

Reference: 01673437

Information Requests  
[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

28 November 2023

### Freedom of Information request: Right to know request

Thank you for your follow-up request for information concerning research and planning assessment in matters relating to lesbian, gay and bisexual people. Your request was received on 31 October 2023 and we have considered it under the Freedom of Information Act 2000 ('the FOI Act').

### Your request & our response

*Can you indicate if Ofcom has undertaken, or is planning to undertake, an Equality Impact Assessment, or any other form of research and planning assessment relevant to, and in anticipation of:*

*1. The next iteration of the 'Public attitudes towards offensive language on TV and radio' report, i.e. subsequent to the last report published in September 2021, related to matters associated with Lesbian, Gay and Bisexual people.*

To help us carry out our duties in enforcing content standards on linear TV and radio broadcast services, Ofcom undertakes an on-going research programme across a range of areas relevant to our rules. We currently have no plans to undertake research in relation to audience attitudes to offensive language on TV and radio. It is worth noting that prior to our September 2021 research, we published similar reports in 2005, 2010 and 2016 which you may find helpful to have sight of. September 2021's research can be found here: [Public attitudes towards offensive language on TV and radio](#)

*2. Any guidance or reference material used by Ofcom related to matters associated with Lesbian, Gay and Bisexual people, for use when adjudicating on matters relating to the Broadcast Code and complaints that are examined, such as those related to 'harm and offence' and 'impartiality in matters of public controversy'.*

The rules set out in our Broadcasting Code (and associated Guidance) apply to all licensed linear TV and radio broadcasters and apply to any conceivable subject that might be covered by broadcasters. As such, Ofcom does not, in general, set out detailed guidance as to how broadcasters should cover particular issues. Consistent with broadcasters' - and audiences' - right to freedom of expression, it is an editorial decision for broadcasters as to how they approach particular issues, subject to

complying with our rules. We have not published any guidance or reference material related to Lesbian, Gay and Bisexual people that we use to inform our enforcement of the Broadcasting Code.

*Please can you indicate if Ofcom has taken advice from any outside agencies and bodies on these matters, such as other statutory organisations, or social advocacy groups, charities and pressure groups, and if these discussions are being held to determine the scope and scale of these assessments, and who these organisations are, if any.*

Our regulatory role requires us to apply standards that provide adequate protection to audiences from the inclusion of offensive and harmful material (which we enforce by way of the Ofcom Broadcasting Code). Ofcom is an independent regulator. No third party directs, or otherwise advises, Ofcom on how it exercises its statutory functions relating to broadcast standards. However, as an open regulator, Ofcom does engage with a range of different organisations to gather input and perspectives on all aspects of diversity in broadcasting, including issues that broadcasters may seek to make programmes about.

*Please can you indicate if Ofcom is considering these matters internally, and provide a summary of any scheduled and recorded discussions and any guidance used to inform these discussions.*

We have interpreted this section of the request to relate to whether Equality Impact Assessments or any other assessments have been undertaken in relation to research, guidance or advice on the above matters. We confirm we hold no such information.

*For clarity, I am requesting specific documentation, such as minutes and memoranda, rather than communications exchanges, though a summary of communications exchanges may be appropriate if no formal records of planning discussions on these matters are being maintained.*

We do not hold any documentation, such as minutes and memoranda under the various aspects of your request above.

If you have any further queries, then please send them to [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk) quoting the reference number above in any future communications.

Yours sincerely

## Information Requests

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law, you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

### Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF