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SENT BY EMAIL TO: adam.baxter@ofcom.org.uk

16 January 2017

Dear Mr Baxter

**Re: Ofcom's rules on due impartiality, due accuracy, elections and referendums
(Proposed amendments to Sections 5 and 6 of the Broadcasting Code)**

The Countryside Alliance works for everyone who loves the countryside and the rural way of life. Our aim is to protect and promote life in the countryside and to help it thrive. With over 100,000 members we are the only rural organisation working across such a broad range of issues.

The Countryside Alliance welcomes the opportunity to respond to this consultation as part of Ofcom's preparations for regulating the BBC. It is vital that BBC content on rural issues is impartial and accurate to reflect the requirements of the new Charter and Agreement, and to ensure that people in rural communities have trust in BBC broadcasting. Considering the terms of reference for this consultation, we will limit our response to Question 5 and will focus our comments on the proposed amendments to Section 5 concerning due impartiality and due accuracy.

Question 5: Do you have any comments on Ofcom's proposed amendments set out in Annex 5 for the purposes of regulating BBC broadcasting services and BBC ODPS in the area of due impartiality and due accuracy?

The Countryside Alliance welcomed the new Charter and Agreement which enshrines the need for impartiality and accuracy in BBC content and also includes a commitment "*to reflect, represent and serve the diverse communities of all of the United Kingdom's nations and regions.*" This commitment must include rural communities to ensure that the BBC's rural content accurately reflects rural life, and the regulation of the BBC must ensure this is delivered.

There is an increased interest in programmes about the countryside, but a BBC Trust Review in 2014 found that "*The BBC could do a more accurate and comprehensive job with deeper expertise, with more coordination and collaboration across the BBC, and by reflecting a broader perspective on rural lives, rural issues and the part the countryside plays in national life.*" Despite the findings of this Review, there have been a number of occasions since its publication when the BBC has failed to comply with, and enforce, its own editorial guidelines in respect of broadcasting on rural issues.

We also welcomed the principle of establishing Ofcom as an external regulator for the BBC, particularly in the enforcement of editorial standards concerning due impartiality and due accuracy, which is the subject of this consultation.

We understand that under the “BBC First” system of regulation, the BBC Executive will have the primary task of ensuring that BBC content is in line with BBC editorial guidelines and the BBC Unitary Board will oversee this. However, we believe it is important that there is an independent regulator in place as impartiality and accuracy can only be enforced if there is proper accountability. It is therefore essential that Ofcom has the necessary procedures and resources in place to ensure effective regulation can begin when the new Charter and Agreement come into effect on 3 April 2017.

We have concerns that the proposed amendments to the Broadcasting Code (the Code) in Section 5 are not adequate enough, on their own, to ensure that Ofcom are able to assume effective regulation of the BBC. We are concerned that the Code will remain limited to news and current public policy for regulating the BBC and will not reflect the requirements of the new Charter. These concerns were also raised by the Clementi Review in March 2016. We are also concerned about the lack of reference in the Code to the ‘Operating Framework’ which we understand will contain the details of how Ofcom intend to regulate the BBC and the procedure for handling complaints.

i) *The Code remains limited to broadcast news and current public policy*

We understand that the role of Ofcom under the new Charter will be to enforce the statutory obligations of the Code which limit the requirements for due impartiality and due accuracy to broadcast news and current public policy only. Whilst this approach may be acceptable for other broadcasters, it does not take account of the BBC’s unique position as a state funded broadcaster or the particular requirements of the new Charter and Agreement which demand higher editorial standards than other broadcasters.

The new Charter commits the BBC to “*ensure that its output and services overall provide a duly accurate and authentic portrayal and representation of the diverse communities of the whole of the United Kingdom.*” The requirement for impartiality and accuracy in BBC content is not limited to news and current public policy and therefore the regulation of the BBC should not be limited to these areas. We hope that Ofcom will appreciate the requirements for due impartiality and due accuracy go further than the statutory obligations of the Code and consider ways in which it can develop its role.

We are clear that the need for impartiality and accuracy in content relating to rural issues should apply to all content, not just broadcast news and current public policy. This is vital for ensuring that people in rural communities have trust in BBC broadcasting. When BBC presenters such as Chris Packham describe farmers taking part in the badger cull as “*brutalists, liars and frauds*”, people who shoot as “*the nasty brigade*” and foxhunters as “*psychopathic*”, it should be no surprise that there is continuing mistrust of the BBC in many rural communities.

