

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>

The Communications Act 2003 allowed for the codes of the legacy regulators to remain in force until such time as Ofcom developed its own Code. While Ofcom has now published its Broadcasting Code, the following legacy Codes apply to content broadcast before 25 July 2005.

- Advertising and Sponsorship Code (Radio Authority)
- News & Current Affairs Code and Programme Code (Radio Authority)
- Code on Standards (Broadcasting Standards Commission)
- Code on Fairness and Privacy (Broadcasting Standards Commission)
- Programme Code (Independent Television Commission)
- Programme Sponsorship Code (Independent Television Commission)
- Rules on the Amount and Distribution of Advertising

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

In Breach

Charlie Wolf

talkSPORT, 4 December 2005, 05:30

Introduction

Two listeners objected to a presenter referring to a young American woman, who was killed by a military bulldozer while protesting in the Gaza strip, as “scum”. The complainants thought that, whatever the presenter’s politics, comments such as this were unnecessary when talking about a civilian who was killed while protesting.

Response

TalkSPORT accepted that the presenter’s comments were inappropriate. However, in mitigation, it pointed out that he had also expressed compassion for her: *“I have a lot of compassion that the poor girl died. What I don’t have compassion for is that she died of her own stupidity.”* This was, in the presenter’s view, because she placed herself in danger in what was a war zone. Furthermore, he had allowed a subsequent caller to challenge his comments and put the view that she was a peaceful demonstrator. Nevertheless, the presenter had been told that such intemperate language was not acceptable and he regretted using the word.

Decision

Within the context of a discussion about those who choose to protest, we thought that the presenter was entitled to state that such actions, in his view, were misguided. We welcome the broadcaster’s comments and the subsequent action it has taken. However, we thought that to use such an extreme term as “scum” to describe the woman was not justified in a discussion focussing on a peaceful demonstration in a war zone and was seriously ill-judged.

Breach of Rule 2.3 (Generally accepted standards)

Alex Belfield

Capital Gold, 19 October 2005, 22:30

Introduction

Two listeners objected to a presenter's remarks during a phone-in discussion and the offensive language ("cunt") used by two callers who contributed to it. The topic under discussion was teenage pregnancies and the presenter referred to a newspaper article that had reported on a 16 year old girl who had given birth to triplets.

Response

GCap Media, the station's parent company, apologised for any offence to listeners and fully acknowledged that the presenter's comments had been inappropriate and unacceptable. It assured us that this matter had been taken very seriously. The phone-in element was suspended for the rest of the programme that evening and internal measures had since been put in place to address the issues raised by the broadcast.

Decision

The topic of teenage pregnancy is a perfectly legitimate subject for debate. However the presenter was vociferous in his condemnation of this individual and young, single mothers in general. He used expressions such as "*dirty little tart*" and "*dirty little slapper*". Two callers, who considered his views to be obnoxious, were heard referring to him as a "*cunt*".

We note that the matter was dealt with at the time of the broadcast and immediate action was taken with the presenter to make him aware of the unacceptability of his comments. We welcome the broadcaster's prompt action and the seriousness with which it viewed the matter. However the presenter's handling of the discussion was seriously ill-judged and the broadcaster should have taken appropriate steps to prevent callers from using such language live on air.

Breach of Rule 2.3 (Generally accepted standards)

Rich Kids' Cattle Drive

E! Entertainment, 25 October 2005, 12:50

True Hollywood Story: Snoop Dog

E! Entertainment, 17 November 2005, 20:00

Introduction

A viewer objected to the inclusion of offensive language ("motherfucker") in the programme *Rich Kids' Cattle Drive*. Another complainant objected to the same language appearing in *True Hollywood Story: Snoop Dog*. Both complainants considered the language unacceptable for the time of broadcast. We also noted other swearing within the programmes.

Response

E! Entertainment said that it took its obligations under the Code very seriously and had a range of procedures in place to ensure that programming was not broadcast at inappropriate times. It acknowledged that the transmissions of *Rich Kids Cattle Drive* and *THS: Snoop Dog* breached the Code and explained that these breaches were the result of human error. E! stated that prior to transmission every effort is made to ensure that recordings intended for broadcast before the watershed are bleeped and/or dipped and/or masked as appropriate. In the case of these two episodes, the safety checks were not completed in full and for this the broadcaster apologised.

Following notification of the complaints, E! instigated a further review of the processes involved in preparing transmission material for air. Every episode of *Rich Kids Cattle Drive* had subsequently been double checked and, as a safety precaution, all other series that E! airs in daytime were being double checked in advance of their transmission. E! also said that it intends to introduce further safety checks to ensure that this sort of breach does not recur.

Decision

The programmes contained frequent usage of very strong language ("motherfucker" "fuck" etc) which was unsuitable for the time at which they were shown. The programmes therefore breached the Code.

We acknowledge that the inclusion of this language was a result of human error but are concerned that sufficiently robust systems were not in place to prevent these mistakes, despite E! having assured us that it had instigated new procedures following an earlier breach for the same reason (see Bulletin 10). On this occasion the breaches occurred only three weeks apart and the broadcaster appears to have introduced further compliance checks only after it was made aware of the complaints.

We would not expect any further repetition of swearing of this nature in pre-watershed programmes shown by the broadcaster.

Breach of Rule 1.14 (Offensive language)

North East Tonight

ITV 1, 11 October 2005, 18:25

Introduction

This regional news programme featured a report on a local ice hockey club, the "Newcastle Vipers". The item focused on the 'hard-man' image of some of the players and the aggressive reputation the team had developed. The sequence included a montage of clips of players fighting, accompanied by the track '*I Predict a Riot*' by the Kaiser Chiefs. The report ended with the reporter commenting on the team's aggressive style and saying "so tough – yes, but successful also, and as the saying goes – if something isn't broke, don't fix it".

A viewer complained that the content of the report was too violent for the time of broadcast.

Response

ITV Tyne Tees said that the item reported the fact that one of the Newcastle Vipers' key players had an extremely poor disciplinary record on the ice, one of the worst in the league. The report aimed to show, that far from being disturbed about this, the Vipers regarded the physical side of their game as very important. An illustration of this was the fact that part of their training regime involved punch bags and this was shown in the report. One of the players interviewed claimed that the teams "tough" reputation gave them an advantage over visiting players, and this was reflected by their success in the league. The broadcaster claimed that illustrating this "toughness" without showing some scenes of confrontation would be impossible.

