour Party do? What do you expect them to do? Virtue signalling and they opposed it right? That’s not going to help our energy security and it’s also not going to help cut your bills”*;
- when discussing the UK Government’s attempt to remove the EU’s “nutrient neutrality” rule to *“unlock 100,000 homes”*, Rishi Sunak said that the Labour Party had *“blocked it”* in the House of Lords. Rishi Sunak said that Keir Starmer *“doesn’t have a plan, doesn’t have principles... there was an opportunity for Keir Starmer to do the right thing and make it easier for you and your generation to have those 100,000 homes, and he said no”*;
- on education and private schooling, Rishi Sunak said that the UK Government was *“outperforming SNP-run Scotland schools, Labour-run schools in Wales”*. He also said that, by criticising Rishi Sunak for where he went to school, Keir Starmer was *“attacking my parents and you’re attacking everybody like them that works hard to aspire for a better life for them and their family. I think that’s wrong. I don’t think it’s British and that’s not the type of country that I’m gonna build”*; and
- in response to the final question on taxation, Rishi Sunak said that *“the contrast is very clear”* between the UK Government’s approach and those of other political parties. He said *“You can see it in Scotland with the SNP, you can see it in Wales with the Labour Party. Many of you will be small business people...we’ve cut your business rates by 75% this year... Labour government in Wales hasn’t done that, right. Those pubs are all paying more and Keir Starmer can’t tell you how he’s going to pay for his £28 billion green decarbonisation policy...that means higher taxes”*. Rishi Sunak reiterated that voters would be *“going back to square one with the Labour Party. He can’t tell you what he’s going to do differently. He doesn’t have a plan. And that means we won’t get the change that our country deserves”*.

We acknowledged that these references to the Labour Party’s (and the brief reference to the SNP’s) alleged position on some of the issues discussed in the Programme, were references to alternative views to the ones expressed by Rishi Sunak. However, in Ofcom’s view these were the Prime Minister’s critiques of those policies and actions of the UK Official Opposition and the SNP, and none of these critiques were challenged at any point in the Programme. We considered that, in fact, there was no adequate reflection of the position of the other political parties on the issues under discussion. For example, Rishi Sunak referred to the Labour Party *“blocking”* the UK Government’s policies relating to illegal migration and nutrient neutrality, but the Programme did not provide any reflection of the reasons that these proposals had been *“blocked”*, despite these being publicly stated at the time²². Rishi Sunak also referred to the £28 billion green decarbonisation policy of the

²² During a speech prior to a vote on the Illegal Migration Bill in December 2023, Keir Starmer explained why the Labour Party did not agree with the proposed Bill. See here: <https://www.telegraph.co.uk/politics/2023/12/12/labour-could-send-illegal-migrants-abroad-to-be-processed/>. In September 2023, the Labour Party said it would vote against the Conservative Party’s proposals to remove the river nutrient neutrality rules. See here: <https://www.theguardian.com/environment/2023/sep/12/labour-to-oppose-reckless-tory-plans-to-rip-up-eu-pollution-laws>

Labour Party, making the assumption that the Leader of the Labour Party would increase taxes to fund the policy, however there was no reflection of the position of the Labour Party.

We acknowledge that a high level of protection of freedom of expression is accorded to political speech and on matters of public interest. Accordingly, it is important that, in a democratic society, politicians are able to criticise and challenge the policies of other politicians and political parties. Ofcom licensees can of course include such content in their services. However, as explained above, such freedom may be legitimately restricted on broadcast services where measures are necessary to achieve the positive objective of maintaining fair and equal democratic debate. As set out by Parliament in the special impartiality requirements in section 320 of the Act and the heightened due impartiality requirements of the Code, this is particularly important when dealing with a major matter of political controversy or major matter relating to current public policy. Therefore, Ofcom licensees must also ensure that when doing so, they comply with the requirements of the Code and include an appropriately wide range of significant views on major matters and give those due weight.

In this case, we did not consider that Rishi Sunak's opening remarks and responses to the questions from the audience, as set out above, represented an appropriately wide range of significant views that were given due weight on what was a matter of major political controversy and a major matter relating to current public policy.

