

Ofcom Broadcast Bulletin

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Introduction

Ofcom's Broadcasting Code took effect on 25 July 2005 (with the exception of Rule 10.17 which came into effect on 1 July 2005). This Code is used to assess the compliance of all programmes broadcast on or after 25 July 2005. The Broadcasting Code can be found at <http://www.ofcom.org.uk/tv/ifi/codes/bcode/>

The Rules on the Amount and Distribution of Advertising (RADA) apply to advertising issues within Ofcom's remit from 25 July 2005. The Rules can be found at <http://www.ofcom.org.uk/tv/ifi/codes/advertising/#content>

From time to time adjudications relating to advertising content may appear in the Bulletin in relation to areas of advertising regulation which remain with Ofcom (including the application of statutory sanctions by Ofcom).

Standards cases

Notice of Sanction

Channel Four Television Corporation (“Channel Four”) and Sianel Pedwar Cymru (“S4C”)

Celebrity Big Brother (15-19 January 2007)

On 24 May 2007, Ofcom published its decision to impose a statutory sanction on Channel Four and S4C for breaches of the rules of Ofcom’s Broadcasting Code concerning Rule 2.3 (broadcasters must when applying generally accepted standards ensure that material which may cause offence is justified by the context) and Rule 1.3 (children must be protected by appropriate scheduling from unsuitable material).

Ofcom has found that in relation to the following three incidents, Channel Four failed to appropriately handle the material so as to adequately protect members of the public from offensive material:

- Remarks about cooking in India (transmitted 15 January 2007)
- “*Fuck off home*” comment (transmitted 17 January 2007)
- “*Shilpa Poppadom*” comment (transmitted 18 and 19 January 2007)

For the reasons set out in the Adjudication, Ofcom has directed Channel Four and S4C to broadcast a statement of its findings in a form determined by Ofcom immediately before the start of the broadcast of the first programme of the eighth series of *Big Brother* on Channel 4; immediately before the start of the broadcast of the first re-versioned programme of the eighth series of *Big Brother* on Channel 4; and immediately before the start of the broadcast of the programme in which the first eviction from the eighth series of *Big Brother* occurs on Channel 4.

The full adjudication can be found at:

http://www.ofcom.org.uk/tv/obb/ocsc_adjud/channel4_cbb/channel4_cbb.pdf

In Breach

Prison Break

TV3 Norway, various dates, 18:00 (19:00 local time)

Introduction

Prison Break is an American drama series. Prior to each programme in the first series, an on-air announcement stated that “*Prison Break is not suitable for kids*”. TV3 Norway is a channel established in the UK, and therefore its content is subject to UK broadcasting rules, as required by the European Television Without Frontiers Directive. It is licensed by Ofcom, but broadcasts exclusively to Norway.

19 Norwegian viewers and the children’s media body, ChildMinder, based in Norway, queried whether it was appropriate to transmit this series pre-watershed, in particular due to the violent content.

Ofcom asked the broadcaster to comment in respect of Rules 1.3 (protection of children by appropriate scheduling from unsuitable material) and 1.11 (violence must be appropriately limited in pre-watershed programmes and must also be justified by the context) of the Broadcasting Code (“the Code”).

Response

Viasat, the parent company of the channel, recognised that TV3 Norway had been in error in scheduling *Prison Break* at 19:00 unedited and accepted that it was inappropriate to schedule the series at a time when children could be watching. In particular, it recognised that the level of violence in the series was not suitable for transmission before the watershed, and contained some scenes which could be imitated by children and should have been edited for a pre-watershed transmission or broadcast after the watershed.

It explained that the programmes complained of had been wrongly scheduled due to an error made by the TV3 Norway programme scheduling team who had failed to follow operational procedures set out by the Viasat compliance department, based in the UK. The compliance department had restricted all episodes of *Prison Break* to post-watershed in the Viasat broadcast database after pre-viewing each episode. The programming scheduling team in TV3 Norway team had failed to use this information in the database and had presumed that the programmes were suitable for pre-watershed transmission, though not at times when large numbers of children might be watching. The local scheduling team had been made aware of the seriousness of their error and had been re-trained on the use of the broadcast database, and reminded of the procedure of checking restrictions on transmission. TV3 Norway had brought the matter to the attention of all their programming departments.

TV3 Norway apologised for any distress the inappropriate scheduling might have caused. The second series of *Prison Break* had been scheduled at the later time of 21:30.

In addition a review had been conducted of the content of the promotions for the series to ensure that they were suitable for pre-watershed transmission. On-air compliance promotion procedures had also been reinforced and improved, and

producers have been given strict compliance guidelines to follow when making on-air promotions.

Decision

Rule 1.3 makes clear that children must be protected by appropriate scheduling from unsuitable material. Ofcom viewed examples of this programme carefully and noted that they included scenes of violence and sexual and drug references. It concluded that the series had included a number of scenes of violence which were unsuitable for broadcast pre-watershed. By way of illustration, in one episode, one of the prison inmates was seen breaking a light bulb and placing the broken glass over the eye of another prisoner in preparation for a brutal attack. The camera cut away as the screams of the victim were heard. In another episode a man's hand was severed with an axe and the severed hand was seen on the ground next to the victim. Again, the camera cut away from the scene at the moment of the attack but the victim's screams were heard.

Ofcom judged that whilst *Prison Break* may have been targeted overall at a primarily adult audience, it is likely that at 19:00 (Central European time) a number of children - some quite young - would be able to, and would, view this programme. There was therefore a breach of Rule 1.3. For the reasons already set out, the violence depicted in this programme was also considered not to have been "appropriately limited" for broadcast pre-watershed, therefore Rule 1.11 was also breached.

Ofcom welcomes the frank acknowledgement by Viasat of the failure of its compliance procedures in this case. Whilst noting the explanation provided by the channel and welcoming the steps taken to prevent a recurrence and apology, Ofcom was concerned that such a significant lapse in procedures, allowing the programme to be transmitted at an inappropriate time for some time, had apparently gone unnoticed and uncorrected by the channel for some time. Whilst it acknowledges the steps now taken to re-schedule the programme and to re-train relevant staff, it considered that it is appropriate to record breaches of the Code in this case.

Breach of Rules 1.3 and 1.11

The Wheel of Love

The Hits, 19 April 2007, 15:40

Introduction

The Hits is a music video channel owned and operated by Emap TV.

The “Wheel of Love” is a text to screen game that invites viewers to text in two names to a number displayed on screen with additional wording that describes in a humorous manner the compatibility of the two named people. The viewer who submits the two names is then sent a text message containing the so called “compatibility percentage” of the two people (i.e. an indicator of how well they are likely to get on together) and a copy of the screen grab from the broadcast featuring the two names. Viewers are charged £1 each time they interact with the game. The wording on screen appears in the foreground over music videos on The Hits.

A viewer, who was watching with her young son, observed the words “*cunt*”, “*tit*” and “*wank*” in text form on screen. She contacted Ofcom questioning how this service could go to air without being ‘moderated’ (the industry term for the monitoring of texts/emails submitted for broadcast). When Ofcom requested a copy of the programme from the broadcaster, it supplied a lengthy and detailed account of how this mistake occurred and apologised for it.

Response

Emap TV said that the incident complained of was viewed extremely seriously by it and that it began an immediate investigation into the matter. It confirmed that the text service (including ‘moderation’) is provided by Active Loop, a company that specialises in supplying interactive games to broadcasters. Emap TV and Active Loop had agreed a compliance process for approval of names sent in by viewers, by allowing names that appear on a ‘white list’ (a pre-approved list of words and names that are acknowledged as compliant) to be automatically approved and any words not on this list to be passed to a trained moderator to approve or reject. Emap TV said that on this occasion the offensive words in question were not on the approved ‘white list’ and had been sent to a trained moderator who in error approved them for broadcast. Emap TV confirmed that this person was subsequently dismissed by Active Loop.

Emap TV reiterated how seriously it took this matter and apologised to the complainant. It said that its compliance record to date has been extremely good and that it wished to maintain that record. As a consequence it has put procedures and processes in place, including retaining control of what is on the ‘white list’ and any new additions to it, to prevent a repeat of this incident.

Decision

Ofcom welcomes the broadcaster’s swift response to this incident, apology and introduction of enhanced compliance procedures to help prevent any recurrence. It also noted the action taken by Active Loop.

However, it is a licensee’s responsibility to ensure compliance with the Broadcasting Code (“the Code”). Rule 1.14 states that, “The most offensive language must not be broadcast before the watershed”. Rule 1.16 of the Code states that “Offensive

language must not be broadcast before the watershed...unless it is justified by the context". On this occasion what is considered to be the most offensive language ("*cunt*") and two other examples of language considered offensive were broadcast in the afternoon at a time when it was likely a number of children would be watching, some of them unaccompanied by an adult. Ofcom also notes that this pop music channel is aimed at a younger audience. There was therefore a breach of Rules 1.14 and 1.16.

Breach of Rules 1.14 and 1.16

Advertisement for City and County of Swansea *Swansea Sound (South West Wales), 12 February 2007, 11:46*

Introduction

An advertisement about *“the future of Council homes and the housing service in Swansea”* concerned the consultation of Swansea Council tenants on *“whether homes should transfer to a new housing organisation.”* It listed *“the top ten transfer facts you need to know.”*

A listener believed the advertisement required approval for broadcast by the Radio Advertising Clearance Centre (RACC), which he claimed had not been obtained.

Section 1, Rule 4.6 of the BCAP Radio Advertising Standards Code (“the BCAP Code”)¹, requires certain categories of advertisements, which includes Council campaigns, to be approved for broadcast by the RACC. Ofcom sought confirmation from Swansea Sound of the advertisement’s appropriate clearance. We added that, if the advertisement had not been approved by the RACC, it must be withdrawn from air immediately and not broadcast again until clearance had been obtained.

Response

Swansea Sound said that this advertising campaign had ended. It admitted that RACC clearance had not been sought, adding that the advertising agency concerned had told it that “the legal department in Swansea Council had already vetted and cleared the advertisement.” However, the broadcaster assured us that it would seek RACC clearance for any future advertising by a Council.

Decision

We welcomed Swansea Sound’s assurance that it will obtain appropriate copy clearance for future Council advertising campaigns. In this case, however, an advertising agency had assured the broadcaster that the advertiser’s legal department had “vetted and cleared” the advertisement, which the broadcaster had accepted as adequate clearance for broadcast.

Commercial radio broadcasters are ultimately responsible for ensuring the compliance of advertising with the BCAP Code. Swansea Sound had failed to ensure that an advertisement for a Council had been appropriately cleared for broadcast, in breach of Section 1 Rule 4.6 of the BCAP Code.

Breach of Section 1 (Advertisements), Rule 4.6 (Central Copy Clearance) of the BCAP Code

¹ The Broadcast Committee of Advertising Practice (BCAP) Radio Advertising Standards Code (“the BCAP Code”) is maintained and administered by BCAP and the Advertising Standards Authority (ASA) under the terms of the co-regulatory agreement between Ofcom and these two bodies. Political advertising is prohibited under the terms of section 321 of the Communications Act 2003 and by Section 2 Rule 15 of the BCAP Code. While the political advertising rules reside in the BCAP Code, Ofcom remains responsible for their enforcement. This complaint was therefore referred to Ofcom by the ASA, potentially for consideration under Section 2 Rule 15 of the BCAP Code.

Not Upheld

The Brits

ITV1, 14 February 2007, 20:00

Introduction

The Brits is an annual music awards ceremony broadcast on ITV1. 262 viewers complained about comments and jokes made by the programme's host, Russell Brand, about intimate parts of the human body, drugs, Iraq, the Queen and Robbie Williams.

Ofcom requested a statement from ITV1, with specific regard to two jokes made by Russell Brand about drugs and intimate parts of the human body, in relation to Rules 1.3 (children must be protected by appropriate scheduling) and Rule 1.10 (no condoning, encouraging or glamorising the use of illegal drugs in pre-watershed programmes).

Ofcom did not consider that other comments and jokes complained of in the programme warranted further investigation, judging that they were justified in the context of what was a rock and pop event aimed at a primarily youth audience.

Response

ITV responded that *The Brits* is a long established music awards ceremony broadcast annually and that the presenter this year, Russell Brand, is a popular comedian and presenter known for his flamboyant persona. The broadcaster added that most viewers would have been familiar with his style of humour and would expect him to be "edgy" and "provocative".

It continued that the decision to broadcast the programme live at 20:00 presented a challenge to ensure rigorous compliance procedures. Adopting a short 30 second time delay, ITV considered that this allowed them to edit any unsuitable comments or strong language used by performers or award winners.

Russell Brand said the following during the programme:

"Let's send actual love to Robbie Williams...get well England's Rose. One day at a time old bean...Oh them bloody drugs. Curse them drugs they're everywhere. What about the rumours David Cameron smoked drugs as a schoolboy? What worries me most is that he dressed up as a schoolboy to do it, the pervert. Though perhaps, let's not condemn him regardless. Who among us didn't smoke just a little bit of weed at school, just to take the edge off those irksome crack come-downs? Actually, as it turns out, it's about as good an anti-drugs campaign as you're going to get, don't take drugs you might end up leader of the Tories with a face like a little painted egg".