A key problem for the BBC under the current regulatory structure is the lack of accountability. This was demonstrated by the unsatisfactory handling of complaints submitted to the BBC Trust over the past year. In one response, the BBC Trust upheld a claim by the BBC that rural issues such as ‘rewilding’ were not public policy and therefore editorial standards did not apply. This situation must not be allowed to occur under the new Charter which has enshrined the need for impartiality and accuracy in all content.

ii) The Code is limited to the 2003 Act definition of impartiality and accuracy

Ofcom's Broadcasting Code, based on the Communications Act 2003, contains limited requirements for due impartiality and due accuracy which apply to all broadcasters in the United Kingdom. We understand that Ofcom will only be tasked with regulating the BBC against these limited statutory obligations without giving consideration to the requirements in the new Charter and Agreement.

In resetting the BBC's Mission and Public Purposes, the Government has made it clear that it expects the BBC to do much more in certain key areas. The new Charter states that "*the BBC should accurately and authentically represent and portray the lives of the people of the United Kingdom today, and raise awareness of the different cultures and alternative viewpoints that make up its society.*" This requirement for BBC content is above and beyond the limited statutory obligations of the Code and we hope that Ofcom will take this into account as it develops its regulatory role for the BBC. This might involve further changes to Section 2 of the Code, outside the scope of this consultation, which would allow an interpretation of 'Harm and Offence' to consider some of the other requirements of the new Charter.

We understand that the Chief Executive of Ofcom, Sharon White, has already spoken about the way in which the BBC is "*falling short*" in its portrayal of minority groups. She must realise that this is also the case in the portrayal of rural communities.

In 2014 the Review into rural coverage for the BBC Trust found that there was a "*gulf in understanding between the BBC and a significant section of the rural community.*" The BBC Executive promised to address the concerns raised in the Review. It appointed a 'rural champion', tasked three regional journalists with rural coverage and says it has given 'careful consideration' to the tone of reporting of rural issues. None of this, however, has made a difference to the perception of the BBC in the countryside because at the same time the BBC seems to have done nothing to address the almost complete lack of programming for (rather than about) people who live in the countryside, commissioned some extraordinary regional news programming on rural issue, and declared a free for all for high profile BBC presenters to abuse swathes of the rural community with impunity.

There is no guarantee that Ofcom will be able to undertake reviews in the way which the BBC Trust has done or assess the effectiveness of recommendations made in previous reviews, particularly the one into rural coverage. We hope this is something which Ofcom will explore.

iii) The Code lacks reference to Operational Framework

The proposed amendments to Section 5 of the Code are relatively minor and we understand that Ofcom intend to consult on and introduce an Operational Framework which will establish measures to assess the performance of the BBC and the procedures to be followed. Considering the importance of the Operating Framework, we are disappointed that there is no reference to it in the proposed amendments to the Code in relation to BBC regulation.

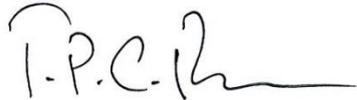
We hope that there will be recognition in the Operational Framework that BBC regulation is distinct from other broadcasters as this cannot be achieved alone by including the BBC Charter and Agreement as part of the relevant legislation of Section 5.

We are concerned that the Operating Framework will not be put in place prior to Ofcom's new regulatory role coming into effect on 3 April 2017. Whilst we understand that the Operating Framework will need to evolve during the life of this Charter and there will be a

mid-term review in 2022, we are disappointed that there is still no confirmation from Ofcom on when a first draft will be consulted on and published. We are concerned that the process of transferring regulatory powers to Ofcom is being rushed without the necessary procedures and resources being put in place.

We understand that the Operating Framework will contain details of the complaints process. We welcome Ofcom's commitment to "*set and publish a transparent and accessible complaints procedure for the handling of BBC content standards complaints.*" It is vital that this is given priority by Ofcom to ensure that an effective complaints process is established as soon as possible.

Yours sincerely

A handwritten signature in black ink, appearing to read 'T.P.C.' followed by a stylized flourish.

Tim Bonner
Chief Executive