Statements by the Presenter

We next considered the statements made by the Presenter during the Programme. For example:

- following Rishi Sunak's answer to a question about the Government's plan to increase social care spending, the Presenter acknowledged *"...It's such, it's such a difficult issue, has faced so many governments, but do we ever seem to get an answer where we can really see any significant difference within a short timescale at least?"*;
- in relation to Rishi Sunak's answer on LGBT rights, the Presenter further probed the Prime Minister on transgender rights issues when he said: *"Forgive me slightly, but I think some of the issue may be less about the LGB and more about the 'T' Prime Minister. More about the trans issue"*; and
- with regard to Rishi Sunak's response to the question about the "Rwanda bill", the Presenter probed the Prime Minister further. He said: *"Prime Minister. I'm not meant to really interject with any questions, but I've got to say a lot of people will be wondering how do you get this through Parliament? This is a big problem"*.

The Licensee explained that the role of the Presenter was "deliberately kept 'light touch'" because it was mindful that "constant intervention from a presenter who would add his or her own interpretation to the questions and therefore dilute the face-to-face element of interaction". We also took into account that this was reflected in the Programme when the Presenter explicitly said that his role was limited (for example, he said: *"Prime Minister. I'm not meant to really interject with any questions"* and later *"Prime Minister, thank you. That's the last question for me, everybody. I promise you because, because this is not about me, it's about you"*). GB News contended that this resulted in a "very robust and challenging question and answer session which was widely recognised by other media and audiences as a positive development in the political discourse". GB News argued that it was "proud to be the People's Channel and to differentiate itself from legacy broadcasters" and that it therefore "put the public front and centre of this series". It said that the format was

“considered carefully” and that it had decided that “the interaction between the public and the politician...should be as direct and pure as possible”.

Ofcom is clear that it is a matter for the Licensee as to how to ensure an appropriately wide range of significant views are represented and given due weight in content dealing with a major matter, such as the one discussed in the Programme. We acknowledged that the Presenter provided some limited challenge to the Prime Minister’s response to the question about LGBT voters by probing him more on the UK Government’s position in relation to transgender issues. But, with regard to the statement on the UK Government’s social care spending and the Rwanda policy, it was our view that the Presenter was simply acknowledging some of the challenges faced by the UK Government and how it was going to overcome them, rather than providing an alternative viewpoint or challenging the Government’s position on their policies and performance on these issues. In any case, we did not consider these statements as set out above, represented an “appropriately wide range of significant views” on what was a matter of major political controversy and current public policy, namely the performance and policies of the current Conservative Government in the context of the upcoming UK General Election. As outlined above, it was our view that, on a major matter such as that discussed in the Programme, it was clear that there was a wide range of significant views other than the ones expressed by the Prime Minister and Leader of the Conservative Party in relation to its policies and performances in the context of the UK General Election.

We noted GB News’ view that the Programme was duly impartial because “the Prime Minister was directly questioned on his own record and that of his government by ordinary citizens without outside interference”, including the explanation of the steps it had taken to seek to ensure that the audience members were “undecided voters”.

We did not consider that the statements by the Presenter, as set out above, represented an appropriately wide range of significant views that were given due weight on what was a matter of major political controversy and major matter relating to current public policy.

The format of the Programme

Ofcom attaches great value to broadcasters’ and audiences’ rights to freedom of expression, including the right for audiences to receive information and ideas and the broadcaster’s right to make programming, creative and editorial choices.

In its representations on the Preliminary View, GB News contended that “the purpose and effect of the programme’s format” was “robust, fair and editorially honest”. It believed that “facilitating a direct dialogue between the audience and the Prime Minister, with the minimum of interference, would provide a pure interaction whereby unrehearsed questions would be asked and answered, and viewers could decide for themselves what they thought”.

It argued that “the purity and clarity of the format – questions about important public matters asked and answered with the minimum of intervention – was, and remains, a positive rather than negative quality, and one that achieved genuine due impartiality”. The Licensee suggested that “Ofcom’s rejection of the validity of GB News’s approach seems to imply a refusal to accept that a political programme can be live, spontaneous and unpredictable in its course and still compliant with its rules”. The Licensee also appeared to suggest that the format would have been compromised if it had adopted additional steps to comply the content with the due impartiality requirements of the Code. GB News expressed concerns that, by “objecting to the format of the programme itself – the straightforward asking and answering of questions – as much as its perceived outcome”, Ofcom risked “substituting its own editorial preferences for the broadcaster’s”.

We disagreed. In principle, a licensee can of course broadcast a programme in which the Prime Minister is asked questions by a live audience on the policies and performance of his Government. However, regardless of the format chosen, all licensees are still bound by the requirement to ensure the content of the broadcast complies with the Code and, in this case, with the heightened due impartiality requirements of Rule 5.11 and 5.12.