ITV commented that at the time of broadcast Robbie Williams had just received widespread coverage in the news media for admitting himself to a drugs rehabilitation clinic. Such references in the programme to drugs were therefore editorially justified because they were used as part of a satirical joke at the expense of David Cameron who was, at the time, also under intense press scrutiny over allegations that he had used drugs during his schooldays.

ITV considered that these “hyperbolic” comments did not glamorise, condone or encourage drug abuse, and its ironic conclusion was that the Cameron allegations were in fact a good anti-drugs message. They concluded that the reference to “crack” was clearly ironic and did not seriously suggest that children take drugs at school, nor would it have encouraged younger viewers to do so.

Russell Brand also made the following statement: “...time to find out who has pierced the hymen of awareness to ejaculate success into the uterus of popular culture”. ITV said that whilst this was “clearly a reference to sexual activity, it believed it was appropriately and sufficiently limited and inexplicit”. It added that the description was “essentially abstract, and employed anatomical rather than colloquial terms in an elaborate comic metaphor which many younger viewers would not have understood”.

ITV concluded its response to Ofcom by stating that these comments were certainly not to everyone’s taste, and occasionally on the borders of acceptability for the time of transmission. In the context of the programme as a whole however these comments would not have exceeded the likely expectations of the audience for *The Brits* and were therefore not in breach of Rules 1.3 and 1.10 of the Code.

Decision

The live broadcast of any awards ceremony, and particularly one transmitted before the watershed which may contain offensive material, brings with it responsibilities for the broadcaster to ensure that it complies with the Code. ITV adopted a 30 second delay (on live proceedings) to ensure that this was the case and Ofcom acknowledges that the appropriate ‘bleeping’ of bad language by some award winners and contributors was handled effectively by ITV.

Rule 1.3 requires that children must be protected by appropriate scheduling. With regard to the two statements made by Russell Brand quoted above, Ofcom’s view is that on balance, and although on the margins of suitability, these comments and jokes were acceptable in the context of an established music awards ceremony where a certain amount of controversy was likely to be expected by the audience.

Ofcom also considers that the references made about popular culture by the presenter were sufficiently obscure to be beyond the comprehension of young children. While the comments certainly contained anatomical references, they were scripted in such a way as not to be overtly sexual and were therefore not in breach of the Code.

Rule 1.10 states that: “The use of illegal drugs...must not be condoned, encouraged or glamorised in...programmes broadcast before the watershed, unless there is editorial justification”. Ofcom considers that the comments made by Russell Brand regarding drugs would not have been understood by young children and therefore it had not been capable of encouraging or glamorising drug use. As regards older children and under-eighteens, our view is that, again although on the edge of acceptability, the comments were justified in the context of a humorous ‘tongue-in-cheek’ style expected at a music awards ceremony transmitted after 20:00. Importantly, the overall context of the comments made by the presenter was not that drugs were acceptable.

We understand that some viewers found the comments offensive, but on balance Ofcom has concluded there was no breach of the Code.

Not upheld

Resolved

Big Love trailer

Five Life, 8 February 2007, 18:45

Introduction

Five viewers complained about a scene in this trailer for a new drama series that featured a couple apparently having sex. The trailer was broadcast at the end of a commercial break during *Home & Away* and after a commercial for a children's comic.

Ofcom asked the broadcaster for its comments on the complaints in respect of Rules 1.3 (children must be protected from unsuitable material by appropriate scheduling), and 1.17 (no representations of sexual intercourse before the watershed) of the Broadcasting Code.

Response

Five said that the version of the trailer shown had been restricted from transmission during programmes likely to attract child audiences and therefore should not have been broadcast in the time slot when it was actually shown. An alternative twenty second version, suitable for daytime, had been prepared and should have been played out instead, but a mistake was made and the wrong version was broadcast in error.

The broadcaster said that it had reviewed its internal procedures and taken steps to reduce the risk of any similar mix-up happening again. It provided details of its improved compliance procedures to Ofcom, said it would make every endeavour in future to ensure such a mistake did not happen again and extended its apologies to the complainants.

Decision

Ofcom acknowledges that the trailer was shown in error and note that the scene in question was very brief, featured no nudity and was shown from a distance. In view of the improved procedures introduced by the broadcaster as a result of the complaint, we consider the matter resolved.

Resolved

Fairness and Privacy Cases

Upheld

Complaint by Mr A on his own behalf and on behalf of family members

Derry City Beat, BBC1 Northern Ireland, 3 November 2004

Summary: Ofcom has upheld a complaint of unwarranted infringement of privacy in the broadcast of an edition of *Derry City Beat* on BBC1 Northern Ireland on 3 November 2004.

The complainant in this case has requested anonymity.

Not Upheld

Complaint by Mr Michael Purdon (Solicitor) on behalf of Mr Allan Grimson

The Search for Simon Parkes, BBC2, 10 July 2005 and Crimewatch, BBC1, 5 October 2005

Summary: Ofcom has not upheld these complaints of unfair treatment about the above two programmes. *The Search For Simon Parkes*, broadcast on 10 July 2005 by BBC2, followed the police re-investigation into the disappearance and/or murder of Mr Simon Parkes. Part of this programme examined the possible involvement of Mr Allan Grimson who had served in the Royal Navy with Mr Parkes at the time of his disappearance in 1986. The *Crimewatch* programme, broadcast on 5 October 2006, included a short item which summarised the case and appealed for a person who had watched the earlier documentary and had contacted it with information afterwards to get in touch.

Mr Michael Purdon, Mr Grimson's solicitor, complained to Ofcom on behalf of Mr Grimson that he was treated unfairly in the programmes as broadcast in that: they unfairly implicated Mr Grimson in Mr Parkes' murder; the re-investigation was based on police speculation; they portrayed Mr Grimson as the prime suspect; he was not told the purpose or nature of them; he was not given an appropriate opportunity to respond to the claims made in the programmes; they failed to mention that he denied any involvement with Mr Parkes' disappearance; he was not treated in the same way as the other people suspected by the police; and, they included police video footage that was not relevant to the police re-investigation.

The Search For Simon Parkes

In relation to this programme, Ofcom's Fairness Committee found as follows:

- The Committee was satisfied that the programme fairly and objectively presented the police re-investigation and the belief of the investigating police officers that Mr Grimson was a prime suspect for Mr Parkes' disappearance and/or murder.
- The Committee considered that the programme makers had taken reasonable care to satisfy themselves that all the material facts had been taken into account and had dispassionately presented the police re-investigation, making clear how the police came to re-open the case, as well as the fact the police did not have sufficient evidence to charge Mr Grimson with Mr Parkes' murder.
- The Committee was satisfied that the programme accurately and fairly presented the other lines of inquiry that the police followed and the fact that their re-investigation led them back to Mr Grimson.
- The Committee considered that the programme makers had taken reasonable steps to provide Mr Grimson, through his solicitor Mr Purdon, with sufficient information about the content and nature of the programme. Mr Purdon had been given sufficient time and information in order to make further representations on behalf of his client and so, in the Committee's view Mr

Grimson had had an appropriate opportunity to present his views through his solicitor if not in person. Furthermore, the Committee considered that it was significant that the programme made it clear to viewers on four separate occasions that Mr Grimson denied any involvement in Mr Parkes' disappearance.

- The Committee considered that video footage of a police interview with Mr Grimson was treated responsibly in the programme and placed in context. It also noted that transcripts from the footage had been already read out in open court and that footage itself was fundamental to a programme which set out to follow the police re-investigation and to provide an understanding of why the police had begun to suspect Mr Grimson, and why their suspicions grew.

Crimewatch

In relation to this programme, Ofcom's Fairness Committee found as follows:

- The Committee was satisfied that the *Crimewatch* item presented a short and factual account of the earlier documentary. In these circumstances, the Committee considered that the programme did not assert that Mr Parkes was murdered or that Mr Grimson was responsible.
- The Committee did not assert that Mr Parkes was murdered or that Mr Grimson was responsible and so did not allege wrongdoing or incompetence nor make any other significant allegations about Mr Grimson to require him to be afforded an opportunity to respond to the programme. The Committee therefore found no unfairness to Mr Grimson in this respect.
- The Committee was satisfied that the programme had made it clear that Mr Grimson had categorically denied that he was involved in Mr Parkes' disappearance and viewers would have been left in no doubt about this. In these circumstances, since Mr Grimson's denial was included in the programme and the programme itself did not make any allegation of wrongdoing or incompetence nor make any other serious allegation about him, it was not incumbent on the programme makers to afford him an opportunity to respond. Therefore, the Committee found no unfairness to Mr Grimson in this respect.
- The Committee considered that the police video footage re-used in the *Crimewatch* programme was treated responsibly and put in context. It also considered that the footage was not accompanied by commentary other than the factual summary of the earlier programme retold for the purposes of an on-air appeal. In these circumstances, the Committee was satisfied that there was no unfairness to Mr Grimson in this respect.

In the circumstances, the Committee therefore found no unfairness to Mr Grimson in either programme as broadcast.

Introduction

The Search For Simon Parkes

On 10 July 2005, BBC2 broadcast *The Search for Simon Parkes*, a documentary programme that followed a team of detectives from the Hampshire Constabulary (“the police”) as they re-investigated the facts and events surrounding the disappearance of Mr Simon Parkes, a sailor in the Royal Navy, in Gibraltar on or around 12 December 1986. Although the police believed that he had been murdered, his body has never been found. The police had hoped that their re-investigation would put an end to the uncertainty around Mr Parkes’ disappearance and reveal the whereabouts of his body.

A large part of the programme looked at the possible involvement of one man, Mr Allan Grimson, whom the police believed to have been responsible for Mr Parkes’ disappearance and/or murder. Mr Grimson, a former Petty Officer in the Royal Navy, had served on the same ship - HMS *Illustrious* - in Gibraltar at the time of Mr Parkes’ disappearance. He had also admitted to the police in interviews having killed two young men, Mr Nicolas Wright, a sailor, on 12 December 1997 and Mr Sion Jenkins, another sailor, on 12 December 1998. The similarities between the date Mr Parkes was reported missing and the dates the two men were murdered led the police to investigate whether or not Mr Grimson might have been involved in Mr Parkes’ disappearance. Mr Grimson steadfastly denied that he was in any way involved in Mr Parkes’ disappearance or that he had murdered him. The programme also referred to other lines of inquiry that the police were following.

Mr Grimson was referred to a number of times in the programme and still photographs of him were shown. Police interview footage taken in 1999 of Mr Grimson being questioned about the murder of Mr Wright and Mr Jenkins was also included in the programme.

On 29 June 2005, Ms Karen Wightman, a producer for the programme, wrote to Mr Grimson at HMP Frankland to inform him of the time and date it was planned the programme was scheduled to be transmitted. The letter also informed him that he was referred in the programme on “*several occasions*”. On 6 July 2005, Ms Wightman received an email from Mr Michael Purdon, Mr Grimson’s solicitor.

This thanked her for an earlier email she had sent to him that outlined the detail of the programme and asked further questions about the content of the programme. He said that he would be visiting Mr Grimson on the following day (7 July 2005) and that he sought to discuss with him the issues to be raised by the programme. Between 6 and 8 July 2005, a total of nine emails passed between Mr Purdon and the BBC.

Crimewatch

On 5 October 2005, BBC1 broadcast an edition of *Crimewatch*, which included a short item in which an appeal was made for a person who had called the BBC’s confidential ‘actionline’ after the broadcast on 10 July 2005 of a BBC documentary entitled *The Search for Simon Parkes*. This documentary had followed a team of detectives from Hampshire Constabulary as they re-investigated the facts and events surrounding the disappearance in Gibraltar in 1986 of Mr Simon Parkes, a sailor in the Royal Navy. Despite a search of the island, Mr Parkes’ body was not found and it failed to establish what had actually happened to him.

The core of the re-investigation featured in the documentary centred around Mr Allan Grimson, a former Petty Officer in the Royal Navy, who had admitted to killing two young men, Mr Nicolas Wright, a sailor, on 12 December 1997 and Mr Sion Jenkins on 12 December 1998. The link between the date Mr Parkes was reported missing and the date the two men were murdered caused the police to question whether Mr

Grimson had been involved in Mr Parkes' disappearance. Both Mr Parkes and Mr Grimson had served on HMS *Illustrious* in 1986 and had been in Gibraltar together at the time of Mr Parkes' disappearance. Mr Grimson had strenuously denied that he was in any way involved in Mr Parkes' disappearance or that he had murdered him.

The *Crimewatch* programme summarised the documentary and referred to the connection between Mr Parkes and Mr Grimson. One of the programme's presenters, Mr Nick Ross, stated that:

"They both served on HMS Illustrious together; they were seen together on that night"

and that Mr Parkes had disappeared on the same date (12 December) that Mr Wright and Mr Jenkins had been murdered. Mr Ross immediately stated after this comment that Mr Grimson *"categorically denied being involved in Simon's disappearance"*.

Mr Michael Purdon, Solicitor, complained to Ofcom on Mr Grimson's behalf that he was treated unfairly in both *The Search for Simon Parkes* and the *Crimewatch* programmes. Mr Purdon's combined complaint comprised of several heads that covered both programmes. In a letter to Ofcom dated 20 March 2006, Mr Purdon explained that Mr Grimson's complaint about both programmes should be considered together as both programmes formed a *"continuum of cause for complaint"*. Mr Purdon said that the issues that arose from the earlier documentary programme were exacerbated by the *Crimewatch* programme. It was for this reason, and the close connectivity between the issues, that the two programmes should, in Mr Purdon's view, be considered together.