The report featured one fight at the start. This involved a general melee of players and while there was a great deal of activity, only two punches were actually thrown. Later in the report, a clip showing two players in soft focus was shown. Both players were wearing full helmets and full body armour, and although they were striking a number of blows with their fists, it was mainly to their helmets and armour, and the blows had no discernable effect on their well-being. Certainly neither player was harmed in the fight. The broadcaster stated that injuries from fighting in ice hockey were extremely rare, due to the high level of protection. It believed the report left the impression that although fighting and intimidation was commonplace in the sport, neither the players nor the spectators took the matter too seriously, similar to the old Saturday afternoon wrestling and the current WWF bouts shown on television.

Decision

The Broadcasting Code requires that violence, its after-effects and descriptions of violence, whether verbal or physical, must be appropriately limited in programmes broadcast before the watershed and must also be justified by the context. There are times when, in the context of a news programme, appropriately edited scenes of violence may be legitimately shown.

The report about the on-pitch behaviour and reputation of the players was obviously legitimate in this regional sports programme and we believe that viewers would not be surprised by the inclusion of some violent scenes within a news programme. However, we consider that the amount of fighting shown (which included scenes from a DVD which was devoted to footage of one of the players fighting), coupled with the music and the closing remarks by the reporter was excessive and appeared to endorse the players' violent behaviour.

Although the item appeared in a news programme, it was shown in the early evening at a time children were likely to be present in the audience without, in our view, sufficient editorial justification in the context of a piece about violence in sport. Because of this, we consider it breached the Code.

Breach of Rule 1.11 (Violence and dangerous behaviour)

Resolved

World's Fastest Bikes 2

Men and Motors, 28 August 2005, 17:40

Bikes Aloud

Men and Motors, 13 August 2005, 16:30

Introduction

Men and Motors is a channel owned by ITV. *World's Fastest Bikes 2* and *Bikes Aloud* are programmes in the channel's motorcycling strand.

During *World's Fastest Bikes 2*, a group of professional riders test the performance of a selection of superbikes. The riders are seen on public roads in the Isle of Man, travelling at speeds of 150mph, doing 'wheelies', overtaking each other on bends and tugging and kicking each other while riding.

During *Bikes Aloud*, riders were seen performing 'wheelies' as they overtook the camera crew.

Two viewers complained that the programmes condoned and encouraged dangerous and illegal riding practices.

Response

ITV stated that this genre of programming served a committed 'interest group' in the audience that could be divided into two groups: one the 'born again biker' and the other younger, 'street' bikers.

Regarding *World's Fastest Bike 2*, ITV stated that the riding shown took place in the Isle of Man, where there are no speed restrictions on roads outside built up areas. While the riders did ride, overtake and corner at high speed, they did not break the law by doing so or overtly encourage others to follow suit.

ITV pointed out that there is a strict mandatory training regime in place for those new to motorcycling. ITV believed the positive influences of that regime (to gain and keep a driving licence) would outweigh the influences of any media presentation to the inexperienced motorcyclist.

However as a result of the complaints it had reviewed its guidelines with the objective of maintaining a responsible broadcast standard but enabling reasonable flexibility to avoid unnecessary restriction on its programming. In future, any demonstration of such activity will be conducted only in an enclosed location where permission has been obtained and due safety measures have been put in place.

Programmes scheduled for repeat from the Men & Motors' archive would be reviewed and edited as necessary to ensure compliance with new guidance notes it had issued.

Decision

These are established, specialist programmes catering for bike enthusiasts. While we accept that such programmes will focus on the bikes' performance, this should not be done in such a way as to condone, encourage or glamorise dangerous riding

practices.

During *World's Fastest Bikes 2*, it was made clear to viewers that the road tests took place on the Isle of Man where, although there are speed restrictions in built up areas, outside these areas there are none. We consider the presentation of the programme reflected this situation; during the clips of the bikers following the TT Motorcycle Race route through town, comments were made that on the day of the TT race speeds would reach in excess of 150 mph, but "today it isn't a race and there is a speed limit in force". Trials conducted outside these restricted areas were preceded by the advice that the road tests were undertaken by professional riders on roads where there are presently no speed limits, and that viewers should not try to copy them.

However, some of the practices shown, such as 'wheelies' and riders pulling at each other, were potentially dangerous and, in the case of 'wheelies', illegal. We welcome ITV's assurances and the additional safeguards put in place through the revised guidelines.

In view of ITV's revision of its editorial policy we considered the complaints resolved.

Complaints resolved

American Chopper

Discovery, 7 November 2005, 20:00

Introduction

This US series follows the creation of a motorbike. The relationships within the workshop, and the tight deadlines the team face, mean that the team members' tempers are often frayed.

One complainant was concerned that words such as "spastic" were used, which he felt were offensive to people with disabilities. He was also concerned that, despite direct contact with the broadcaster and assurances that the programmes would subsequently be edited, nothing appeared to have been done.

Response

Discovery said that although the term "spastic" was not used in an aggressive or derogatory manner, it accepted that it did not meet current generally accepted UK standards. The programme had been cleared for broadcast a number of years ago, without the hindsight of more recent research into attitudes in such matters.

The channel said that it had already apologised to the complainant directly. However, due to an oversight which led to the Scheduling Department not being informed, the material had been shown again. When Discovery realised its error, it rang the complainant to apologise.

The relevant episodes had now been barred from transmission. The broadcaster had reminded staff of the procedures regarding scheduling amendments.

Decision

It is unfortunate that the broadcaster, having recognised its error and promised the complainant that the programme would be edited, failed to do so. However Discovery has now taken appropriate steps to ensure that such an error does not recur. In these circumstances, we consider the matter resolved.

Complaint resolved

World Wide Quiz

Jackpot TV, 26 October 2005, 13:00

Introduction

In this quiz, the letters “S”, “U”, “L”, “A”, “S” and “C” were shown on screen and viewers were asked: “What is the word we are looking for?” A viewer complained that the letters shown were incorrect, as the solution was revealed as “CASUAL”.

Response

Telecoms TV, which owns Jackpot TV, admitted that it had made a significant mistake, a second “S” being listed instead of the intended “A”. It apologised for the error but added that this was a rare occurrence, as it had “produced over four thousand similar questions and run several quiz shows and only ever had a couple of mistakes.”

The broadcaster assured us that it has a thorough and precise procedure, with questions and answers being checked by more than one person. It added that it was investigating how the mistake had occurred and would review its procedures to ensure no recurrence.

Decision

The error was clear when the answer was revealed to viewers, and one caller did give the correct answer. We welcome the broadcaster’s apology and actions. Together with its assurance of no recurrence, we believe this resolves the matter.

Complaint resolved

Information about the ICSTIS consultation concerning TV quiz channels/programmes using premium rate lines was published in Bulletin 46

CBeebies

29 October 2005, 06:30

Introduction

CBeebies' birthday dedication slot was scheduled to be broadcast between *Teletubbies* and *Tikkabilla*. However a programme intended for broadcast after the watershed on BBC3, which took a comic look at the events of the last seven days, was broadcast instead.

The BBC3 programme involves stand-up comedians' satirical take on the week's news accompanied by relevant images. Amongst the subjects under review were the potentially fatal dangers of Bird Flu and drug abuse.

One viewer, watching with her children, complained that the material was unsuitable for the channel and the time of day.

Response

The BBC accepted that the programme was unsuitable for broadcast on CBeebies and apologised to the complainant. A combination of human error and reduced staffing levels at that time of day meant that the wrong tape was used and insufficient checks had been made to prevent such a mistake.

While the images and references were either very brief or humorous, the BBC said that it was clearly a very serious operational error and its gravity had been fully recognised by the playout team. All staff working in the relevant area had been told how serious the mistake was, and wide-ranging measures had been taken to guard against recurrence.

Decision

This was clearly a regrettable error and we welcome that the BBC has taken significant steps to guard against any recurrence. We consider that we do not need to intervene further in this matter.

Complaint resolved

Road Signs

Quiz Call, 2 October 2005, 20:19

Introduction

The *Road Signs* game showed eight signs that can be found in the Highway Code, some of which had been altered. The on screen graphics asked: "Which signs are correct?". A viewer believed that a weak bridge sign was so small that the writing was illegible, adding that it looked as if it had been deliberately blurred.

Response

Channel 4 said that it tried to ensure that the elements in its quizzes and competitions were readily legible. It added that for all its games there was "a rigorous checking process, which includes a graphical check of each game and rules on minimum font sizes". However, on reviewing its recording of this particular challenge, the broadcaster noted that the text on the weak bridge sign was smaller than the minimum font size it had laid down for its games.

Although it was readable on digi-beta (high quality original recording), the broadcaster agreed that it could have been less clear on a viewer's television or on recordings of lesser quality and acknowledged that this should have been noticed in the regular checking process. Channel 4 assured us that steps had been taken to minimise the risk of future recurrence.

Decision

The challenge was won by a caller who claimed he had referred to his Highway Code for comparison. However, the weak bridge sign was unclear to the complainant and on the recording sent to us by the broadcaster. We therefore welcome the broadcaster's observation and assurances, which we believe resolves the matter.

Complaint resolved

Fairness and Privacy Cases

Resolved

Confidential Complainant

BBC Wales Today, BBC 1 (Wales), 21 September 2005

Ofcom received a complaint from the complainant that their child's privacy was unwarrantably infringed in an edition of the news bulletin *BBC Wales Today* broadcast on 21 September 2005.

The programme included footage of the complainant's child leaving school on the day children were sent home due to illness at the school. The complainant had not given permission for their child, whose identity and location was to be kept legally confidential, to be included in the footage to be broadcast.

The BBC stated that they had stopped using the pictures of the child as soon the concerns were made known to the programme's Editor and did not re-broadcast them in any of their bulletins later that day. The BBC apologised to the complainant for any distress inadvertently caused and undertook to ensure that the library footage including the complainant's child would not be used in any future broadcast. The complainant accepted this.

Ofcom welcomed the broadcaster's actions which seemed reasonable in the circumstances and decided it would not be appropriate to proceed further with the complaint.

Not Upheld

Complaint by Mr Stuart Toshach

Week in Week Out, BBC 1 (Wales) 15 February 2005

Summary: Ofcom has not upheld a complaint of unwarranted infringement of privacy in the above programme as broadcast. The programme examined the alleged crisis in the Child Support Agency (CSA). Mr Toshach was one of the fathers featured in the programme who was affected by the workings of the CSA and he spoke about his experiences with the agency. He was interviewed at home and on location. Mr Toshach complained that his privacy was unwarrantably infringed because the programme's commentary referred to him as working on and off "in education in North Wales" which was in breach of an undertaking signed by the producer that the programme would make no reference to his present employment whatsoever.

In the particular circumstances of this case, Ofcom considered that the programme's reference to him as being "on and off in education in North Wales" was not in itself inherently private information and, given all the other information that was included in the programme, the inclusion of this information did not in itself lead to an unwarrantable infringement of Mr Toshach's privacy.

Introduction

This edition of the current affairs series *Week In Week Out*, subtitled 'Maintenance Meltdown', examined the alleged crisis in the Child Support Agency (CSA). The programme included interviews with agency representatives, politicians, lawyers, and spouses affected by the workings of the CSA. Mr Stuart Toshach was one of the fathers whose experience was featured. The commentary that immediately preceded his story stated that "delays and bureaucratic chaos have robbed some fathers of any faith in the system and some have learned to live as CSA fugitives". Telling his own story Mr Toshach stated that "I haven't got an issue with paying the 15% of my salary" required under the new CSA rules.

At another point the programme's commentary stated that "Stuart now works on and off in education in North Wales. His pay is so low he says he can't afford maintenance and everybody in this situation is worse off".

Mr Toshach complained that his privacy was unwarrantably infringed in the programme as broadcast.

Complaint

Mr Toshach's Case

In summary, Mr Toshach complained that his privacy was unwarrantably infringed in that the programme's commentary about him working in education in Wales (see quote above) breached an undertaking signed by the programme's producer, Mr Davies, relating to confidentiality. Mr Toshach claimed that the relevant "privacy clause" in the written undertaking explicitly stated that the programme should make "no reference to his present employment whatsoever". Mr Toshach denied giving a verbal permission on the day of filming for the above phrase to be used in the programme, in spite of Mr Davies proposals for him to do so "throughout the day of

filming". Mr Toshach said that throughout an exchange of text messages between him and Mr Davies on 14 February 2005, he maintained that the programme should not mention that he was a part-time teacher, as Mr Davies suggested.

The BBC's Case

In summary the BBC said that Mr Davies observed the signed undertaking agreeing not to identify Mr Toshach's job, place of work, home town, car registration or surname. However, he claimed that Mr Toshach subsequently, agreed verbally to the reference to his part-time work being in education and thus Mr Davies believed that the term "education in North Wales" was general enough not to identify Mr Toshach and did not contravene the spirit or intention of the undertaking given.

The BBC stated that Mr Davies sent a text to Mr Toshach on 14 February 2005 to check whether Mr Toshach might agree to a reference to him being a part-time teacher, to which Mr Toshach responded that he did not want to be described as "a part-time teacher". Mr Davies thus used the line "But Stuart now works on and off in education" which he believed Mr Toshach had verbally agreed to in the conversation on the day of filming.

The programme-makers received no expression of dissatisfaction from Mr Toshach after the programme was broadcast and Mr Davies recalled that all dealings with him were amicable.

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 and unwarranted infringements of privacy in programmes included in such services.

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

In this case, Mr Toshach complained that his privacy was unwarrantably infringed because the programme's commentary referred to him as working on and off "in education in North Wales" which was in breach of an undertaking signed by the producer that the programme would make no reference to his present employment whatsoever.

It was clear from the written submissions before Ofcom that Mr Toshach believed that the programme's producer had breached a signed undertaking not to refer to his present employment. It was equally clear from the written submissions that the programme-makers did not believe that the programme contravened the spirit or intention of the undertaking given regarding any reference to Mr Toshach's employment.

Ofcom invited the parties to a hearing at which Ofcom's Fairness Committee heard the parties' contrasting submissions about a disputed conversation between Mr Toshach and the producer in which the BBC had understood him to give permission for the programme to mention that he worked in 'Education'.

Ofcom found the following:

Ofcom was not able to resolve whether or not Mr Toshach had agreed to the reference to him working in “education in North Wales”. However, Ofcom was satisfied that the broadcaster would not have referred to this if the programme-makers had not genuinely believed that he had.

In considering whether there had been an unwarrantable infringement of Mr Toshach’s privacy, Ofcom took into account the fact that Mr Toshach had been quite happy to be named and interviewed in the programme and that so much of his life had been exposed, including some very personal matters which he had readily discussed. In this context, Ofcom considered that the programme’s reference to him as being “on and off in education in North Wales” was not in itself inherently private information. Given all the other information that was included in the programme, Ofcom took the view that the disclosure of information concerning his sector of employment did not in itself lead to an unwarrantable infringement of Mr Toshach’s privacy.

However, in considering the facts of this case, Ofcom had regard to the need for programme-makers to take all reasonable steps to ensure that guarantees given to contributors were honoured. Ofcom noted how unusual it was for a broadcaster to be asked by a participant to sign an undertaking (outlining conditions) before agreeing to appear in a programme. Ofcom considered that this should have alerted the programme-makers to the need to keep a thorough record of any subsequent conversations with Mr Toshach and ensure that changes they thought had been agreed to were agreed in writing. Ofcom was concerned to ensure that broadcasters noted the importance of this in avoiding such disagreements over guarantees arising in the future.

In all the circumstances, Ofcom concluded that although Mr Toshach’s specific written request may not have been honoured, his privacy was not unwarrantably infringed in the programme as broadcast.

Accordingly, the complaint of unwarranted infringement of privacy was not upheld.

Complaint by Ms Julie Taylor on behalf of Mr James Taylor

Lunchtime News, UTV, 3 March 2005

Summary: Ofcom has not upheld this complaint of unfair treatment. Julie Taylor complained on behalf her brother, James Taylor, that he was treated unfairly in this edition of UTV's Lunchtime News. The item complained of reported on the appearance in court of Mr Taylor, charged with murdering Darren Thompson. Mr Thompson died of gunshot wounds. The report stated that the victim's father, Gilbert Thompson, confronted Mr Taylor when he appeared in court, calling him "scum" as he was led away from the dock. The reporter said that Mr Taylor pointed at the victim's father and said "Bang, bang".

Ofcom concluded that, given the risk of mishearing what Mr Taylor said, the reporter took sufficient and appropriate steps to check what was said and to obtain independent corroboration from others present in court. In these circumstances, the broadcaster took reasonable care to verify the story and was entitled to report the court appearance as it did.

Introduction

This news item reported on the appearance in court of James Taylor, charged with murdering Darren Thompson. Mr Thompson died of gunshot wounds. The report stated that the victim's father, Gilbert Thompson, confronted Mr Taylor when he appeared in court, calling him "scum" as he was led away from the dock. The reporter said that Mr Taylor, in response, pointed at the victim's father and said "Bang, bang".

Complaint

Ms Taylor's case

In summary, Ms Taylor complained that Mr Taylor had been treated unfairly in that he had not at any time in court said "Bang, bang". The inaccurate reporting led to an inference that Mr Taylor was threatening Mr Thompson's father and acknowledging his involvement with the murder.

UTV's case

UTV said, in summary, that their reporter was present in court at the hearing. He was reasonably sure that he heard Mr Taylor say "Bang, bang" but, because of the risk of mishearing, he checked with Mr Thompson while in court. Mr Thompson confirmed that Mr Taylor said "Bang, bang". The reporter also spoke to the investigating officer in the case, who asked the prison guards what Mr Taylor said. They also confirmed that he said "Bang, bang". In the circumstances, the reporter was satisfied that his version of events was correct. He wrote a note of the steps he had taken on 7 March 2005. In July 2005, when dealing with the complaint, UTV asked a freelance journalist who was also present in court at the time to provide his description of what had occurred. The journalist had had no doubt that Mr Taylor had said "Bang, bang", but had checked with a prison guard and a police officer in the immediate vicinity of Mr Taylor. Both had separately confirmed that Mr Taylor had said "Bang, bang". This journalist's story was distributed to the radio and to newspapers.

Ms Taylor's response

In response to UTV's statement, Stelfox Solicitors, on behalf of Mr Taylor, said that a solicitor from their office was present in court at the time in question and did not see Mr Taylor make any gestures towards anybody in the court. Mr Taylor was questioned by police in connection with the matter and no further action was taken, as there was not enough evidence to support the allegations.

UTV's response

UTV made no further comments.

Decision

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards that provide adequate protection to members of the public and all other persons from unfair treatment and unwarranted infringements of privacy in programmes included in such services.

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

Ofcom is not a fact finding tribunal and is not in a position to determine whether or not Mr Taylor said "Bang, bang" to Mr Thompson, nor is it its role to do so.

Ofcom was not, therefore, able to resolve the conflict between the parties' accounts of events in court. In these circumstances, Ofcom's function was to consider whether, notwithstanding this conflict, the programme-makers had taken all reasonable care to satisfy themselves that the material facts had been considered and so far as possible were fairly presented.

Ofcom took the view that, given the risk of mishearing what Mr Taylor said, the reporter took sufficient and appropriate steps to check what was said and to obtain independent corroboration from others present in court. In these circumstances, the broadcaster took reasonable care to verify the story and was entitled to report the court appearance as it did.

Accordingly, Ofcom found that there was no unfairness to Mr Taylor in the programme. The complaint was not upheld.

Mr Imtiaz Valli

Dispatches: Third Class Post, Channel 4, 29 April 2004

Summary: Ofcom has not upheld this complaint of unfair treatment and unwarranted infringement of privacy in both the making and broadcast of the programme.

Mr Valli was secretly filmed apparently arranging the sale of a pair of training shoes that were later found to be counterfeit and commenting on his own work practices and experiences. He complained that he had been portrayed as a “professional slacker” and being habitually concerned with supplying counterfeit goods at work.

Ofcom noted that the programme had not referred to Mr Valli as a “professional slacker”, and considered that it was clear from both the unedited secretly recorded footage and the programme itself that Mr Valli carried out his duties in a manner that viewers would have seen as inappropriate for a public service employee. The programme was not unfair in the way it portrayed Mr Valli and represented his behaviour.

Ofcom considered that the obtaining and broadcasting of secretly filmed footage of Mr Valli infringed his privacy in both the making and broadcast of the programme. Ofcom considered that it was legitimate to obtain and broadcast secretly filmed footage and that the infringements were warranted. Specifically, Ofcom considered that there was a significant public interest in highlighting the failings of Royal Mail as well as the problems faced by Royal Mail, and that Mr Valli’s own conduct was illustrative of those failings and problems.

Introduction

This edition of *Dispatches* was subtitled “Third Class Post” and investigated alleged incompetence and dishonesty among Royal Mail employees. The programme used footage secretly filmed by Mr Simon Barnes, an undercover reporter, who had gained employment in the London sorting office where Mr Valli worked. Mr Valli was secretly filmed apparently arranging the sale of a pair of trainers that the programme claimed were counterfeit and was shown commenting on work practices and his work experiences. Mr Valli was referred to by name in the programme and his face was not obscured.

Mr Valli complained to Ofcom that he was treated unfairly in the programme and that his privacy was unwarrantably infringed in the both the making and broadcast of it.

The Complaint

Mr Valli’s case

In summary, Mr Valli complained that:

- a) The programme depicted him as a “professional slacker” and stated that he was “never going to win Employee of the Month”. In the programme, Mr Valli was heard to say that he had found an undelivered letter on the floor of the post room that was over a year old. He claimed that the reference to the letter was included in the programme as “proof” that he had been an integral part of the problems facing the sorting office in which he worked. Mr Valli said that during his time with Royal Mail, he had never been disciplined, warned or

investigated for sick leave or work related matters. The inclusion of such comments in the programme was unfair to him;

- b) The programme portrayed Mr Valli as being habitually concerned at work with the supply of counterfeit goods. In particular, he was featured showing a pair of training shoes to a fellow colleague while on a staff break, with the accompanying commentary stating that Mr Valli would “spend time on-duty flogging trainers”. In another part of the programme one individual said that “theft of mail within the depot is often confined to more popular items such as trainers”. Mr Valli said that the inevitable inference was that he had committed such an offence.

The programme also suggested that he sold a pair of counterfeit training shoes to Mr Barnes. However, Mr Barnes had in fact bought a pair of training shoes from another member of staff who was not named or otherwise identified in the programme. Mr Valli said that the programme failed to make it clear that he had told Mr Barnes that the training shoes he had were bought at a market legitimately; and,

- c) Mr Valli complained that his privacy was unwarrantably infringed in both the making and broadcast of the programme in that he was secretly filmed and that the footage was included in the programme without his knowledge or his consent. Also, he was identified in the programme by name and his face was not obscured in the way other employees had had their faces obscured.

Channel 4's case

In summary, Channel 4 responded that:

- a) At no time during the programme was Mr Valli referred to as a “professional slacker”. However, there were instances in the programme that demonstrated that Mr Valli was less than a perfect employee. Mr Valli discouraged Mr Barnes from working hard at his job and was secretly filmed instructing other workers to “make it stretch”. Mr Valli was also secretly filmed admitting that he had once gone to play snooker when he was supposed to be at work. Although Mr Valli claimed that he had never been disciplined or warned over his sickness record, he did tell Mr Barnes, who secretly recorded the conversation, that he was investigated by management who suspected him of feigning illness after taking three months off. Channel 4 said that these instances, taken with the other examples of Mr Valli's bad behaviour while on duty that were secretly recorded and shown in the programme, demonstrated clearly Mr Valli's attitude and that it was not unfair for the programme to have said that Mr Valli was “never going to win Employee of the Month”.

Channel 4 said that the programme made no express or implied suggestion that Mr Valli was responsible for the year old letter which was found and no reasonable viewer would have inferred this. Mr Valli had been depicted as clearly offering an example of the chaotic working methods of the sorting office.

- b) Although Mr Valli claimed that he was showing a friend a pair of training shoes while on a staff break, the secretly filmed footage confirmed that Mr Valli was involved in the selling of training and other shoes while he was meant to be on duty working. During the programme, Mr Barnes interviewed a convicted criminal who admitted to mail theft. He referred to stealing “all sorts of things, including trainers”. Channel 4 said that there was no express or implied link to

Mr Valli in this section that clearly stood-alone. The programme-makers were very careful not to go beyond the proven facts that Mr Valli sold counterfeit training shoes while on duty. It was beyond the bounds of reason to suggest that the inclusion of the comment inevitably inferred that Mr Valli had committed such an offence, i.e. theft.

Channel 4 said that on a number of occasions, Mr Valli told Mr Barnes that he obtained his stock of items from "a friend" and gave two contradictory accounts of where his "friend" got his stock. Mr Valli was well known within the sorting office for his selling activities and it was apparent that he sold training shoes and clothes to a number of colleagues while on duty. Mr Barnes was offered training shoes and other items on a number of occasions, and he purchased a pair of training shoes that, on further investigation, were proven, by Nike (UK) Limited, to be counterfeit. Mr Valli was secretly recorded selling or offering two types of Nike-branded training shoes, among other items. Although Mr Barnes did not purchase the training shoes directly from Mr Valli, they were the same pair that Mr Valli had been filmed offering for sale the previous day.

- c) Channel 4 said that Mr Valli was secretly filmed carrying out duties as a public servant. Although his conversations with Mr Barnes were secretly recorded, they did not refer to anything that personal or private to Mr Valli. He was shown in both the unedited footage and the programme itself engaged in entrepreneurial activity during work and at least one instance of this activity has been proved to have been illegal, namely the selling of counterfeit goods. Given the public interest involved this was not a situation in which Mr Valli could have had a legitimate expectation of privacy.