It is an editorial matter for the broadcaster as to how it maintains due impartiality. There are a variety of techniques broadcasters might consider employing to ensure that an appropriately wide range of significant views are included and given due weight. For example, significant views could be summarised, with due objectivity and in context; if significant views cannot be obtained in person, such viewpoints could be expressed, for example, through presenters' questions to interviewees, or by reference to public statements made by the person or institution concerned²³. Broadcasters are not bound to use only these techniques and are free to employ other editorial techniques that ensure due impartiality is preserved in programmes as broadcast.

It appeared that the Licensee had relied on unrehearsed questions from a live audience to the Prime Minister, with minimal intervention from the Presenter, on a matter of major political controversy and major matter relating to current public policy, to ensure due impartiality was preserved within the Programme. It did not use any other editorial techniques to reflect an appropriately wide range of significant views with due weight in the Programme. In these circumstances, in Ofcom's view, the Licensee should reasonably have anticipated that there was a very high risk that the Programme might not comply with Rules 5.11 and 5.12. Ofcom considered that the Licensee could and should have taken additional steps to mitigate those risks.

Clearly linked and timely programmes

We therefore went on to consider whether an appropriately wide range of significant views was provided and given due weight in a clearly linked and timely programme.

We were mindful of the fact that the Licensee argued in its original representations and in its representations on the Preliminary View that the Programme was compliant "within itself" because it was one of a series of "clearly linked and timely programmes". GB News explained that the Programme with the Prime Minister was the first of a "series of programmes designed...to allow members of the public to put their own questions directly to the leading politicians...in a live broadcast" and that "further programmes in the series were already being planned and prepared". We also took into consideration the statements provided by GB News which explained the steps that the Licensee had followed in the preparation for a series of *People's Forum* programmes, and which, in its view, demonstrated that GB News had engaged with senior members of the Labour Party and Keir Starmer's team to secure his participation in a future *People's Forum* programme, such as to ensure the programme met the requirements of the Code.

However, it is clear from the Licensee's representations that it had decided to broadcast the Programme with the Prime Minister prior to securing agreement from the Labour Party about its participation in a specific future episode. GB News argued that the Labour Party had been, however, informed of the decision to go ahead "with the Leader of the Opposition invited to follow in a subsequent programme" and that the offer to participate had been re-iterated to "Sir Keir's team in

²³ Ibid., paragraph 1.37 which makes clear that there are a range of editorial techniques which may be employed.

the days before the first programme was broadcast". The Licensee explained that "Ideally of course we would have liked to be able to announce the date and time of the 'Forum' edition featuring Sir Keir during the February 12th programme", but that in the absence of a confirmation by Keir Starmer's office, it had not been possible.

We took into account GB News' argument that, "in any 'People's Forum' featuring Keir Starmer, the policies and views of the Labour Party and his own record as leader" would be the focus of that programme and that the programme would be intended to "follow very closely the format of the February 12th broadcast". GB News added that "Once a date has been fixed GB News will give the programme the widest possible promotion and publicity, on the channel and elsewhere, so that any viewer who may have seen the programme featuring Rishi Sunak would be able to watch Sir Keir addressing issues of equal importance in the same manner". GB News submitted that this "completely fulfils the need for such broadcasts to provide due impartiality in a programme or in '...clearly linked and timely programmes'". The Licensee reiterated this argument in its representations on the Preliminary View.

The Licensee argued that it had received "clear encouragement from **both**²⁴ of the country's leading parties that they would participate" and that the Labour Party was informed of the decision to go ahead with the Prime Minister in the days prior to the broadcast of the Programme. In our view this was insufficient to meet the requirements for a clearly linked and timely programme, under Rule 5.12.

In our Preliminary View, we said that we were concerned that the Licensee believed that simply engaging in discussions with the Labour Party prior to producing a programme or informing the Labour Party that the Programme with the Prime Minister would go ahead "completely fulfils the need for such broadcasts to provide due impartiality in a programme or in '...clearly linked and timely programmes'". In its representations on our Preliminary View, the Licensee said that Ofcom had misrepresented its position. It said that "It was our clear sense that the Labour Party had signalled its intention to GB News that its leader, Sir Keir Starmer, would be likely to take part in a People's Forum in the near future" and that "on that basis we believed we were safe to go ahead with the programme". The Licensee argued that the fact that it intended to broadcast a future programme with the Leader of the Opposition meant that the Programme met the heightened due impartiality requirements under Section Five.