Having given careful consideration to Mr Purdon's representations in submitting a joint complaint as described above, Ofcom decided that it was more appropriate to consider the complaints about each programme separately. This was consistent with its approach to adjudicating on fairness and privacy complaints. It also took into consideration the nature and format of each programme, one being a documentary, the other being a fact-based forum appealing for information from the general public. A summary of the complaint and the submissions Ofcom received, together with the Committee's decision in relation to both programmes, is set out below.

The Complaint

Mr Purdon's case made on Mr Grimson's behalf about the two programmes

In summary, Mr Purdon complained on Mr Grimson's behalf that:

- a) The programme unfairly implicated Mr Grimson in the murder of Mr Parkes.
- b) The decision to investigate Mr Grimson was nothing but pure speculation on behalf of the police. After five years of suspecting Mr Grimson of Mr Parkes' murder, the police decided to not to prosecute him since they had insufficient evidence.
- c) Although the programme briefly acknowledged that there were other people suspected of Mr Parkes' murder, it portrayed Mr Grimson as the prime suspect and "glossed over" the other possible suspects. The programme suggested to the public that Mr Grimson was guilty of the disappearance and/or murder of Mr Parkes, despite his denial and the lack of evidence against him.

- d) Although Mr Grimson was asked whether or not he wanted to contribute to the programme by a “forensic psychologist” working for the police, he was not told the purpose or nature of the programme, nor was he able to give any kind of ‘informed consent’. In fact, Mr Grimson gave no consent.
- e) Mr Grimson was only informed about the programme “some four days” before it was first broadcast. He was therefore denied the opportunity to seek legal advice and to prepare a timely response to the claims to be made in the programme. Although Mr Grimson was offered some opportunity, it was not proportionate and inadequate in light of the extreme seriousness of the assertions contained in the programme.
- f) The programme failed to mention that Mr Grimson had always denied any involvement in the disappearance and/or murder of Mr Parkes. It was unfair of the programme not to have given him a chance to draft a response to the allegation to be aired during or following the programme.
- g) The programme did not treat Mr Grimson in the same way as others suspected of being involved with Mr Parkes’ disappearance, for example, a taxi driver who had had an altercation with Mr Parkes and who had allegedly admitted to a friend that he had been responsible for the death of a British sailor around the time of Mr Parkes’ disappearance. Although the taxi driver was no longer alive, Mr Grimson said that the taxi driver’s involvement was only very briefly discussed, and whilst the programme contained detailed references to Mr Grimson, the fact that the taxi driver had been a potential suspect at one time was “glossed over”.
- h) The programme included police interview footage of Mr Grimson which was taken in 1999 during the investigation into the murders of Mr Wright and Mr Jenkins, to which he had admitted and pleaded guilty. It was of no relevance, therefore, to include this footage in relation to the investigation into the disappearance and/or murder of Mr Parkes.

The BBC’s case in response to the complaint about both programmes

In summary and in response to the specific heads of complaint, the BBC said that:

- a) Mr Parkes had disappeared on 12 December 1986 and that the case had been re-opened as a direct result of Mr Grimson’s confession to the murders of teenage sailor Mr Wright on 12 December 1997 and another teenager, Mr Jenkins, on 12 December 1998. According to the BBC, Mr Grimson became the police’s prime suspect as a result of: the 12 December connection; the fact that both Mr Parkes and Mr Grimson had been serving on board HMS Illustrious in 1986; and, because both had been on shore leave in Gibraltar when Mr Parkes disappeared.

The murders of Mr Wright and Mr Jenkins were, by Mr Grimson’s own account, brutal. The BBC said that he had gone on to tell police that if he had not been in police custody he would probably have murdered again. The nature and detail of Mr Grimson’s confessions provided reasonable grounds to suspect him of being involved in the disappearance of Mr Parkes, and this was fairly reflected in the film.

The BBC said that during the course of the investigation into Mr Parkes’ disappearance, the police had asked Mr Grimson on several occasions whether

or not he had murdered Mr Parkes. His denials were fairly and accurately included in the programme (see also (f) below).

- b) The decision to investigate Mr Grimson for the murder of Mr Parkes was made by the police. The decision to follow that investigation was made by the BBC. Nevertheless, the police decision was based on strong circumstantial evidence which, in their view, strengthened as the investigation progressed.

The BBC said that when Mr Wright went missing in 1997, Mr Grimson had been questioned by military police but had lied to them in order to keep himself out of the investigation. His lies were discovered two years later when detectives reopened Mr Wright's missing person file.

At the time of Mr Wright's murder, Mr Grimson was an instructor at the Royal Navy firefighting school in Portsmouth. Mr Wright had been one of his students. During Mr Grimson's police interviews he not only confessed to the murders of Mr Wright and Mr Jenkins but he also gave detectives a detailed insight into his thoughts and feelings. Mr Grimson told the police he would look at a class of young sailors in front of him and think "*You are the one I want to do this to*" (that is, kill him). He said he would make his selection based on youth, build and attractiveness to him.

The BBC said that Mr Grimson had also told detectives in interview that, from early on in his naval career (he joined in 1978), he held the opinion that, if you wanted to rape someone, the best way to get away with it would be to kill them. He described incidents when he had taken young men, some sailors, back to his flat and that, on a couple of occasions, he had wanted to kill them but had been prevented from doing so for a variety of reasons. The BBC said that Mr Grimson had described to the police of being frustrated with "*this lost opportunity*". The detectives had also recovered a diary from Mr Grimson's flat in which he described being on duty on HMS Bristol. He wrote that he had gone into the cadets' mess and had molested the young men. He wrote that he wanted to do more but had decided to go to bed.

The BBC said that when the police discovered that Mr Parkes had disappeared on 12 December 1986 and that both he and Mr Grimson had been serving together on board HMS Illustrious at the time, they had felt that they had more than reasonable grounds for suspecting that Mr Grimson might have been involved. Mr Parkes was young, slim and attractive and he fitted exactly the victim profile detailed by Mr Grimson himself.

The BBC said that the police interview footage of Mr Grimson taken in 1999 in connection with the murders of Mr Wright and Mr Jenkins was studied by a leading forensic psychologist who told detectives that Mr Grimson was one of the most dangerous offenders he had ever come across. It was his professional opinion that Mr Wright would not have been Mr Grimson's first victim.

Also, police interviews with sailors serving on board HMS Illustrious in 1986 revealed that Mr Grimson had been seen drinking in the same pub as Mr Parkes on the night he went missing. Another witness had told them that, later the same night, he had left a Gibraltar bar with Mr Grimson to find a young sailor waiting outside who fitted Mr Parkes' description. The three men had then walked back to HMS Illustrious together, but that only he had gone back on board. He said Mr Grimson and the young sailor walked away from the ship. Interviewed thirteen years after Mr Parkes' disappearance, the witness had said that the young man

had looked like Mr Parkes but that he could not identify him with 100 per cent certainty.

The BBC said that during a police visit to Mr Grimson after he was imprisoned for murdering Mr Wright and Mr Jenkins, Mr Grimson had told one detective that he thought he might be involved. According to Detective Constable Terry Fitzjohn, Mr Grimson said:

"I sometimes think, well did I do it, have I done this? Did I go out, get drunk that night and did I do it and I can't remember?"

The BBC said that detectives also had information that Mr Grimson had himself claimed responsibility for a string of murders, committed annually over a ten to twelve year period and which had begun when he was spurned by a young sailor. Mr Grimson admitted, during a police interview, to having been jilted by a young sailor but then, after a pause of about twenty seconds, changed his mind and withdrew his admission. The police believed that Mr Parkes was the young sailor in question, that he had rejected Mr Grimson's advances, as Mr Wright had done, and that he had been murdered as a result.

The case demonstrated the difficulties the police faced when they re-investigated old cases, especially those where forensic evidence no longer existed. The BBC said that the police had put their case together, based on strong circumstantial evidence, and it was assessed by the Attorney General of Gibraltar. It was the programme makers' understanding that the Attorney General would have allowed the case, based on circumstantial evidence alone, to proceed to court had the police witness referred to above had been able to conclusively identify the young sailor he saw walking away with Mr Grimson as being Mr Parkes.

- c) The BBC said that programme followed the police re-investigation into the disappearance of Mr Parkes and reflected the police view of the evidence. As soon as detectives discovered that Mr Parkes had disappeared on the same day of the year that Mr Grimson had murdered both Mr Wright and Mr Jenkins, he became their prime suspect. As the investigation continued and more evidence came to light, that view strengthened and this was reflected in the programme. Although Mr Grimson was the police's main suspect, they had received information about two other lines of inquiry which were not related to him. Both pieces of information, which centred on a possible sighting of Mr Parkes in an area of Gibraltar called South Barracks, were re-investigated by the police and were reported in the programme.

The police had established that a taxi driver had claimed that he had picked Mr Parkes up and taken him to South Barracks, which had been an army base in 1986. Fifteen years later, when the police returned to Gibraltar to re-investigate the case, they had spoken to a woman who had claimed that she had been told by a taxi driver that Mr Parkes had been killed in a row over a taxi fare. The Police had interviewed the taxi driver but he denied the story and he died of a heart attack a few weeks later. The female witness also claimed that the taxi driver had told her that the young sailor had been buried in an area of ground at South Barracks. The police searched the area, using a variety of forensic archaeological methods, but found no sign of human remains.

The detective team could not understand why Mr Parkes would want to go to South Barracks since it was some distance from where HMS Illustrious was berthed. But in view of the suggestion that he had found himself there, the police

investigated a further suggestion that he might have been killed by a soldier in revenge for the death of another soldier, allegedly at the hands of a sailor. The detective team traced and interviewed soldiers stationed at South Barracks in 1986 and found no evidence to substantiate the revenge attack theory.

The BBC said that although both South Barracks lines of inquiry had looked initially promising, neither had proved productive, and the later discovery of the possible sighting of Mr Parkes with Mr Grimson (see (b) above) led the team back to him. The Police had put this to Mr Grimson during one of a series of police interviews about Mr Parkes' disappearance. Mr Grimson denied walking away from HMS Illustrious with the young sailor, and this denial was reported in the programme.

The police file on the Simon Parkes case is still open and Mr Grimson remains the police's prime suspect.

- d) The BBC said that the forensic psychologist to whom the complaint made on Mr Grimson's behalf referred was not asked by the BBC or the police to speak to him about participation in the film. In fact, the police had asked the programme makers not to contact Mr Grimson, his family or associates, for fear that any contact might jeopardise their inquiries and any subsequent interviews with him. This request, made for sound operational reasons, became a condition of filming during this lengthy police re-investigation. In these unusual circumstances, the BBC said that it would have been irresponsible, and therefore not in the public interest, to ignore it.

Since the programme makers had felt unable to contact Mr Grimson directly, the programme included his denial of having any involvement in the disappearance and/or murder of Mr Parkes on four separate occasions (see (f) below).

- e) Mr Grimson was able to seek legal advice prior to broadcast of the programme. A letter dated 29 June 2005 was submitted to Ofcom by the BBC, along with its written statement in response to the complaint. The letter sent by Ms Wightman was addressed to Mr Grimson at HMP Frankland. It informed him of the transmission details of the programme and that it would be referring to him on several occasions. A number of emails (provided to Ofcom by the BBC) were also exchanged between Ms Wightman and Mr Purdon, Mr Grimson's solicitor, on 6 and 7 July 2005. In these emails, Ms Wightman provided Mr Purdon with more detail about the programme's content. She referred to the police re-investigation into whether or not there was a connection between Mr Parkes' disappearance and the murders of the two men that Mr Grimson had confessed to. In reply, Mr Purdon asked Ms Wightman whether or not the BBC intended to use any of the footage taken by the police during interviews with Mr Grimson about Mr Parkes' disappearance.

The BBC said that Mr Purdon had contacted the BBC's Programme Legal Advice department ahead of broadcast. He said that he had visited his client on 7 July 2005. He also said that he would be seeking an injunction to prevent broadcast of the programme. However, Mr Purdon did not proceed with this.

Although the BBC did not directly contact Mr Grimson during the making of the film for the reasons previously stated (see (d) above), the programme makers made arrangements with both his solicitor and a police prison liaison officer to inform Mr Grimson, in writing, about the broadcast five days before transmission.

f) The programme included four separate instances in which it was made clear that Mr Grimson denied being involved in the murder of Mr Parkes:

i) Mr Grimson was asked about the disappearance of Mr Parkes after the police interviews during which he had confessed to the murders of Mr Wright and Mr Jenkins. Mr Grimson denied being involved and this was reported in the programme:

“Grimson denied being involved in Simon’s disappearance but detectives decided to reopen the case. They needed to know how often he had killed and why he chose 12 December.”

ii) Mr Grimson was asked again by the police about the disappearance of Mr Parkes immediately after he was convicted of murdering Mr Wright and Mr Jenkins. His denial was included in the programme:

“At 5.30 the same day Grimson is sentenced. Within minutes DCs Neil Cunningham and Terry Fitzjohn see him in the court cell block. They ask him about the disappearance of Simon Parkes in Gibraltar but he denies being involved.”

iii) In 2002, Mr Grimson was interviewed at length and under caution about the murder of Mr Parkes. A detective read to Mr Grimson a victim impact statement from Mr and Mrs Parkes and the programme reported Mr Grimson’s response to it:

Commentary: “We can’t broadcast Allan Grimson’s voice during this interview but we can tell you what he says: Grimson tells the detectives he feels sorry for Margaret and David Parkes and wishes that he could help but denies having anything to do with their son’s disappearance.”

iv) A detective also put to Mr Grimson the statement of the witness who claimed he had walked back to HMS Illustrious on the night Mr Parkes went missing with Mr Grimson and a young sailor who looked like Mr Parkes. The witness had said that he had gone back on board while Mr Grimson and the young sailor walked away from the ship:

Voice of policeman: “He is saying you were with a young sailor, that’s what he’s saying, so if that young sailor is somebody that you’ve met, chatted up or whatever? Where would you have gone then?”