Both the programme-makers and Channel 4 considered that those employees shown to be indulging in serious criminal behaviour would be identified as would those who were shown performing their public service duties in a manner inconsistent with the standards that a reasonable person would expect of public servants entrusted with the post. Mr Valli demonstrated such a level of bad practice in the course of his work that the public interest demanded his identity not to be obscured.

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.

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 and targeted only at cases in which action is needed.

In this case, Ofcom found the following:

- a) Ofcom noted that the programme did not refer to Mr Valli as a "professional slacker". Ofcom was satisfied that Mr Valli's comment about finding a letter over a year old would not have led viewers to believe this to have been "proof" of his role in the failings of the sorting office. However, it was evident from the unedited secretly filmed footage - viewed by Ofcom - and the programme itself that Mr Valli displayed an attitude and approach to his work that viewers would

have seen as failings and inappropriate for a public service employee to be engaged in while on duty. Whether or not Mr Valli's sickness record had been investigated, it was irrelevant to Ofcom's consideration whether the programme was unfair to him. Ofcom considered that, in light of clear examples of Mr Valli's inappropriate behaviour captured in the unedited secretly filmed footage, it was not unfair for the programme to have commented that Mr Valli would "never win Employee of the Month" or that the programme misrepresented his behaviour. Ofcom found no unfairness to Mr Valli in this respect.

- b) Although Ofcom recognised that Mr Valli did not sell Mr Barnes the training shoes directly, it was evident from the unedited secretly filmed material and the programme itself that the training shoes were the same that Mr Valli had shown to Mr Barnes on the previous day. It was also evident that Mr Valli was engaged in selling training shoes while at work. In these circumstances, Ofcom took the view that it was not materially misleading if viewers understood Mr Valli to have been "habitually selling trainers". Ofcom was also satisfied, that the training shoes bought by Mr Barnes were counterfeit. A letter from Nike (UK) Limited confirmed that the training shoes were not authentic. Ofcom found no unfairness to Mr Valli in this respect.
- c) In Ofcom's view the line to be drawn between the public's right to information and the citizen's right to privacy can sometimes be a fine one. In considering complaints about the unwarranted infringement of privacy, Ofcom will therefore, where necessary, address itself to two distinct questions: First, has there been an infringement of privacy? Second, if so, was it warranted?

Programme-makers should not normally obtain information or pictures through deception unless the disclosure is in the public interest and the material could not be obtained by any other means. In the circumstances of this programme, Ofcom recognised that the programme had set out to examine some of the issues surrounding the problems that were faced by Royal Mail and the reasons for the poor service it was delivering to the public. In doing this, Ofcom considered that it was legitimate for the programme-makers to secretly film Royal Mail employees and to highlight examples of dishonesty, incompetence and bad behaviour. It was also clear that it was very unlikely that the programme would have been able to secure this footage by any other means.

With specific regard to Mr Valli, Ofcom considered that the obtaining and broadcasting of secretly filmed footage of Mr Valli infringed his privacy in both the making and broadcast of the programme. Ofcom went on to consider whether or not the infringements were warranted.

As already stated, the use of secret filming should only be considered where it is necessary to the credibility of a story. Ofcom considered (as stated above) that it was legitimate to obtain and broadcast secretly filmed footage in the particular circumstances of this case and therefore the infringements of Mr Valli's privacy in the making and broadcast of the programme were warranted. Specifically, Ofcom considered that there was a significant public interest in highlighting the failings of Royal Mail as well as the problems faced by Royal Mail. Mr Valli's own conduct was illustrative of those failings and problems. Ofcom further considered that Mr Valli was far from incidental in the programme and the secretly recorded footage of him clearly demonstrated the seriousness of his inappropriate conduct while on duty. In the circumstances, Ofcom considered that it was legitimate not to obscure Mr Valli's identity.

Accordingly, the complaints of unfair treatment and unwarranted infringement of privacy were not upheld.

Mr Michael Bekoe

Dispatches: Third Class Post, Channel 4, 29 April 2004

Summary: Ofcom has not upheld this complaint of unfair treatment and unwarranted infringement of privacy. Mr Bekoe was secretly filmed delivering mail. He complained that he was treated unfairly in that the programme implied that he could barely read or write English, that he was “irresponsible, negligent and lazy”; that it associated him with credit card theft; that he had a “bad character”; and that he had been “used”. He also complained that his privacy was unwarrantably infringed in both the making and broadcast of the programme as, he was identified in the programme and filmed without his knowledge or consent.

Ofcom considered that the programme had not given the impression that Mr Bekoe could neither read nor write English and that it was clear from both the unedited secretly filmed material and the programme itself that Mr Bekoe had not carried out his duties in a responsible and diligent way. It was satisfied that the programme in no way inferred that Mr Bekoe was associated with criminality and it considered that it was legitimate for the programme-makers to have used the technique of secret filming to highlight the level of incompetence displayed by him.

Ofcom considered that obtaining and broadcasting of secretly filmed footage of Mr Bekoe infringed his privacy in both the making and broadcast of the programme. Ofcom considered that it was legitimate to obtain and broadcast secretly filmed footage and that the infringements were warranted. Specifically, Ofcom considered that there was a significant public interest in highlighting the failings of Royal Mail as well as the problems faced by Royal Mail and that Mr Bekoe’s own conduct was illustrative of those failings and problems.

Introduction

This edition of *Dispatches* was subtitled “Third Class Post” and investigated alleged incompetence and dishonesty among Royal Mail employees. The programme used footage secretly filmed by Mr Simon Barnes, an undercover reporter, who had gained employment in the London sorting office where Mr Bekoe worked. Mr Bekoe, a Ghanaian student working as a temporary postman, was featured briefly at the end of the first part of the programme and again in the second part of the programme delivering mail. He was shown, for a long time, experiencing what appeared to be difficulty in delivering the mail and returning to the depot with some of it undelivered. Mr Bekoe was referred to by his first name in the programme and his face was not obscured.

Mr Bekoe complained to Ofcom that he was treated unfairly in the programme and that his privacy was unwarrantably infringed in the both the making and broadcast of it.