We did not agree with the Licensee's argument. In our view, it was not enough by itself that GB News had a "clear sense that the Labour Party signalled its intention" to participate or were "actively and positively considering taking part in the series", for the heightened requirements of due impartiality to be met in this case. According to GB News' own statements, the potential programme with Keir Starmer had yet to be agreed by the time the Programme was broadcast.

We considered that the Licensee had misunderstood the Code's requirements on the preservation of due impartiality in a programme or in clearly linked and timely programmes.

In its representations on our Preliminary View, the Licensee acknowledged its understanding of the "principles applying to 'linked and timely programmes' and the arguments put forward by Ofcom about them in UK Courts". It however argued that "the issue of 'linked and timely programmes' revolves to a large degree around whether it is possible to 'guarantee' that a viewer who watches one programme will necessarily watch its later counterpart". GB News said that "such a guarantee cannot be absolute because even if a hypothetical viewer is well aware of the second programme,

²⁴ Emphasis added by the Licensee.

he or she might simply decide not to watch it". It argued that Ofcom's approach is not "the only valid approach".

As noted by the Divisional Court, Ofcom is obliged, by section 320(5) of the 2003 Act, to provide for rules in the Code to determine what constitutes a series of programmes for the purposes of the special impartiality requirements; and Ofcom has done this in Rule 5.12. For the reasons set out below, we did not agree that the alternative approach to the interpretation of 'clearly linked and timely programmes' suggested in this case by the Licensee was sufficient, i.e. that a hypothetical programme about which no agreement had been obtained is capable of being a clearly linked and timely programme, meeting the requirements of Rule 5.12.

While the Code does not define 'clearly linked and timely programmes', previous Ofcom decisions and court judgments make clear that the reference to 'clearly linked' programmes should be read as capturing programmes that are editorially and specifically linked²⁵. This is because without an explicit editorial link viewers may not be aware of the other programmes which the broadcaster is relying on to preserve due impartiality. We would expect such a link to include a reference to the fact that the linked programme deals with the same matters as the programme in question. The reference to "timely" indicates that programmes should be broadcast at sufficiently close intervals and at broadly similar times²⁶.

In 2021, the Court of Appeal, approving Ofcom's approach to the consideration of Rules 5.11 and 5.12 and its approach to the interpretation of a "series of programmes", held that "the thrust of the Code is that due impartiality must be met by each programme or by a linked series of programmes (see the definition of due impartiality itself, and rules 5.5, 5.6, 5.11 and 5.12)"²⁷. In 2020 the Divisional Court found that "as a matter of statutory interpretation... the phrase "a series of programmes" in this context suggests programmes which will be known by the viewer to be linked as a series, because otherwise it would be a matter of chance whether the viewer knew about the other programmes in the series" and "[a]s to other broadcasts from the broadcaster there is no guarantee that a viewer will look at other output from a broadcaster, unless that viewer is specifically directed to the other programme".²⁸ The Divisional Court found "the requirement that due impartiality has to be satisfied by the actual broadcaster and by the programme under consideration or specifically linked programmes drawn to the attention of the viewer, is one that accords with good sense and with the legislative objective, which the due impartiality regime is designed to safeguard. The legislative objective is the preservation of the democratic process itself, which is safeguarded by providing a level playing field for competing views and opinions so that those views and opinions are expressed, heard, answered and debated"²⁹.

²⁵ See e.g., *R (on the application of Autonomous Non-Profit Organisation TV-Novosti) v Ofcom* [2020] EWHC 689 (Admin), [First Election Debate ITV1 \(Plaid Cymru\)](#), [First Election Debate ITV1 \(Scottish National Party\)](#), [Channel 4 News Climate Debate](#), and [World at One, BBC Radio 4](#).

²⁶ See e.g., [Channel 4 News Climate Debate](#)

²⁷ *R (on the application of Autonomous Non-Profit Organisation TV-Novosti) v Ofcom* [2021] EWCA Civ 1534, paragraph 44

²⁸ See e.g., *R (on the application of Autonomous Non-Profit Organisation TV-Novosti) v Ofcom* [2020] EWHC 689 (Admin) paragraphs 34 and 67.

²⁹ *Ibid*, paragraph 36

The requirements of Rule 5.6 also state: “The broadcast of editorially linked programmes dealing with the same subject matter (as part of a series in which the broadcaster aims to achieve due impartiality) should normally be made clear to the audience on air”.