Commentary: “John Ashworth is convinced the young sailor is Simon Parkes but Grimson denies being with him that night. He tells the detectives he can’t remember walking back to HMS Illustrious but claims he wouldn’t have returned to the ship only to leave again.”

There were, however, two occasions during the re-investigation when Mr Grimson responded rather differently. As the investigation continued, Mr Grimson was visited in prison by detectives. On one such occasion he had told them he thought that he might have been involved in the murder of Mr Parkes. Detective Constable Terry Fitzjohn reported the conversation that he had had with Mr Grimson:

“He did say to us the first time we went to see him a couple of weeks ago, I’ve been thinking about it, he said I knew you were going to question me about it at some stage, he said, and I sometimes think, well did I do it, have I done this? Did I go out, get drunk that night and did I do it and I can’t remember?”

The police then confronted Mr Grimson with information that they had received that he had confessed to a string of murders committed every year for ten or twelve years and which began when his sexual advances towards a young sailor were rejected:

Voice of policeman: “... then says you discussed you were jilted by a boy sailor some time earlier in December and this remained your motivation. Ever been jilted by a young male sailor?”

Commentary: “Grimson admits to being jilted and the detectives think this may be a breakthrough. Then after a pause which lasts for more than twenty seconds Grimson changes his mind. But the police believe that Simon Parkes did reject Grimson and he was murdered because of it. They also think Grimson has been targeting similar looking young men ever since. Detectives have investigated several cases of indecent assault and the rape of a young sailor.”

Voice of policeman: “These are all young men, all fairly slim build, generally speaking vulnerable type personalities. Would you agree Simon Parkes fits into that category?”

Commentary: “Grimson agrees.”

Voice of policeman: “So what we’re saying we think he fits the kind of person you find attractive, there’s this connection with the dates, he fits the description of the person last seen with you.”

Commentary: “At this point Grimson’s solicitor intervenes to question the precise time Simon was last seen before he disappeared.”

- g) The BBC said that the case of the disappearance of Mr Parkes was only re-opened by the police because Mr Grimson confessed to murdering Mr Wright and Mr Jenkins on 12 December 1997 and 1998 respectively. He was, from the outset, their prime suspect and he remained so throughout the course of the re-investigation. While other lines of inquiry were pursued, they yielded nothing to alter the police’s belief that Mr Grimson had murdered Mr Parkes, despite his denials.

This view, which is still held by the police today, was accurately and proportionately reflected in the programme. Its treatment of other potential suspects reflected the poverty of evidence yielded by the other lines of inquiry.

- h) The BBC reiterated that Mr Grimson’s confessions to the murders of Mr Wright and Mr Jenkins were the catalyst for the re-investigation of the disappearance of Mr Parkes.

When Mr Grimson was arrested in 1999 on suspicion of the murder of Mr Wright, the police were completely unprepared for the confession that followed, both in

terms of its detail and the brutality of the crime. They were even more unprepared for Mr Grimson's second confession to murder (that of Mr Jenkins).

Only those sections of the police interviews that were read in open court during Mr Grimson's trial were used in the programme. According to Mr Grimson's own testimony, he had killed in order to gain power over his victims and had wanted to exact some sort of revenge for them being better looking than him. He had described selecting, and then befriending, potential victims from the classes of young sailors he taught in Portsmouth.

The police thought that Mr Grimson was a man capable of committing many murders and that he was capable of being a serial killer. They had sought the advice of a leading forensic psychologist, who (as already noted in d) above) had given his opinion that Mr Wright was not Mr Grimson's first victim.

For all these reasons, the BBC said that the excerpts from the interviews were included in the programme. Far from being irrelevant, the interview footage had provided the police with a detailed insight into the mind of a self-confessed killer and a man they had reasonable grounds for suspecting had murdered Mr Parkes.

Mr Purdon's comments made on Mr Grimson's behalf

In response to the BBC's statement, Mr Purdon's response, in summary, was as follows:

- a) Mr Purdon made no further relevant comments on this point.
- b) Mr Purdon said that the statement that Mr Grimson had told the police that from the earliest days of his naval career he believed that the best way to get away with raping someone would be to kill them was a misrepresentation of what Mr Grimson had said in interview. It unfairly depicted him as having lifelong criminal tendencies. Although Mr Grimson admitted that he held such an opinion, he disputed that he formed it early on in his naval career. Mr Purdon also said that the BBC's statement that Mr Grimson had been frustrated with "*this lost opportunity*" gave the misrepresented impression that he was frustrated because he had lost the opportunity to kill whereas it was, in fact, the lost opportunity of engaging in sexual intercourse that was the cause of the frustration he had felt.

Mr Purdon said that the BBC's statement referred to indecent photographs of two young men when police searched Mr Grimson's flat and that both men had alleged that they had been sexually assaulted. Also, Mr Grimson had told detectives that when one of the young men had asked him to stop touching him, he had felt anger building up and said that if people had not known that the young man was staying with him he probably would have killed him. Mr Purdon said that this information was inaccurate. It was not mentioned in the prosecution counsel's statement of opening facts at the trial and it was unfair to put these facts forward in the programme since to do so misrepresented that it was part of the case against Mr Grimson.

Mr Purdon said that the information contained in the BBC's statement about Mr Grimson molesting cadets on HMS Bristol was inaccurate. This information was not mentioned in prosecution counsel's statement of opening facts at the trial and

that it was unfair to put these facts forward in the programme since it misrepresented the case against Mr Grimson.

Mr Purdon said that the BBC's statement that there was a witness who claimed to have seen Mr Grimson and someone who looked like Mr Parkes walking away from HMS Illustrious misrepresented the facts in that it strongly suggested that Mr Parkes was present as described. The way this matter was put in the programme was unfair to Mr Grimson in that it did not mention that the witness admitted to being drunk, had no clear knowledge of where he was at the material times and did not identify the sailor as Mr Parkes. The programme further misrepresented the true position in that it suggested that the witness, although not certain, was virtually certain. It failed to point out that the authorities in Gibraltar decided not to prosecute Mr Grimson for the reason that the witness could not identify the sailor as being Mr Parkes at all.

Mr Purdon said that the BBC's statement that Mr Grimson had admitted to the police during interview that he had been jilted by a sailor, but then had changed his mind, was inaccurate. Mr Grimson had no recollection of making such a statement to the police.

Mr Purdon said that the BBC's statement - that the Attorney General of Gibraltar would have allowed the case to proceed to trial had the police witness been able to conclusively identify Mr Parkes as the young sailor walking with Mr Grimson - was unfair to him. It misled the general public "into a bias" against Mr Grimson and appeared to be a justification for the broadcast. It misled the public into thinking there was a strong case against Mr Grimson apart from the identification evidence.

- c) Mr Purdon said that the police theory that the date 12 December had some "criminogenic" significance was bizarre and misled the public "into a bias" against Mr Grimson. There was no proof that Mr Parkes disappeared on the 12 December; in fact, Mr Parkes failed to report for duty on the day of sailing which was after the 12 December. To assert that he disappeared on the 12 December, therefore had no foundation. Although it was correct that Mr Wright was killed on or about the 12 December, the date of the death of Mr Jenkins was not known. Mr Grimson disputed the theory that he was jilted by Mr Parkes on the 12 December. There was no evidence whatever to suggest that Mr Grimson had had a relationship with Mr Parkes.

With regards to the evidence of the female witness referred to in the programme, Mr Purdon said *that "Mr Grimson recalls that the female witness gave a statement that the taxi driver had told her that he had killed and buried Mr Parkes. The taxi driver denied killing Mr Parkes"*. However, Mr Purdon said that the taxi driver was dismissed far too easily as a suspect despite the admission to the female witness. This overall picture was not portrayed in the programme which resulted in an imbalance in the way that the programme was presented and made it more likely to mislead the public into believing that Mr Grimson was the only one worthy of suspicion.

- d) Mr Purdon made no further relevant comments on this point.
- e) Mr Purdon said that Mr Grimson was informed three working days before the transmission of the programme. This was insufficient time for him to seek legal advice.

- f) Mr Purdon made no further relevant comments on this point.
- g) Mr Purdon made no further relevant comments on this point.
- h) Mr Purdon said that it was misleading of the BBC to assert that only sections of the interviews which were read in open court were used in the programme. At the trial, sections of interview in relation to the offences against Mr Wright and Mr Jenkins were read out. The transcript included sections of interviews with Mr Grimson which were carried out after his trial. It was unfortunate that matters which were not thought sufficient to justify further questioning or charge were broadcast to support the police view that Mr Grimson was responsible for the disappearance of Mr Parkes.

The BBC's final comments

The BBC said that its first statement included background information in order to illustrate further the strong police case against Mr Grimson which the BBC felt was in the public interest to record and broadcast. In relation to Mr Purdon's response to the BBC's statement, it said that he appeared to confuse this background information with the actual broadcast contents of the programme, which is all that Ofcom is asked to form a view on. Also, the BBC said that although the programme referred to the murders of Mr Wright and Mr Jenkins, the programme was an observational documentary which followed the police re-investigation into the disappearance and/or murder of Mr Parkes and other crimes.

In response to Mr Purdon's comments on specific heads of complaint, the BBC responded as summarised in the following paragraphs:

- a) The BBC made no further relevant comments on this point.
- b) The BBC said that Mr Grimson may now dispute that he held this opinion early on in his naval career, but during the police interviews which took place in December 1999 he had told detectives that he held this view and that he had held it from very early on in his naval career. Also, it was clear from the interviews that Mr Grimson was referring to the loss of opportunity to kill rather than the loss of opportunity to engage in sexual intercourse.

The information about Mr Grimson's general attitude to murder was not included in the programme but was communicated to the programme makers as background, in order to give further context to the police view that Mr Grimson not only murdered Mr Wright and Mr Jenkins, but also Mr Parkes.

The BBC said that the information used in its first statement was accurate. Mr Purdon was mistaken in suggesting it was included in the programme, it was not. At the time the film was being made, the police were investigating Mr Grimson not only for murder but also for rape and indecent assault and this fact was reported in the programme. However, it was never represented in the programme as part of prosecuting counsel's opening statement during Mr Grimson's trial for the murders of Mr Wright and Mr Jenkins. The issue of what was in the prosecution's opening statement was, in any case, immaterial since the programme was about the suspected murder of Mr Parkes and other crimes of violence that the police suspected that Mr Grimson had committed.

The BBC said that the information in its statement relating to the incidents on board HMS Bristol was accurate and that it formed part of Mr Grimson's original

police interviews in 1999. The programme makers were told about this as background information and as a further illustration of what the police believed was Mr Grimson's unhealthy interest in young/young-looking men. However, this information was not included in the programme, other than to say that police were investigating Mr Grimson for indecent assault. Furthermore, and as was previously stated, the BBC said that the issue of what was in the prosecution's opening statement was immaterial.

The BBC said that the programme made four references to the evidence of the witness referred to above. It should be noted that the first reference included two statements that the witness had been drinking on the night in question, and that he was unsure as to all the bars he had visited but that he was certain about the last and most important venue, the Hole in the Wall club.

The BBC said that all four references represented accurately the fact that the witness in question thought that the young sailor he had seen with Mr Grimson had looked like Mr Parkes but that he could not be sure. The third reference detailed Mr Grimson's denial of the witness's recollection of events on the night in question. The programme also reported that the Attorney General of Gibraltar had refused to prosecute Mr Grimson on the evidence presented to him by the Royal Gibraltar Police.

In relation to the point that Mr Grimson had admitted that he had once been jilted by a young sailor, the BBC said that the programme makers had been told during Mr Grimson's police interviews in April 2002 that he had been asked about information obtained concerning alleged admissions made by him. It was the programme makers' understanding that Mr Grimson and his then solicitor, had been shown a police report that detailed the alleged admissions before Mr Grimson was questioned by the police about them. Mr Grimson had admitted to having been jilted on several occasions before changing his mind, and the programme was factually accurate in reporting this.

The BBC emphasised that the statement to which Mr Purdon responded (that the Attorney General of Gibraltar would have sent the case to trial if the police witness could have positively identified the young sailor seen with Mr Grimson as Mr Parkes) was contained within the BBC's first response to his client's complaint to Ofcom, not in the programme. It could not therefore have misled "the general public". The BBC said that the point it made was that the programme makers had understood that the Attorney General of Gibraltar would have allowed the case to proceed to trial based on circumstantial evidence alone, had the police witness been able to identify more conclusively that the young sailor seen with Mr Grimson on the night of Mr Parkes' disappearance was, in fact, Mr Parkes.