The Complaint

Mr Bekoe’s case

In summary, Mr Bekoe complained that:

- a) The programme’s commentary introduced him and a colleague as “posties who could barely read or write English and certainly can’t deliver”. Mr Bekoe said that this was unfair to him as he could read and write English and that if he had

been trained properly in how to deliver the mail he would not have found it as difficult as he did;

- b) The programme portrayed Mr Bekoe as “irresponsible, negligent and lazy” and failed to show that he had expressed his unwillingness to his managers to deliver mail unless he was given training. The programme also failed to explain that there had been a strike at the depot and that no one with experience was available to accompany him on the delivery round. Mr Bekoe said that the programme suggested that delivering mail was a relatively simple task and that his failure to deliver the entire round of post was incompetent. However, Mr Barnes had also experienced difficulties delivering the mail without training, yet no comparison was drawn between his efforts and Mr Bekoe’s;
- c) The programme portrayed Mr Bekoe as a “disloyal” worker and involved in criminal activity. Mr Bekoe said that the programme featured other Royal Mail employees who stole credit cards and, as a result of being featured in the programme, he had been associated unfairly with credit card theft;
- d) The programme questioned Mr Bekoe’s “honour”. In particular, at the conclusion of the section featuring Mr Bekoe, the programme’s commentary stated “...untrained, unvetted agency staff are being sent out on their own with stacks of letters”. Mr Bekoe said that this suggested that he was “unvetted” which gave the clear implication that vetting would have uncovered a problem with his background and/or character; and,
- e) Mr Barnes’s undercover reporting methods had left Mr Bekoe feeling betrayed as he had regarded him as a friend. Mr Bekoe said that he had been “used” by the programme-makers to criticise his employers, Royal Mail.
- f) The programme infringed Mr Bekoe’s privacy in both the making and the broadcast of the programme. Mr Bekoe’s identity was “exposed” without his permission, knowledge or consent and there was no public interest justification in identifying him. It was not necessary to show his face or to name him when other employees in the programme had their identities obscured.

Channel 4’s case

In summary, Channel 4 responded that:

- a) Mr Bekoe and his colleague were featured briefly at the end of part one of the programme along with the accompanying commentary “Next, the posties who can barely read or write English, and certainly can’t deliver”. The corresponding pictures showed, firstly, the blurred faces of agency workers who Mr Barnes discovered were employed despite lacking basic necessary skills for the job (i.e. ‘...the posties who can barely read or write English...’) and, secondly, a brief shot of Mr Bekoe and his colleague (‘...and certainly can’t deliver.’). Channel 4 said that this had been carefully and fairly cut to show that Mr Bekoe and his colleague would appear in the section of part two of the programme that illustrated incompetent delivery – rather than the section that highlighted the problem of basic literacy skills. Despite Mr Bekoe’s concerns Channel 4 said that there was no express or implied assertion in the programme that he could “barely read or write English”. Mr Bekoe was clearly seen reading letter addresses and English language signs without any problem, as well as copying down an apartment address list;

- b) Mr Bekoe's failure to perform a relatively simple task was highly relevant to an investigation of how incompetence and general laziness was responsible for the late delivery of millions of letters a year. The letters that Mr Bekoe was filmed delivering were mostly first class letters destined for non-business customers. However, the sequence showed how Mr Bekoe and his colleague only tried to deliver a small portion of the round and after only three hours returned well over half of the letters to the sorting office, where they would have to wait to be reposted.

Although the footage featured Mr Bekoe's first time delivering mail, as stated clearly in the programme, he had been working at the Royal Mail as a sorter for some time before. Mr Bekoe should have been aware of the importance of mail security and delivering mail properly and on time. Channel 4 said that the programme had made it clear that Mr Bekoe and his colleague were "untrained", were in "a learning stage" and had been given "no clear job description". The official and unofficial strikes at Paddington sorting office referred to by Mr Bekoe had finished by the time he was secretly filmed.

Channel 4 said that Mr Barnes had faced the same challenges as Mr Bekoe and his colleague when trying to deliver mail without specific training. However, the crucial difference between the two delivery efforts was that Mr Barnes fully, diligently and correctly completed his round without any help whatsoever, working late to make sure all the mail he was responsible for was delivered to the right address;

- c) Mr Bekoe's complaint that the programme implicated him with involvement in the criminal activity featured in other parts of the programme was unfounded. The section in which Mr Bekoe and his colleague were featured was a distinct part of the programme used to illustrate the incompetence and poor training of agency workers. There was nothing in the programme, implied or express, that linked Mr Bekoe to any criminal activity;
- d) The programme's reference to the fact that agency staff were "unvetted", was explained in the programme: by law, the Royal Mail was unable to check the criminal records of any of its employees. Mr Bekoe, like all permanent, temporary and agency staff at Royal Mail at the time of the film, was "unvetted" because no agency staff then were checked for a criminal record. The programme made no express or implied claim that Mr Bekoe had a criminal past; and
- e) Channel 4 said that the programme-makers had set out to investigate why the Royal Mail lost millions of the letters every day and was failing to hit any of its official targets for delivering mail on time. Mr Barnes met Mr Bekoe as he and his colleague prepared to make their first deliveries and followed them to record how they treated the letters they had been entrusted with. The secret filming of the way in which Royal Mail agency workers, like Mr Bekoe, delivered the post, formed a crucial part of this investigation into the causes of poor service. In the programme Mr Bekoe was clearly seen engaged in incompetent working behaviour, the type of which, had been identified as causing so much of the country's lost and delayed mail. Although Mr Bekoe may have considered Mr Barnes a "friend" he did not reveal anything more on screen than would be normal for any colleagues discussing their jobs. Given the public interest involved, it was legitimate for the programme-makers to secretly film Mr Bekoe carrying out his job.

- f) Channel 4 said that Mr Bekoe was secretly filmed carrying out his duties as a public servant, in public places. Although Mr Bekoe's conversations with Mr Barnes were secretly filmed they did not refer to anything personal or private to Mr Bekoe. The conversations were all restricted to the Royal Mail and the specific job that Mr Bekoe and his colleague were carrying out that day. Given the public interest involved this was clearly not a situation where Mr Bekoe could have had a legitimate expectation of privacy.

Although it was clear that those employees indulging in criminal behaviour would be identified, it was also decided by the programme-makers that all individuals who could clearly be seen performing their public service roles in an incompetent manner, inconsistent with the standards that a reasonable person would expect of public servants entrusted with the mail, would not have their identities obscured. Channel 4 said that both Mr Bekoe and his colleague had demonstrated such a level of incompetence in attempting to perform a relatively straightforward task that the public interest demanded their identity not be obscured.

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.

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 and targeted only at cases in which action is needed.