Ofcom considered that in this case, there were no clear editorial linkages made in the Programme to any other scheduled content which might have, or did in fact, contain alternative significant views to those expressed in the Programme in relation to Conservative Party policy and performance. In particular, we took into account that, when concluding the Programme, the Presenter referred to GB News’ invitation to the Leader of the Labour Party, when he said: “*Now, we are hoping that the Labour Leader, Sir Keir Starmer, will accept our invitation to take part in one of these People’s Forums. Let’s hope he does*”. We noted that the use of the word “*hoping*” indicated to the audience that Keir Starmer’s participation in a future programme was not at that point confirmed.

Therefore, in this case, GB News had not obtained a confirmed agreement from the Leader of the Opposition Party to contribute to a future programme. In addition, GB News did not indicate to the audience of the Programme any other programme in which an appropriately wide range of significant views on the major matter would be included. Therefore, in our view, the Programme did not contain any reference to a clearly linked and timely programme which was capable of preserving due impartiality, or did indeed preserve due impartiality, on the major matter.

We considered the Licensee’s argument that it believed that a similar programme featuring Keir Starmer would be imminent and that “Once a date has been fixed GB News will give the programme the widest possible promotion and publicity, on the channel and elsewhere, so that any viewer who may have seen the programme featuring Rishi Sunak would be able to watch Sir Keir addressing issues of equal importance in the same manner”. However, as set out above, such a programme was not agreed at the time of broadcast, nor subsequently, so was therefore incapable of meeting the requirements of Rule 5.12 in this case.

GB News asserted in its original representations and its representations on the Preliminary View that, as a result of our investigation, Keir Starmer’s apparent intention to participate in a future programme was “*paused*”. It said our investigation was “*damaging GB News’ ability to host a ‘Forum’ programme with Keir Starmer and other party leaders*” and that “*Ofcom’s premature intervention in this matter...has made the provision of a follow-up programme – and therefore plurality of view – considerably more difficult*”.

We did not agree with this argument. GB News’ statements showed that earlier in the day of the Programme’s broadcast, it asked the Labour Party if it could include in the Programme a statement that Keir Starmer would appear in a future programme. However, according to the GB News statements, the Labour Party spokesperson “*wanted to see the broadcast first*”. GB News again contacted the spokesperson the following day who was reported to have said “*there was a lot on at the moment in the party...and to speak again next week*”. GB News’ statements also said that on 19 February 2024, prior to the announcement of Ofcom’s investigation, it was informed by the Labour Party’s spokesperson that the party was still considering GB News’ request.

Therefore, a week after the broadcast of the Programme, GB News had still not secured agreement to include Keir Starmer in a future programme.

Ofcom is clear that there is no obligation for any political parties or politicians to participate in any particular programme – it is up to the political parties to decide whether or not they wish to participate. Equally, no party or politician can have a veto on whether a programme goes ahead or not. There can be any number of reasons why individuals may choose not to participate in programmes and broadcasters need to anticipate those eventualities and, if necessary, find other ways to ensure due impartiality is preserved. If a broadcaster is unable to agree participation in a

programme with any particular politician or party, it is then the broadcaster's editorial decision whether to proceed with the programme or ensure that it finds other ways to reflect alternative viewpoints within the programme or within a clearly linked and timely programme, and/or provide context as appropriate³⁰.

GB News requested "assurance from Ofcom that a 'People's Forum' featuring the Labour leader and using a similar format in an appropriate context would not automatically be regarded as breaching the Code". Ofcom's role in this case is not to make a finding as to whether the format itself complies with the Code, but whether the specific content of the Programme as broadcast met the requirements of the Code.

The Presenter concluded the Programme by stating: "*But for now, let's take you back to London from the glorious North East to Patrick Christys*" before the Programme ended and Patrick Christys immediately introduced his programme which included further analysis of *People's Forum: The Prime Minister*. When Ofcom wrote to the Licensee to request its comments on how *People's Forum: The Prime Minister* complied with Rules 5.11 and 5.12, we explained that we had also assessed the programme *Patrick Christys Tonight* which immediately followed. The Licensee however argued that the two broadcasts "were different from each other in their nature, purpose and format and we believe they should be considered separately by Ofcom". Ofcom clarified that the investigation was solely in relation to *People's Forum: The Prime Minister* and that *Patrick Christys Tonight* was not separately being investigated, but that we had referred to it in our original request in anticipation that the Licensee may make the case that it was a linked programme. Ofcom made clear that the decision to make this argument was up to the Licensee. A broadcaster can of course use any other type of programme – including a debate or discussion programme, as many broadcasters have done previously – provided it is a clearly linked and timely programme to comply with Rule 5.12, where required. The Licensee did not, however, make any representations to that effect.