- c) The BBC said that Mr Wright had disappeared on 12 December 1997 and that Mr Grimson had admitted to killing him. The police also strongly believed that Mr Jenkins had also disappeared on 12 December 1998 and it was a fact that Mr Grimson had admitted to killing him also. Mr Parkes had gone on shore leave in Gibraltar on 12 December 1986 and has never been seen since. The BBC said that the programme did not assert that Mr Grimson had had "a relationship" with Mr Parkes, but that Mr Grimson had told police that he had recognised Mr Parkes on board the ship. The issue of Mr Grimson having "a relationship" with Mr Parkes was immaterial as it can hardly be said that he had had relationships with Mr Wright and Mr Jenkins. The programme reported the strongly-held belief of the police that Mr Parkes had rejected Mr Grimson's advances and was killed because of it. It also reported accurately Mr Grimson's equivocal denial about

having been jilted by a young male sailor in December, some time before he murdered Mr Wright and Mr Jenkins.

The BBC said that Mr Grimson's recollection of the statement given to police by the female witness was incorrect. The taxi driver to whom she had referred did not tell her he had killed and buried Mr Parkes, neither did he point the finger of blame at any other specifically named taxi driver. It also remained the case that the police had a witness who said he and Mr Grimson walked back to HMS Illustrious with a young sailor who looked like Mr Parkes some time after the alleged sighting of Mr Parkes at South Barracks.

- d) The BBC made no further relevant comments on this point.
- e) The BBC said that Mr Purdon had already made this point (although he had revised the number of days from four in his original complaint to three in their comments in response) and that the BBC had already responded in its first statement in response. It was clear from Mr Purdon's own correspondence with the BBC's Programme Legal Advice Department before the broadcast of the programme that his client did have time to seek legal advice, because that was what he had done.
- f) The BBC made no further relevant comments on this point.
- g) The BBC made no further relevant comments on this point.
- h) The BBC said that this section of the BBC's first statement in response to the complaint clearly referred to the broadcast of Mr Grimson's comments, including his confession in police interviews before his trial to murdering Mr Wright and Mr Jenkins. Mr Purdon complained that "*matters which were not thought sufficient to justify further questioning*" were included in the programme. However, Mr Grimson was questioned further, and at length, by the police in April 2002 about the suspected murder of Mr Parkes and it was the case that these interviews were referred to in the programme. Reference was made to the interviews in order to illustrate the investigative process and the nature of Mr Grimson's denials. As such they were important to the audience's understanding of the case.

Decision

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment in programmes included in such services. Where there appears to have been unfairness in the making of the programme, this will only result in a finding of unfairness if Ofcom finds that it has resulted in unfairness to the complainant in the programme as broadcast.

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

This case was considered by Ofcom's Fairness Committee, Ofcom's most senior decision making body with respect to Fairness and Privacy complaints. The Fairness

Committee considered the complaint and the broadcaster's response, together with supporting material and subsequent submissions from both parties.

The Committee found as follows:

The Search For Simon Parkes

The Broadcasting Standards Commission's Fairness Code ("the Fairness Code") was the applicable Code when this programme was broadcast. In considering the individual heads of complaint, the Committee took account of the requirement for broadcasters to avoid unfairness to individuals or organisations featured in programmes through the use of inaccurate information or distortion, for example by the unfair selection or juxtaposition of material (the Fairness Code Paragraph 2). The Committee also had particular regard to the responsibilities of the broadcaster to ensure from the outset that all programme-makers, whether in-house or independent, understand the need to be straightforward and fair in their dealings with potential participants in factual programmes, in particular by making clear, wherever practicable, the nature of the programme and its purpose and, whenever appropriate, the nature of their contractual rights (the Fairness Code Paragraphs 3 and 4).

The Committee also took into account the broadcasters' responsibility to take special care that the use of material originally recorded for one purpose and then used in a later or different programme does not create material unfairness. The inclusion of such material should be carefully considered, especially where this involves instances of personal tragedy or reference to criminal matters. This applies as much to material obtained from others as to material shot by the broadcaster itself (Fairness Code Paragraph 5). The Committee further took account of the requirement that broadcasters take special care when their programmes are capable of adversely affecting the reputation of individuals, companies or other organisations, and that they take all reasonable care to satisfy themselves that all material facts have been considered before transmission and so far as possible fairly presented (the Fairness Code Paragraph 7).

Lastly the Committee took account of the requirement that, where a programme alleges wrongdoing or incompetence, or contains a damaging critique of an individual or organisation, those criticised should normally be given an appropriate and timely opportunity to respond to, or comment on, the arguments and evidence contained within that programme (Fairness Code Paragraph 11).

Taking each of these requirements into account, the Committee addressed separately each of Mr Grimson's individual complaints concerning the programme's treatment of him.

The Fairness Committee found the following:

- a) The Fairness Committee first considered Mr Grimson's complaint that the programme unfairly implicated Mr Grimson in the murder of Mr Parkes.

The Committee noted the BBC's submission that the programme followed the re-investigation by the police into the disappearance of Mr Parkes and that the police believed that some of the evidence, though circumstantial, did connect Mr Grimson to Mr Parkes. It noted that the police believed that Mr Parkes had gone missing on 12 December, the same date that the two men Mr Grimson had admitted to killing had been murdered; and that both he and Mr Parkes had served on board the same ship in Gibraltar together at the time of Mr Parkes

disappearance. It also noted that the information gleaned from Mr Grimson, during police interviews in relation to the murders of Mr Wright and Mr Jenkins, provided them with reasonable grounds to suspect Mr Grimson of being involved in Mr Parkes' disappearance. The Committee also noted that the programme mentioned on more than one occasion that Mr Grimson denied any involvement in Mr Parkes' disappearance and/or murder (see (f) below).

The Committee considered that the programme's treatment of Mr Parkes' disappearance and/or murder did imply that Mr Grimson was connected with it. However, the Committee took the view that it was reasonable for it to do so since the programme was clearly presented as an account of the police re-investigation into the events and circumstances surrounding Mr Parkes' disappearance, and the lines of inquiry that the police followed. One of these lines of inquiry was the connection the police believed to exist between the circumstances surrounding Mr Parkes' disappearance and the murders of Mr Wright and Mr Jenkins. It was through this line of inquiry that the police came to suspect that Mr Grimson may have been responsible for what happened to Mr Parkes on or after the 12 December 1986. The Committee considered that the re-investigation was presented in an objective and straightforward way, and that the programme did not attempt to comment or suggest conclusions of its own. There was also no evidence to suggest that the programme's presentation of the facts was not an accurate reflection of the way the police began to suspect, and increased their suspicion of, Mr Grimson. In view of these considerations, the Committee considered it was likely that viewers would have understood the purpose of the programme was to tell the story of the re-investigation.

The Committee noted that the programme makers had been told by the police not to contact Mr Grimson or any of his family or associates about the programme because they feared that any such contact might jeopardise their inquiries and any subsequent interviews with Mr Grimson. This request became a condition of filming during the police investigation. The Committee noted that the BBC said that in these unusual circumstances they felt it would be irresponsible, and therefore not in the public interest, to ignore the police request. The Committee also noted that the BBC said that since they felt unable to contact Mr Grimson directly the programme included his denial of involvement in the murder of Mr Parkes on four separate occasions.

The Committee noted that the programme-makers had subsequently informed Mr Grimson that the programme was going to be broadcast and had communicated with his solicitor a number of times in the run up to the programme's transmission (see (d) and (e) below).

Having noted the particular details referred to above, the Committee then took into account of the broadcasters' responsibilities (as outlined in introductory paragraphs to the Decision) to avoid unfairness in programmes, in particular through the use of inaccurate information or distortion, and to take special care when their programmes are capable of adversely affecting the reputation of individuals, companies or other organisations; and to take all reasonable care to satisfy themselves that all material facts have been considered before transmission and so far as possible fairly presented.

Taking all these factors referred to above into account, the Committee considered that viewers would have been likely to have understood that the programme itself was not making the allegation that Mr Grimson was responsible

for Mr Parkes disappearance, but that it was presenting the police re-investigation.

The Fairness Committee was satisfied that the programme fairly and objectively presented the police re-investigation and the belief of the investigating police officers that Mr Grimson was a prime suspect for Mr Parkes' disappearance and/or murder. The Committee was also satisfied that the programme made it clear that Mr Grimson denied any such involvement and that the police were unable to persuade the prosecuting authorities to bring him to trial due to lack of evidence.

Whilst, therefore, the programme did imply that Mr Grimson was involved in Mr Parkes' disappearance this was in the context of an objective and straightforward presentation of the police re-investigation. It was a matter which was in the public interest to report. The Committee concluded that there was no unfairness to Mr Grimson in this respect.

- b) The Committee then considered Mr Grimson's complaint that the decision to investigate Mr Grimson on suspicion of Mr Parkes' murder was nothing but pure speculation on behalf of the police. After five years of suspecting Mr Grimson, the police had decided not to prosecute him since they had insufficient evidence.

The Committee noted the BBC's submission that it was the decision of the police to re-investigate Mr Parkes' disappearance and that it was the BBC's decision to follow and film that re-investigation. The police decision to re-examine the case was built upon what was, in their view, strong circumstantial evidence which strengthened as the re-investigation progressed. By examining a recording of the programme and reading a transcript of it, the Committee was satisfied that it was made clear to viewers that the evidence the police had against Mr Grimson was largely circumstantial and that there were other lines of inquiry that the investigating police officers were following. The programme also showed that Hampshire police officers had been critical of the Royal Gibraltar Police in its handling of the paperwork generated through the re-investigation, and that the Attorney General of Gibraltar decided not to prosecute Mr Grimson on the evidence the police had gathered.

Having noted the particular details referred to above, the Committee then took into account of the broadcasters' responsibilities, as outlined in the introductory paragraphs to the Decision to avoid unfairness in programmes in particular through the use of inaccurate information or distortion and to take special care when their programmes are capable of adversely affecting the reputation of individuals, companies or other organisations, and to take all reasonable care to satisfy themselves that all material facts have been considered before transmission and so far as possible fairly presented.

Taking all these factors into account, the Committee considered that the programme makers had taken reasonable care to satisfy themselves that all the material facts had been taken into account. It considered that the programme had dispassionately presented the police re-investigation, making clear how the police came to re-open the case, as well as the fact the police did not have sufficient evidence to charge Mr Grimson with Mr Parkes' murder. Viewers would have clearly understood that the re-investigation was based on the police's suspicion of Mr Grimson and that despite their re-investigation, there was insufficient evidence to charge him with Mr Parkes' murder. The Committee found no unfairness to Mr Grimson in this respect.

- c) The Committee considered Mr Grimson's complaint that although the programme briefly acknowledged that there were other people suspected of Mr Parkes' murder, it portrayed Mr Grimson as the prime suspect and "glossed over" the other possible suspects (also see (g) below).

The Committee considered whether or not the programme portrayed Mr Grimson as the police's prime suspect and "glossed over" the other possible suspects. It noted that the programme's stated purpose was to present the police re-investigation into Mr Parkes' disappearance and/or murder and that it was clear from the programme that it was the belief of the investigating police officers that Mr Grimson was responsible. It also noted that the programme included two other lines of inquiry that were separate and distinct from Mr Grimson that the police were following (these concerned the taxi driver and the soldier at South Barracks). However, the Committee noted that whilst the police had initially thought these lines of inquiry to be promising, ultimately they had proved to be unproductive. In seeking to provide an objective and dispassionate account of the police re-investigation, it was reasonable that the programme's concentration on the various avenues of police inquiry should reflect police conclusions as to their likely significance. Therefore if less time was devoted in the programme to these other lines of inquiry this was in proportion to the outcome of the police re-investigation itself. Ultimately, Mr Grimson came back to the attention of the police when a witness later came forward with a possible sighting of Mr Parkes with Mr Grimson on the night he went missing, and thus Mr Grimson again became the main focus of the police.

Having taken the particular details referred to above into account, the Committee then took into account the broadcasters' responsibilities (as outlined in the introductory paragraphs to the Decision) to avoid unfairness in programmes, in particular through the use of inaccurate information or distortion. It noted the broadcasters' obligation to take special care when their programmes are capable of adversely affecting the reputation of individuals, companies or other organisations: and to take all reasonable care to satisfy themselves that all material facts have been considered before transmission and so far as possible fairly presented.

Taking all these factors into account, the Committee was satisfied that the programme accurately and fairly presented the other lines of inquiry that the police had followed and that their re-investigation had led them back to Mr Grimson. Again, it was the Committee's view that the programme was about the police re-investigation and that it presented this fairly. It considered that viewers would have understood the context of this programme and that it was the police's assertion, rather than the programme's, that Mr Grimson was their prime suspect. The Fairness Committee considered that the programme makers had taken reasonable care to satisfy themselves that all the material facts had been considered before transmission and that they were, as far as practicable, fairly presented. Accordingly, for all the reasons given above, the Committee found there was no unfairness to Mr Grimson in this respect.

- d) The Fairness Committee then considered Mr Grimson's complaint that although he was asked whether or not he wanted to contribute to the programme by a "forensic psychologist" working for the police, he was not told the purpose or nature of the programme, nor was he able to give any kind of "informed consent".

