

Reference: 02000954

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

24 June 2025

## Freedom of Information request: Right to know request

Thank you for your request for information about Ofcom guidance relating to the use of the term “LGBT” and related terms in broadcasting, in light of the recent UK Supreme Court ruling.

We received this request on 27 May 2025 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”).

### Your request & our response

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*I am requesting the following information regarding Ofcom’s guidance, regulations, advice, or policies in relation to the Broadcast Code and associated guidance for media content regulation in the UK with a focus on the use of the term “LGBT” (and its variations, such as LGBTQ, LGBTQ+, or similar terms) and its consistent components (sex, sexual orientation, and gender reassignment) as they pertain to the protected characteristics under the Equality Act 2010.*

*This request does not include employment or other in-person practices that Ofcom might undertake as part of your duties as an employer or public service organisation, only to those reserved for broadcast and media service provision:*

1. *Has Ofcom undertaken, or does it plan to undertake, a review of its regulations, guidance, advice, or policies to ensure clarity and alignment with the UK Supreme Court ruling of April 16, 2025, which clarified that “sex” in the Equality Act 2010 refers to biological sex, particularly in relation to the distinct protected characteristics of sex, sexual orientation, and gender reassignment?*

Ofcom does not hold information in response to this request.

By way of background, the Ofcom [Broadcasting Code](#) (“the Code”) reflects Ofcom’s duties under [the Communications Act 2003](#), which requires Ofcom to set standards for the content of programmes best calculated to secure the standards objectives, including:

- that generally accepted standards are applied to the contents of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of offensive and harmful material;
- that news included in television and radio services is presented with due impartiality; and
- that news included in television and radio services is reported with due accuracy.

The rules related to Harm and Offence in Section Two of the Code, and the rules related to Hate Speech in Section Three of the Code, refer to the protected characteristics you listed. For example:

Rule 2.3: “In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context... Such material may include, but is not

limited to, offensive language, violence, sex, sexual violence, humiliation, distress, violation of human dignity, discriminatory treatment or language (for example on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, and marriage and civil partnership), and treatment of people who appear to be put at risk of significant harm as a result of their taking part in a programme. Appropriate information should also be broadcast where it would assist in avoiding or minimising offence.”

Rule 3.2: “Material which contains hate speech must not be included in television and radio programmes or BBC ODPS except where it is justified by the context.”

Meaning of ‘hate speech’: “All forms of expression which spread, incite, promote or justify hatred based on intolerance on the grounds of disability, ethnicity, social origin, gender, sex, gender reassignment, nationality, race, religion or belief, sexual orientation, colour, genetic features, language, political or any other opinion, membership of a national minority, property, birth or age.”

Ofcom has also published [Guidance Notes on Section Two](#) and [Guidance Notes on Section Three](#).

As our Guidance Notes on Section Two state, “social mores and sensitivities change both over time and in response to events”; and in particular, “the use of language (including offensive language) is constantly developing”. We therefore carry out research into public attitudes towards offensive language on television and radio. Our standard practice is to update this research every five years.

The Code is sufficiently flexible to allow broadcasters to reflect changes in legislation, case law and societal attitudes when complying broadcast material to rules in such areas as harm and offence and hate speech.

Ofcom is a post-broadcast regulator. Our assessment of whether broadcast content complies with the Code is always fact-specific and takes into account all relevant contextual factors.

*2. If a review has been undertaken or is planned: a. Please provide details of the scope, timeline, and outcomes (or expected outcomes) of the review. b. Please provide copies of any internal or external correspondence, meeting minutes, or documents related to discussions about the use of the term "LGBT" (or its variations) in Ofcom's guidance or regulations since April 16, 2025.*

Please refer to our response to the first part of your request.

*3. If no review has been undertaken or is planned, please confirm whether Ofcom considers its existing guidance and regulations to be fully compliant with the Supreme Court's ruling regarding the distinct nature of the protected characteristics of sex, sexual orientation, and gender reassignment.*

We do not consider this part of your request to be a request for information as defined in the FOI Act.

*4. Please provide any current Ofcom guidance, policies, or advice documents that specifically address the use of the term "LGBT" (or its variations) in the context of the Equality Act 2010's protected characteristics.*

Please refer to the Code rules in Section Two: [Harm and Offence](#) and Section Three: [Hate Speech](#) and the accompanying Guidance, which as set out above make reference to the protected characteristics referred to in your request.

We hope this information is helpful. 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

### Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress. Please email the Information Requests team ([information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)) to request an internal review.

### Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).