Ofcom acknowledged that, when GB News launched as a service, it said it set out to embody "something fresh and different in television news and debate"³¹ and that it features "voices that explore topics and areas of discussion that are challenging"³². We also recognised that viewers of GB News would expect opinionated, challenging programming³³. In accordance with the right to freedom of expression, broadcasters have the freedom to decide the editorial approach of their programmes, including offering their audiences innovative forms of debate. Ofcom considers it essential that current affairs programmes are able to discuss and analyse controversial issues and take a position on those issues, even if that position is focused on one perspective. This is not, in itself, a breach of the due impartiality rules. However, licensees must ensure that due impartiality is preserved within the programme or in clearly linked and timely programmes and, in the case of a major matter, that an appropriately wide range of significant views are included and given due

³⁰ At the time of the broadcast, Ofcom had provided additional guidance covering the participation of politicians in election programming in a [Note to broadcasters](#) dated 11 January 2021.

³¹ See <https://twitter.com/GBNEWS/status/1395767684688658433>

³² <https://www.theguardian.com/media/2023/jan/17/gb-news-rightwing-tv-channel>

³³ See the GB News Editorial Charter: <https://www.gbnews.com/about-us/our-editorial-charter> in which GB News states about its service: "We do not shy away from controversial issues" and "We approach stories differently and challenge media conventions".

weight. This has been set out in multiple previous published breach Decisions covering a very wide range of licensees³⁴.

In this case:

- While some of the audience's questions provided some challenge to, and criticism of, the Government's policies and performance, audience members were not able to challenge the Prime Minister's responses or to elaborate further on the concerns raised in their questions and the Presenter did not do this to any meaningful extent.
- The Prime Minister was able to set out some of the future policies that his Government planned to implement, were they to be re-elected in the forthcoming UK General Election. Neither the audience or the Presenter challenged or otherwise referred to significant alternative views on these.
- The Prime Minister criticised aspects of the Labour Party's policies and performance. While politicians are of course able to criticise policies of other political parties in programmes, licensees must ensure that due impartiality is preserved within a programme or clearly linked and timely programmes. Neither the Labour Party's views or positions on those issues, or any other significant views on those issues were included in the Programme.
- The Licensee did not, and was not able to, include a reference in the Programme to an agreed future programme in which an appropriately wide range of significant views on the major matter would be presented and given due weight.

As a result, Rishi Sunak had a mostly uncontested platform to promote the policies and performance of his Government in a period preceding a UK General Election.

We took into account, in particular, that: the Licensee said it had purposefully not been aware of the questions which audience members would ask the Prime Minister during this live Programme; it had made the editorial decision that the Presenter would not intervene or challenge views expressed; there were no other editorial means for alternative views to be included in the Programme; and it had no agreed future programme which it could provide viewers with a clear link to, as a means of ensuring due impartiality was preserved on this major matter. In these circumstances, in Ofcom's view, the Licensee's approach to compliance with Rules 5.11 and 5.12 was wholly insufficient. It could have, and should have, taken additional steps to mitigate these very high compliance risks.

Taking all of the above into consideration, we found that an appropriately wide range of significant viewpoints was not presented and given due weight in the *People's Forum: The Prime Minister*, nor was due impartiality preserved through clearly linked and timely programmes. The Programme was therefore in breach of Rules 5.11 and 5.12 of the Code.

Decision: Breaches of Rules 5.11 and 5.12

Given the circumstances of this case, Ofcom considers that this breach is serious and – given the Licensee's compliance history – repeated. We will therefore consider this breach for the imposition of a statutory sanction. This is the initial view of the breach decision-maker. It will be reconsidered by the Sanction Panel.³⁵

³⁴ For example, see Ofcom's previous decisions in relation to RT ([RT News, RT, 27 February 2022, various times](#)), CGTN ([The World Today and China 24, CGTN](#)) and the BBC ([World at One, BBC Radio 4, 24 February 2021, 1300](#)).

³⁵ This sentence was added on 4 October 2024 as a clarification.