The Committee noted that no evidence was provided to it to show that Mr Grimson had been approached by a “forensic psychologist” to contribute to the programme. The BBC maintained that neither it nor the police had asked anyone to approach Mr Grimson. It noted that it had been a requirement of the police that the programme makers made no contact with Mr Grimson, his family or associates while the programme was being made for fear that it might have jeopardised their inquiries and any subsequent interviews with Mr Grimson.

Having noted the particular details referred to above, the Committee then took account of the broadcasters’ responsibilities, as outlined in the introductory paragraphs to the Decision, to ensure from the outset that the programme makers understand the need to be straightforward and fair in their dealings with potential participants in factual programme, in particular by making clear, wherever practicable, the nature of the programme and its purpose and, whenever appropriate, the nature of their contractual rights.

The submissions showed that the first communication the BBC had with Mr Grimson about the programme was the BBC’s letter of 29 June 2005, in which they informed him about the programme, telling him its title and the time and channel on which it would be transmitted. The letter also informed him that the hour long documentary referred to him on several occasions (see (e) below).

The Committee then considered what, if anything, Mr Grimson and/or Mr Purdon (his legal representative) were told before the broadcast of the programme. The Committee considered this alongside Mr Grimson’s related complaint at paragraph (e) as follows below.

- e) Mr Grimson complained that he was only informed about the programme “some four days” before it was first broadcast. He was therefore denied an opportunity to seek legal advice and to prepare a timely response to the claims made in the programme.

The Fairness Committee first considered whether or not the programme alleged wrongdoing, incompetence or contained a damaging critique about Mr Grimson. It noted that the programme makers had made clear in the correspondence it sent to Mr Grimson and Mr Purdon before the programme’s transmission that it would look at the police re-investigation into Mr Parkes’ disappearance and examine the connection the police believed linked Mr Grimson with the disappearance. The Committee also noted that Mr Grimson had been interviewed by the police about Mr Parkes’ disappearance so would have been aware that any re-investigation by the police would have involved their belief that he was in some way responsible for what happened to Mr Parkes.

The Committee also took into account the broadcasters’ responsibilities, as discussed above in introductory paragraphs to the Decision, to ensure that where a programme alleges wrongdoing or incompetence, or contains a damaging critique of an individual or organisation, those criticised should normally be given an appropriate and timely opportunity to respond to or comment on the arguments and evidence contained within that programme.

Taking these factors into account, the Committee considered that the programme was likely to materially affect viewers’ impression of Mr Grimson and their understanding of police suspicions that he might be connected to Mr Parkes’ disappearance and/or murder. The Committee took the view that by documenting the police re-investigation and the belief held by those conducting that

investigation, viewers were likely to have been left with the impression Mr Grimson was the main suspect of the police re-investigation into the disappearance of Mr Parkes. To this extent, the programme presented an allegation of wrongdoing on his part although, editorially, the programme itself did not make such an allegation.

In view of this, the Fairness Committee went on to consider whether, and if so to what extent, the programme makers were required to give Mr Grimson (or Mr Purdon) an appropriate and timely opportunity to respond to or comment on the programme's presentation of the police re-investigation and the police focus on Mr Grimson as a prime suspect.

Looking at the correspondence between the BBC and Mr Grimson/his solicitor leading up to the programme's broadcast, the Committee noted as follows:

Ms Wightman had written a letter to Mr Grimson at HMP Frankland on 29 June 2005. There was no evidence that this had been directly answered by Mr Grimson or his solicitor but the Committee noted equally that the letter had not been disputed in the complainant's submissions. In any event, Mr Grimson had clearly had time to instruct his solicitor by the time Mr Purdon emailed Ms Wightman at the BBC on 6 July 2005.

The Committee noted that Mr Purdon's email of 6 July thanked Ms Wightman for an email she had sent him giving details of the search for Simon Parkes. Although this previous email was not provided to Ofcom the Committee was able to ascertain from a subsequent letter sent by Ms Valerie Nazareth, Head of BBC Programme Legal Advice, on 8 July 2005, that Ms Wightman's email to Mr Purdon had been sent on the same day (6 July) and that this email had provided information about the programme, including the fact that it would contain information about Allan Grimson.

In his email of 6 July, Mr Purdon informed the BBC of his concern that the programme would contain police interview footage of Mr Grimson being questioned about Mr Parkes. In this same email, Mr Purdon also indicated that on the following day, 7 July 2005, he would be visiting Mr Grimson in prison to discuss the issues to be raised in the programme before its transmission. The Committee considered it was clear from this that Mr Purdon was aware of the issues that the programme was likely to raise in connection with his client and the police investigation of Simon Parkes' disappearance. Not only was he aware that the programme would be referring to the police re-investigation into Mr Parkes' disappearance but he was also aware that the programme was likely to look at the extensive police inquiries to establish whether Mr Grimson had any link to the disappearance.

The Committee noted that Mr Purdon sent the BBC's Programme Legal Advice unit a further email on 7 July 2005 in which he complained about the inequity of not being allowed to preview the programme (something the police had been allowed to do) and his concern about the use of the police footage of Mr Grimson being interviewed about Mr Parkes. Mr Purdon ended the email by informing the BBC that he would seek an injunction to stop the broadcast. The Committee noted there was no evidence that he had ever carried out this threat.

On 8 July 2005 Ms Valerie Nazareth, Head of BBC Programme Legal Advice, wrote a letter responding to the issues raised by Mr Purdon in his various emails. The Committee noted that Ms Nazareth considered that it should have been clear

from Ms Wightman's email of 6 July that the programme would contain information about Mr Grimson and that, although not named in the material Mr Purdon had been sent, Mr Grimson was the suspected serial killer referred to. Ms Nazareth says that, as Mr Purdon would have seen, the film follows detectives as they investigate the death of Simon Parkes. Ms Nazareth's letter also confirmed that the programme did not contain audio or video material of Mr Grimson made by Hampshire Police about the death of Simon Parkes, although it did contain audio and video material of his interview with the police in relation to the murders for which he had been convicted. The letter also explained that the police were given a viewing because their work was the subject of the film.

The Committee noted that on the same day, 8 July 2005, Mr Purdon emailed a letter to Ms Nazareth in which he expressed a concern that his client, Mr Grimson, was not being afforded an opportunity to respond to the serious allegations he felt the programme would be making against his client and asked for the programme to be removed from the schedule to allow Mr Grimson an opportunity to comment on the allegations being made.

Ms Nazareth wrote a further letter on 8 July in reply to Mr Purdon to explain that the BBC was not willing to postpone the transmission of the programme and that it was too late to make any changes as the programme had been completed. She added that the programme made reference on more than one occasion to the fact that Mr Grimson had denied responsibility for the killing of Simon Parkes.

As noted above, the Committee took account of the fact that the BBC had first written to Mr Grimson on 29 June 2005 to inform him of the programme, and that they had subsequently been in correspondence with Mr Grimson's solicitor during the week leading up to the broadcast (at least four days (two working days) before the transmission of the programme). It considered from the various emails that were exchanged between the BBC and Mr Purdon that Mr Purdon was made aware of the nature and purpose of the programme, and that it would refer to Mr Grimson and the police investigation of the connections they believed linked him with Mr Parkes. Separately, both Mr Grimson and his solicitor were fully aware that the police suspected Mr Grimson. Since the BBC had made clear that the subject of the programme was the police work in relation to investigating Mr Parkes' disappearance, it was therefore reasonable to conclude that they would have been aware of the nature of the allegations in it.

The Committee thought carefully about the nature of the programme and its presentation of the issues. Although the programme reflected the police's belief that Mr Grimson was likely to be connected with the disappearance of Mr Parkes and clearly presented him as their prime suspect, the programme itself maintained an objective approach and made no allegations of its own. However, in view of the nature and strength of the allegation made by the police, the Committee considered that it was incumbent on the programme makers to provide Mr Grimson with an opportunity to respond to the programme. Having carefully considered the correspondence referred to and summarised above, the Committee considered that the programme makers had taken reasonable steps to provide Mr Grimson, through Mr Purdon, with sufficient information about the content and nature of the programme. Mr Purdon had been given sufficient time and information in order to make further representations on behalf of his client. The Committee also noted that Mr Purdon himself had acknowledged that his client had had "some opportunity" to respond.

Furthermore, it was significant that the programme made it clear to viewers on four separate occasions that Mr Grimson denied any involvement in Mr Parkes' disappearance. In all the circumstances, therefore, the Committee concluded that there had been no unfairness to Mr Grimson in the programme as broadcast as a result of the matters complained of under this head (e) and under the second limb of the preceding head (d) of the complaint.

- f) The Committee then considered Mr Grimson's complaint that the programme failed to mention that he had always denied any involvement in the disappearance and/or murder of Mr Parkes, and that it was unfair for the programme not to have given him a chance to draft a response to the allegation, to be aired during or following the programme.

The Committee considered whether or not the broadcaster took proper care in satisfying itself that all the material facts had been considered before transmission and, so far as possible, fairly presented. It noted from the programme itself as well as the BBC's submissions in answer to the complaint, that the programme's commentary referred to Mr Grimson's denial of any involvement in the disappearance and/or murder of Mr Parkes on four separate occasions.

Having noted the particular details referred to above, the Committee then took into account of the broadcasters' responsibilities - as discussed above in introductory paragraphs to the Decision - to avoid unfairness in programmes, in particular through the use of inaccurate information or distortion; and to take special care when their programmes are capable of adversely affecting the reputation of individuals, companies or other organisations, and to take all reasonable care to satisfy themselves that all material facts have been considered before transmission and so far as possible fairly presented.

The Committee considered that the BBC had a responsibility to give Mr Grimson an opportunity to respond to the programme and that it had given him that opportunity. As noted in (e) above, the BBC contacted Mr Grimson to inform him when the programme would be broadcast and to give him an outline as to its theme (that is – a programme about the search for Mr Parkes in which Mr Grimson would be referred to several times). The Committee had also noted that the programme was a straightforward presentation of the police re-investigation and that it was clear throughout the programme that it was the police who considered Mr Grimson to be a prime suspect for Mr Parkes' disappearance and/or murder. Mr Grimson had clearly had the opportunity to present his views through his solicitor if not in person, although the Committee noted that it was not clear that he had himself been denied an opportunity to respond. In the circumstances, therefore, the Committee concluded that the programme was not unfair to Mr Grimson in this respect.

- g) The Committee considered Mr Grimson's complaint that the programme did not treat him in the same way as others suspected of being involved with Mr Parkes' disappearance. For example, he complained that the evidence about a taxi driver who had admitted, apparently, to a friend that he had been responsible for the death of a British sailor about the time Mr Parkes disappeared was "very briefly discussed, and glossed over" (also see (c) above).

The Committee considered whether or not the programme portrayed Mr Grimson as the police's prime suspect and "glossed over" the other possible suspects. It noted that the programme's stated purpose was to present the police re-

investigation into Mr Parkes' disappearance and/or murder and that it was the belief of the investigating police officers that Mr Grimson was responsible. It also noted that the programme included two other lines of inquiry that the police were following (namely the taxi driver and the soldier at South Barracks) which were separate and distinct from their investigation of Mr Grimson. However, whilst the police had initially thought these lines of inquiry promising, ultimately they had proved to be unproductive. Mr Grimson came back to the attention of the police when a witness later came forward with a possible sighting of Mr Parkes with Mr Grimson on the night he went missing.

Having noted the details referred to above, the Committee then took into account the broadcasters' responsibilities (as discussed above in introductory paragraphs to the Decision) to avoid unfairness in programmes in particular through the use of inaccurate information or distortion; and to take special care when their programmes are capable of adversely affecting the reputation of individuals, companies or other organisations, and to take all reasonable care to satisfy themselves that all material facts have been considered before transmission and so far as possible fairly presented.

Taking all the above factors into account, the Committee was satisfied that the programme accurately and fairly presented the other lines of inquiry that the police followed, and the manner in which their re-investigation led them back to Mr Grimson. The Committee considered that viewers would have understood the context of this programme and that it was the police's assertion, rather than the programme's, that Mr Grimson was their prime suspect. The Fairness Committee considered that the programme makers had taken reasonable care to satisfy themselves that all the material facts had been considered before transmission and that they were, as far as practicable, fairly presented. There was no unfairness to Mr Grimson in this respect.

- h) The Fairness Committee finally considered Mr Grimson's complaint that the programme included police interview footage of Mr Grimson being questioned in connection with the murders of Mr Wright and Mr Jenkins. The complainant said it was not relevant to include this footage in a programme looking into the disappearance and/or murder of Mr Parkes.

As already noted in relation to the other heads of complaint, the Committee accepted the BBC's assertion that the programme's purpose was to follow the police re-investigation into the disappearance of Mr Parkes. The Committee also noted that the parts of the interview footage used in the programme were in the public domain, as they had been read out in open court during Mr Grimson's trial for the murders of Mr Wright and Mr Jenkins.

The Committee acknowledged that the police interviews were crucial to understanding why the police began to suspect Mr Grimson and why their suspicions increased. Together with the opinion of the forensic psychologist who the police consulted, this footage showed why the police reached the view that Mr Grimson was a man who was capable of committing many murders. In the footage, he is heard confessing to the murders of Mr Wright and Mr Jenkins; he makes frank revelations as to how he chose his victims; and talks candidly about other situations when he had felt he could have murdered again. The footage was therefore an important and integral part of the programme.

Having noted the particular details referred to above, the Committee then took account of the broadcasters' responsibilities (as discussed in introductory

paragraphs to the Decision) to avoid unfairness in programmes, in particular through the use of inaccurate information or distortion; and to take special care when their programmes are capable of adversely affecting the reputation of individuals, companies or other organisations, and to take all reasonable care to satisfy themselves that all material facts have been considered before transmission and so far as possible fairly presented. Also it regarded the broadcasters' responsibility to take special care that the use of material originally recorded for one purpose and then used in a later or different programme does not create material unfairness.

Taking these factors into account, the Committee considered that the footage was treated responsibly and put in context. It also noted that transcripts from the footage had been already read out in open court. In the Committee's view, that footage was fundamental to a programme which set out to follow the police re-investigation and to provide an understanding of why the police had begun to suspect Mr Grimson, and why their suspicions grew. The Committee therefore concluded that the inclusion of this footage was not unfair to Mr Grimson.

Crimewatch

The Fairness Committee next turned its attention to the consideration of the complaint made about the *Crimewatch* programme. This programme was broadcast after 25 July 2005, therefore Ofcom's Broadcasting Code ("the Code") was the applicable Code that the Committee had regard to. As with its consideration of the complaint about *The Search For Simon Parkes*, the Committee considered the complaint and the broadcaster's response, together with supporting material and subsequent submissions from both parties.

The Committee also had particular regard for Practice 7.8 of the Code which states that broadcasters should ensure that the re-use of material, i.e. use of material originally filmed or recorded for one purpose and then used in a programme for another purpose or used in a later or different programme, does not create unfairness. This applies both to material obtained from others and the broadcaster's own material.

The Committee also took into account Practice 7.9 of the Code which states that broadcasters should take reasonable care to satisfy themselves that the material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation; and, that anyone whose omission could be unfair to an individual or organisation has been offered an opportunity to contribute. It also had regard to Practice 7.11 of the Code which states that if a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond. Lastly, the Committee took into account Practice 7.13 of the Code which states that where it is appropriate to represent the views of a person or organisation that is not participating in the programme, this must be done in a fair manner.

Taking each of these Practices into account, the Committee addressed separately each of Mr Grimson's individual complaints concerning the programme's treatment of him.

The Fairness Committee found the following:

- a) The Fairness Committee first considered Mr Grimson's complaint that the programme unfairly implicated Mr Grimson in the murder of Mr Parkes.

The Committee considered the introductory comments of the programme's presenter Mr Ross:

"It is about whether a teenage sailor was the victim of a serial killer operating in the ranks of the Royal Navy".

Mr Ross then went on to state that the earlier documentary had explored whether or not there was a connection between Mr Grimson and Mr Parkes' disappearance. He stated that both men had served together on the same ship and that they had been seen together on the night Mr Parkes disappeared. Mr Ross went on to inform viewers that Mr Grimson had later confessed to the murder of two young men in the 1990s on the same date (12 December) that Mr Parkes had disappeared several years before.

By examining the programme and reading a transcript of it, the Committee noted that the programme's presenter did not assert that Mr Parkes had been murdered, or that he had been killed or harmed in any other way. The programme referred to Mr Parkes' disappearance and went no further in speculating or suggesting what could have happened to him. Ofcom noted that the *Crimewatch* item, in keeping with the format of the rest of the programme, was an appeal to viewers for further information to help the police inquiry. In particular, it appealed to one viewer who had telephoned the BBC "actionline" that appeared after the broadcast of the earlier documentary programme to telephone the *Crimewatch* incident room number.

Having noted the particular details referred to above, the Committee then took into account of the Practice 7.9 of the Code, as outlined in introductory paragraphs to the Decision, whereby broadcasters of a factual programme should take reasonable care to satisfy themselves that the material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation; and that anyone whose omission could be unfair to an individual or organisation has been offered an opportunity to contribute.

Taking these factors into consideration, the Committee was satisfied that the *Crimewatch* item presented a short and factual account of *The Search for Simon Parkes* programme. It did not seek to re-visit the circumstances surrounding Mr Parkes' disappearance, nor did it suggest that Mr Grimson was in some way responsible for it; it factually summarised the premise of the earlier programme. In these circumstances, the Committee considered that the programme did not assert that Mr Parkes was murdered or that Mr Grimson was responsible. The Committee therefore found no unfairness to Mr Grimson in this respect.

- b) The Committee then considered Mr Grimson's complaint that the decision to investigate Mr Grimson on suspicion of Mr Parkes' murder was nothing but pure speculation on behalf of the police. After five years of suspecting Mr Grimson, the police had decided not to prosecute him since they had insufficient evidence.

By examining the programme and reading a transcript of it, the Committee noted that the *Crimewatch* item, in keeping with the format of the rest of the programme, was an appeal to viewers for further information to help the police inquiry. In particular, it appealed to one viewer who had telephoned the BBC "actionline" that appeared after the broadcast of the earlier documentary programme to telephone the *Crimewatch* incident room number.

Having noted the particular details referred to above, the Committee then took into account Practice 7.9 of the Code, as outlined in introductory paragraphs to the Decision, whereby broadcasters of a factual programme should take reasonable care to satisfy themselves that the material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation; and that anyone whose omission could be unfair to an individual or organisation has been offered an opportunity to contribute.

Taking these factors into consideration, the Committee was satisfied that the item presented a short and factual account of *The Search for Simon Parkes* programme. It did not seek to re-visit the circumstances surrounding Mr Parkes' disappearance nor did it suggest that Mr Grimson was in some way responsible for it; it factually summarised the premise of the earlier programme. In these circumstances, the Committee considered that the programme did not assert that Mr Parkes was murdered or that Mr Grimson was responsible. The Committee therefore found no unfairness to Mr Grimson in this respect.

- c) The Committee considered Mr Grimson's complaint that although the programme briefly acknowledged that there were other people suspected of Mr Parkes' murder, it portrayed Mr Grimson as the prime suspect and "glossed over" the other possible suspects (also see (g) below).

By examining the programme as broadcast and reading a transcript of it, the Committee noted that the programme did not refer to any other people whom the police suspected of being involved in Mr Parkes' disappearance. The Committee again noted that the programme referred to Mr Parkes' disappearance and that the earlier documentary programme had looked at whether or not Mr Grimson was connected to it. At no point did the *Crimewatch* programme venture into the examining the other lines of inquiry the police had followed and the other suspects referred to in documentary. Again, the Committee noted that the purpose of the *Crimewatch* item was to appeal to viewers (and in particular, to the one viewer who had telephoned the BBC "actionline" that appeared after the broadcast of the earlier documentary programme) to telephone the *Crimewatch* incident room number.

Having noted the particular details referred to above, the Committee then took into account Practice 7.9 of the Code, as outlined in introductory paragraphs to the Decision, whereby broadcasters of a factual programme should take reasonable care to satisfy themselves that the material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation; and that anyone whose omission could be unfair to an individual or organisation has been offered an opportunity to contribute.

Taking all the factors relating the *Crimewatch* programme into account, the Committee was satisfied that the item presented a short and factual account of *The Search for Simon Parkes* programme. It did not seek to re-visit the circumstances surrounding Mr Parkes' disappearance nor did it suggest that Mr Grimson was in some way responsible for it; it factually summarised the premise of the earlier programme. In these circumstances, the Committee considered that the programme did not assert that Mr Parkes was murdered or that Mr Grimson was responsible. Therefore, the programme did not disregard or omit facts in a way that was unfair to Mr Parkes. The Committee therefore found no unfairness to Mr Grimson in this respect.

- d) The Fairness Committee then considered Mr Grimson's complaint that although he was asked whether or not he wanted to contribute to the programme by a "forensic psychologist" working for the police, he was not told the purpose or nature of the programme nor was he able to give any kind of 'informed consent'.

By examining the programme and reading a transcript of it, the Committee noted that the programme's presenter did not assert that Mr Parkes had been murdered, or that he had been killed or harmed in any other way. The programme referred to Mr Parkes' disappearance and went no further in speculating or suggesting what could have happened to him. Ofcom noted that the *Crimewatch* item, in keeping with the format of the rest of the programme, was an appeal to viewers for further information to help the police inquiry. As indicated at c) above, in particular it appealed to one viewer, who had telephoned the BBC "actionline" that appeared after the broadcast of the earlier documentary programme, to telephone the *Crimewatch* incident room number.

Having noted the particular details referred to above, the Committee then took into account Practice 7.11 of the Code, as outlined in introductory paragraphs to the Decision, where if a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond.

As noted above, the Committee considered that since the *Crimewatch* programme was an accurate and factual presentation of the matters relayed in the earlier programme, the Committee was satisfied that there was no issue of unfairness in relation to this complaint for it to consider. Therefore, the programme did not present, disregard or omit facts in a way that was unfair to Mr Parkes. Consequently, the Committee found no unfairness to Mr Grimson in relation to this head of complaint.

- e) Mr Grimson complained that he was only informed about the programme "some four days" before it was first broadcast. He was therefore denied an opportunity to seek legal advice and to prepare a timely response to the claims made in the programme.

In considering Mr Grimson's complaint in relation to the *Crimewatch* programme, the Fairness Committee first considered whether or not the programme alleged wrongdoing, incompetence or made any other significant allegations about Mr Grimson.

As noted in (a) above, the Committee was satisfied that the *Crimewatch* item presented a short and factual account of *The Search for Simon Parkes* programme. It did not seek to re-visit the circumstances surrounding Mr Parkes' disappearance nor did it suggest that Mr Grimson was in some way responsible for it; it factually summarised the premise of the earlier programme. In these circumstances, the Committee considered that the programme did not assert that Mr Parkes was murdered or that Mr Grimson was responsible and so did not allege wrongdoing, incompetence or make any other significant allegations about Mr Grimson that would have required the broadcaster to afford him an opportunity to respond to the programme. The Committee therefore found no unfairness to Mr Grimson in this respect.

- f) The Committee then considered Mr Grimson's complaint that the programme failed to mention that he had always denied any involvement in the disappearance and/or murder of Mr Parkes, and that it was unfair for the

programme not to have given him a chance to draft a response to the allegation, to be aired during or following the programme.

In considering this particular head of complaint, the Committee then took into account Practice 7.9 of the Code, as outlined in introductory paragraphs to the Decision, whereby broadcasters of a factual programme should take reasonable care to satisfy themselves that the material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation; and that anyone whose omission could be unfair to an individual or organisation has been offered an opportunity to contribute. It also states that where it is appropriate to represent the views of a person or organisation that is not participating in the programme, this must be done in a fair manner.

As stated above in heads c) and d), the Committee was not satisfied that material facts had been presented, disregarded or omitted in a way that was unfair to Mr Grimson. It was not therefore incumbent on the broadcaster to offer him an opportunity to contribute. In any case, by watching the programme and reading a transcript of it, the Committee noted the presenter's statement that "*Grimson has categorically denied being involved in Simon's disappearance*".

In these circumstances, the Committee was satisfied that the programme had made it clear that Mr Grimson had categorically denied that he was involved in Mr Parkes' disappearance and viewers would have been left in no doubt about this. In these circumstances, since Mr Grimson's denial was included in the programme and that the programme itself did not make any allegation of wrongdoing, incompetence or make any other serious allegation about him, it was not incumbent on the programme makers to afford him an opportunity to respond (see (e) above). Therefore, the Committee found no unfairness to Mr Grimson in this respect.

- g) The Committee considered Mr Grimson's complaint that the programme did not treat him in the same way as others suspected of being involved with Mr Parkes' disappearance. For example, he complained that the evidence about a taxi driver who had admitted, apparently, to a friend that he had been responsible for the death of a British sailor about the time Mr Parkes disappeared was "*very briefly discussed, and glossed over*" (also see (c) above).

By examining the programme as broadcast and reading a transcript of it, the Committee noted that the programme did not refer to any other people who the police suspected of being involved in Mr Parkes' disappearance. The Committee again noted the programme referred to Mr Parkes' disappearance and that the earlier documentary programme had looked at whether or not Mr Grimson was connected to it. At no point did the *Crimewatch* programme venture into examining the other lines of inquiry the police had followed and the other suspects referred to in documentary. Again, the Committee noted that the purpose of the *Crimewatch* item was to appeal to viewers, and in particular to the one viewer who had telephoned the BBC "actionline" that appeared after the broadcast of the earlier documentary programme to telephone the *Crimewatch* incident room number.

Having noted the particular details referred to above, the Committee then took into account Practice 7.9 of the Code, as outlined in introductory paragraphs to the Decision, whereby broadcasters of a factual programme should take reasonable care to satisfy themselves that the material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or

organisation; and that anyone whose omission could be unfair to an individual or organisation has been offered an opportunity to contribute.

Taking all the factors relating to the *Crimewatch* programme into account, the Committee was satisfied that the item presented a short and factual account of *The Search for Simon Parkes* programme. It did not seek to re-visit the circumstances surrounding Mr Parkes' disappearance nor did it suggest that Mr Grimson was in some way responsible for it; it factually summarised the premise of the earlier programme. In these circumstances, the Committee considered that the programme did not assert that Mr Parkes was murdered or that Mr Grimson was responsible. Therefore, as stated above in relation to heads c), d) and f), the programme did not present, disregard or omit facts in a way that was unfair to Mr Parkes. Consequently, the Committee found no unfairness to Mr Grimson in this respect.

- h) The Fairness Committee finally considered Mr Grimson's complaint that the programme included police interview footage of Mr Grimson being questioned in connection with the murders of Mr Wright and Mr Jenkins. The complainant said it was not relevant to include this footage in a programme looking into the disappearance and/or murder of Mr Parkes.

The Committee noted that the parts of the interview footage used in the programme were in the public domain, as they had been shown in open court during Mr Grimson's trial for the murders of Mr Wright and Mr Jenkins. It also noted that the images were not accompanied by the original commentary featured in the earlier documentary programme. In the Committee's view, this was fundamental in deciding whether or not there was any unfairness in the programme as it was depended on the accompanying commentary could have materially affected viewers understanding of Mr Grimson and the disappearance of Mr Parkes. Without commentary, the images themselves mean nothing.

Having noted the particular details referred to above, the Committee then took into account Practices 7.8 and 7.9 of the Code, as outlined in introductory paragraphs to the Decision, whereby broadcasters should ensure that the re-use of material (that is, the use of material originally filmed or recorded for one purpose and then used in a programme for another purpose or used in a later or different programme) does not create unfairness. This applies both to material obtained from others and the broadcaster's own material. Also, broadcasters of a factual programme should take reasonable care to satisfy themselves that the material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation; and that anyone whose omission could be unfair to an individual or organisation has been offered an opportunity to contribute.

Taking these factors into account, the Committee considered that the footage re-used in the *Crimewatch* programme was treated responsibly and put in context. The Committee was satisfied that the programme used the footage in an illustrative purpose and that the parts that were used in the programme were already in the public domain as they were used in open court at the time of Mr Grimson's trial for the murders of Mr Jenkins and Mr Wright. It also considered that although images from the police CCTV footage were briefly included in the programme, there was no accompanying commentary other than the factual summary of the earlier programme retold for the purposes of an on-air appeal. In these circumstances, the Committee was satisfied that the footage re-used in the programme did not create unfairness and that the programme did not present,

disregard or omit facts in a way that was unfair to Mr Parkes. Consequently, there was no unfairness to Mr Grimson in respect of this head of the complaint.

Accordingly, the complaints of unfair treatment in relation to *The Search for Simon Parkes* and *Crimewatch* were not upheld.

Other Programmes Not in Breach/Out of Remit

4 - 18 May 2007

Programme	Trans Date	Channel	Categories	No of Complaints
A Clockwork Orange	15/04/2007	Channel 4	Violence	1
A Place in the Sun	03/05/2007	Channel 4	Scheduling	1
Afternoon Show	28/03/2007	BBC Radio WM	Generally Accepted Standards	1
Alan Brazil's Sports Breakfast	21/03/2007	Talksport	Generally Accepted Standards	1
America's Next Top Model	02/05/2007	Living TV	Generally Accepted Standards	1
Animal Farm (trailers)	-	Channel 4	Animal Welfare	1
BBC Breakfast	13/04/2007	BBC1	Generally Accepted Standards	1
BBC News	15/01/2007	BBC1	Generally Accepted Standards	2
BBC News	31/12/2006	BBC1	Generally Accepted Standards	4
BBC News	15/01/2007	BBC1	Generally Accepted Standards	1
BBC News	02/01/2007	BBC1	Generally Accepted Standards	3
BBC News	06/01/2007	BBC1	Generally Accepted Standards	1
BBC News	07/05/2007	BBC1	Advertising	1
BBC News	31/12/2006	BBC1	Generally Accepted Standards	2
BBC News	02/01/2007	BBC1	Generally Accepted Standards	1
BBC News	30/12/2006	BBC1	Generally Accepted Standards	1
BBC News	02/01/2007	BBC1	Generally Accepted Standards	1
BBC News 24	06/01/2007	BBC News 24	Generally Accepted Standards	1
BBC News 24	07/01/2007	BBC News 24	Generally Accepted Standards	1
BBC News 24	31/12/2006	BBC News 24	Generally Accepted Standards	6
Balls of Steel	09/03/2007	Channel 4	Crime (incite/encourage)	1
Bam Bam	19/03/2007	Capital 95.8FM	Generally Accepted Standards	1
Bam Bam	10/04/2007	Capital 95.8FM	Generally Accepted Standards	1
Big Ideas that Changed the World	01/05/2007	Five	Due Impartiality/Bias	1
Breakfast	30/12/2006	BBC1	Generally Accepted Standards	6
Breakfast	30/12/2006	BBC News 24	Generally Accepted Standards	1

Breakfast	23/04/2007	Galaxy FM 102	Generally Accepted Standards	1
Capital FM	10/02/2006	Capital FM	Advertising	1
Central News	01/05/2007	ITV1	Animal Welfare	1
Central News	20/04/2007	ITV1	Animal Welfare	1
Central News	20/04/2007	ITV1	Generally Accepted Standards	1
Channel 4 News	04/05/2007	Channel 4	Generally Accepted Standards	1
Channel 4 News	03/05/2007	Channel 4	Generally Accepted Standards	1
Channel 4 News	03/01/2007	Channel 4	Generally Accepted Standards	1
Channel 4 News	02/01/2007	Channel 4	Generally Accepted Standards	1
Channel 4 News	02/01/2007	Channel 4	Information/Warnings	1
Channel 4 News	15/05/2007	Channel 4	Generally Accepted Standards	1
Channel 4 News	30/04/2007	Channel 4	Generally Accepted Standards	1
Chris Evans	01/03/2007	BBC Radio 2	Religious Offence	1
Christian O'Connell's Breakfast Show	01/05/2007	Virgin Radio	Religious Offence	1
Christian O'Connell	-	Virgin Radio	Competitions	1
Colin and Justin on the Estate	10/05/2007	Five	Offensive Language	4
Colin and Justin on the Estate	09/05/2007	Five	Offensive Language	1
Confessions	13/04/2007	Galaxy Radio	Generally Accepted Standards	1
Cooking in the Danger Zone	06/05/2007	BBC2	Generally Accepted Standards	1
Countdown	25/04/2007	Channel 4	Generally Accepted Standards	1
Cutting Edge: Blind Young Things	30/04/2007	Channel 4	Inaccuracy/Misleading	1
Deal Or No Deal	-	Channel 4	Competitions	1
Dispatches: The Indian Miracle?	30/04/2007	Channel 4	Inaccuracy/Misleading	1
Drivetime	06/04/2007	Isles FM	Elections/Referendums	1
Drivetime	02/01/2007	Classic FM	Generally Accepted Standards	1
Eastenders	26/04/2007	BBC1	Offensive Language	1
Emmerdale	27/04/2007	ITV1	Dangerous Behaviour	1
Eurovision Song Contest Final 2007	12/05/2007	BBC1	Generally Accepted Standards	3
F*** Off I'm Ginger	03/04/2007	BBC3	Generally Accepted Standards	1
Friday Night With Jonathan Ross	27/04/2007	BBC1	Generally Accepted Standards	1
George Galloway	02/04/2007	Talksport	Generally Accepted Standards	1
Gina Ford: Who Are You To Tell Us?	05/03/2007	Five Life	Due Impartiality/Bias	5
Gina Ford: Who Are You To Tell Us?	05/03/2007	Five Life	Inaccuracy/Misleading	1

Glitterball	19/04/2007	ITV1	Competitions	2
Glitterball	02/05/2007	ITV1	Competitions	2
Good Will Hunting	23/04/2007	BBC 1	Offensive Language	1
Gordon Ramsay's F Word	08/05/2007	Channel 4	Animal Welfare	4
Gordon Ramsay's F Word	15/05/2007	Channel 4	Generally Accepted Standards	2
Grease Is The Word	07/04/2007	ITV1	Generally Accepted Standards	1
Grease is the Word	28/04/2007	ITV1	Offensive Language	1
Greys Anatomy (trailer)	08/04/2007	Five	Sex/Nudity	1
Hidden Lives - Obedient Wives	07/05/2007	Five	Due Impartiality/Bias	1
Holby City	02/01/2007	BBC1	Generally Accepted Standards	1
Hollyoaks	09/05/2007	Channel 4	Generally Accepted Standards	2
Hollyoaks	27/04/2007	Channel 4	Sex/Nudity	1
Hollyoaks	09/05/2007	Channel 4	Generally Accepted Standards	3
Hollyoaks	03/04/2007	E4	Violence	1
House of Mouse	20/04/2007	Disneycine+1	Offensive Language	1
How to Look Good Naked	15/05/2007	Channel 4	Sex/Nudity	3
ITV News	02/01/2007	ITV1	Generally Accepted Standards	1
ITV News	30/12/2006	ITV1	Generally Accepted Standards	1
ITV News	31/12/2006	ITV1	Generally Accepted Standards	1
ITV News	26/04/2007	ITV1	Religious Offence	1
ITV News	05/05/2007	ITV1	Generally Accepted Standards	1
ITV News	30/04/2007	ITV1	Generally Accepted Standards	2
Ian Collins	17/04/2007	Talksport	Generally Accepted Standards	1
Ideal (trailer)	27/03/2007	BBC2	Religious Offence	1
It's Not Easy Being Green	22/03/2007	BBC2	Dangerous Behaviour	1
James O'Brien	29/03/2007	LBC 97.5FM	Religious Offence	1
Jamestown: America's Birthplace:	01/05/2007	Channel 4	Inaccuracy/Misleading	1
Jeremy Vine	15/03/2007	BBC Radio 2	Crime (incite/encourage)	1
Jon Gaunt	27/02/2007	Talksport	Generally Accepted Standards	6
Jon Gaunt	29/03/2007	Talksport	Generally Accepted Standards	4
Jonathan Ross	17/03/2007	BBC Radio 2	Sex/Nudity	2
Kavanagh QC	16/02/2007	ITV1	Violence	1
Khabar Din Bar	24/03/2007	Star News	Advertising	1
Kiss Breakfast	01/05/2007	Kiss 101	Generally Accepted Standards	1
Laid Bare	21/04/2007	FTN	Sex/Nudity	1
Lie of the Land	03/05/2007	Channel 4	Animal Welfare	6
Lifeline	26/04/2007	BBC1	Sex/Nudity	1
Loose Women	26/04/2007	ITV1	Offensive Language	1

Mike Mendoza	23/04/2007	Talksport	Generally Accepted Standards	1
Neighbours	08/05/2007	BBC1	Generally Accepted Standards	1
Neighbours	04/05/2007	BBC1	Generally Accepted Standards	1
Newsnight	02/01/2007	BBC2	Generally Accepted Standards	1
Not One of Us	16/03/2007	BBC Radio 4	Offensive Language	1
Panorama	07/05/2007	BBC1	Generally Accepted Standards	2
Prince Charles: the Bachelor Years	28/04/2007	Channel 4	Sex/Nudity	1
Property Ladder	02/05/2007	Channel 4	Inaccuracy/Misleading	1
Quiz Call	01/04/2007	Five	Competitions	1
Quizmania	06/08/2006	ITV1	Competitions	1
Rogue Traders	27/04/2007	BBC1	Dangerous Behaviour	1
Roman's Empire	26/04/2007	BBC2	Religious Offence	1
Roman's Empire	23/04/2007	BBC2	Crime (incite/encourage)	1
Rosemary and Thyme	09/04/2007	ITV1	Offensive Language	1
Ruddy Hell! It's Harry and Paul	27/04/2007	BBC1	Generally Accepted Standards	1
Saddam's Tribe	10/05/2007	Channel 4	Due Impartiality/Bias	1
Scott Mills	07/03/2007	BBC Radio 1	Sex/Nudity	1
Secret Life	19/04/2007	Channel 4	Generally Accepted Standards	1
Sky News	18/03/2007	Sky News	Generally Accepted Standards	1
Sky News	30/12/2006	Sky News	Generally Accepted Standards	5
Sky News	07/01/2007	Sky News	Generally Accepted Standards	1
Sky News	02/01/2007	Sky News	Generally Accepted Standards	2
Sky News	03/01/2007	Sky News	Generally Accepted Standards	1
Sky News	29/12/2006	Sky News	Generally Accepted Standards	1
T4	18/02/2007	Channel 4	Religious Offence	1
The Apprentice	02/05/2007	BBC1	Generally Accepted Standards	4
The Apprentice	09/05/2007	BBC1	Generally Accepted Standards	4
The Bill	04/05/2007	ITV1	Violence	1
The Catherine Tate Show	26/04/2007	BBC2	Generally Accepted Standards	1
The Dame Edna Experience	14/04/2007	ITV1	Generally Accepted Standards	1
The Green Guide to Life	07/04/2007	BBC Radio 2	Offensive Language	1
The Last Slave	11/03/2007	Channel 4	Due Impartiality/Bias	1
The Royal	22/04/2007	ITV1	Generally Accepted Standards	2
The Smith Lectures	17/03/2007	BBC Radio 2	Offensive Language	1
The Wright Stuff	08/01/2007	Five	Generally Accepted Standards	2

The Wright Stuff	04/05/2007	Five	Generally Accepted Standards	1
The Wright Stuff	30/04/2007	Five	Due Impartiality/Bias	1
Top 10 Most Punchable Artists	05/04/2007	Q	Crime (incite/encourage)	1
UFC: Britain's Ultimate Fighter	09/04/2007	Bravo	Generally Accepted Standards	1
Waterloo Road	19/04/2007	BBC1	Religious Offence	1