In this case Ofcom found the following:

- a) Ofcom was satisfied that it would have been sufficiently clear from the programme that the part of the programme which included Mr Bekoe dealt with incompetent delivery of mail rather than problems with basic literacy among Royal Mail employees. The programme made no comments regarding Mr Bekoe's level of literacy and it was very unlikely that viewers would have gained any impression that he had difficulty with reading or writing given that he was clearly shown in the programme reading addresses without difficulty. There was no unfairness to Mr Bekoe in this respect.
- b) In Ofcom's view, the focus of the part of the programme in which Mr Bekoe appeared aimed to highlight a genuine problem of incompetence and failings of Royal Mail employees in carrying out their fundamental duties. Ofcom took the view that, notwithstanding whether or not Mr Bekoe had declared his unwillingness to deliver mail without training and that he had only gone out on a delivery round because of strike action, it was clear from the unedited secretly filmed material and the footage used in the programme itself that Mr Bekoe had made very little effort to ensure that he completed his round and deliver the mail in a responsible and diligent way. This was also put into stark contrast when compared to the manner in which Mr Barnes carried out his first delivery round. In these circumstances, Ofcom considered that the programme accurately and fairly represented Mr Bekoe's attempt to deliver the mail and had not portrayed him unfairly.

- c) Ofcom noted that the programme did not show Mr Bekoe carrying out criminal acts. Ofcom was further satisfied that the programme in no way inferred or associated Mr Bekoe with the criminality uncovered in other parts of the programme. The manner in which the programme was edited would have left viewers in no doubt that the footage of Mr Bekoe was used to highlight the levels of incompetence and lack of training of some Royal Mail employees and not to illustrate criminal activity. Ofcom considered that these parts of the programme were very distinct from each other and that no unfairness resulted to Mr Bekoe by including footage of him in it, or that it implied criminal behaviour on his own part.
- d) Ofcom noted that the programme explained the significance of referring to the fact that neither the employment agencies nor Royal Mail could check whether a potential employee had a criminal record. This was said at the start of the programme to demonstrate the ease with which Mr Barnes could gain temporary employment as a postman and in the context of how no criminal record checks were made for a job where registered mail and credit cards would be handled. Ofcom considered that this reference to criminal record checks in no way inferred that Mr Bekoe himself was of bad character or had a criminal record. The programme was stating a fact. There was no unfairness to Mr Bekoe in this respect.
- e) Programme-makers should not normally obtain information or pictures through deception unless the disclosure is in the public interest and the material could not be obtained by any other means. In the circumstances of this particular case, Ofcom considered that it was legitimate for the programme-makers to secretly film Mr Bekoe and his colleague delivering mail. It accepted that one of the focuses of the programme had been to investigate the reasons for the loss of millions of letters a year and poor delivery times. To illustrate the reasons for such poor service, it was reasonable for the programme-makers to secretly film Mr Bekoe who, like other temporary agency staff, displayed an incompetent working style that had been identified as being part the problems faced by Royal Mail. It was also clear that it was very unlikely that the programme would have been able to secure this footage by any other means.
- f) In Ofcom's view the line to be drawn between the public's right to information and the citizen's right to privacy can sometimes be a fine one. In considering complaints about the unwarranted infringement of privacy, Ofcom will therefore, where necessary, address itself to two distinct questions: First, has there been an infringement of privacy? Second, if so, was it warranted?

In this case, Ofcom considered that obtaining and broadcasting of secretly filmed footage of Mr Bekoe infringed his privacy in both the making and broadcast of the programme. Ofcom went on to consider whether or not the infringements were warranted.

The use of secret filming should only be considered where it is necessary to the credibility of a story. Ofcom considered (as stated above) that it was legitimate to obtain and broadcast secretly filmed footage in the particular circumstances of this case and therefore the infringements were warranted. Specifically, Ofcom considered that there was a significant public interest in highlighting the failings of Royal Mail as well as the problems faced by Royal Mail. Mr Bekoe's own incompetence when delivering less than half of the mail entrusted to him on his round was illustrative of those failings and problems. Ofcom also considered that Mr Bekoe was far from incidental in the programme

and the secretly recorded footage of him clearly demonstrated the seriousness of his incompetence. In the circumstances, Ofcom considered that it was legitimate not to obscure Mr Bekoe's identity.

Accordingly, the complaints of unfair treatment and unwarranted infringement of privacy were not upheld.

Complaint by Highley Parish Council

Toughest Villages in Britain, Sky One, 1 November 2004

Summary: Ofcom has not upheld this complaint of unfair treatment about this programme which looked at a number of British villages that, it was alleged, had reputations for toughness. One of the villages featured in the programme was Highley in Shropshire. Highley Parish Council complained that the village was portrayed as a tough and difficult place in which to live.

Ofcom appreciated the Council's concerns about the manner in which it perceived the village to have been depicted in the programme. However, Ofcom considered that it was likely that viewers would have recognised that the programme was intended to be light-hearted in its approach and was not intended to be a serious critique of the village itself or the work of the Council. Further, Ofcom considered that the programme did not materially misrepresent the village of Highley in a way that was likely to result in unfairness.

Introduction

This programme looked at a number of British villages that, it was alleged, had reputations for toughness. One of the villages featured in the programme was Highley in Shropshire. Some of Highley's residents were shown attending a fun day at a local public house and others were interviewed about the village and their experiences of living there.

Highley Parish Council ("the Council") complained that the village was treated unfairly in the programme as broadcast.

The Complaint

Highley Parish Council's case

In summary, the Council said that the village was portrayed as a tough and difficult place in which to live. The Council said that it was unfair to describe the village in this way and that it did not reflect real village life. Highley had a low crime rate, had won Britain in Bloom Awards and a considerable amount of money had been spent on a community centre. On the day of filming, the whole village had joined together for the fun day event. However, the programme-makers had edited the footage of the day unfairly.

BSkyB's case

In summary, BSkyB responded by saying that the programme did not seek or claim to give a complete profile of the villages featured in it. The programme clearly indicated to viewers that it was a "humorous debunking" of the myth of village life through interviews with residents and showing alternatives to the "post-card" images shown in the introduction to the item. Although the Council considered that such views and images undermined its work, the programme accurately reflected the views of those interviewed and scenes witnessed in the village. As the programme was not intended to give a full profile of the village it did not portray Highley unfairly.

BSkyB said that the decision to include Highley in the programme was justified. The Council itself had said in its complaint to Ofcom that "the Parish Council together with many local organisations have been working hard to rid the village of unjust

accusations as being a hard place to live". The implication of this statement was that, such accusations of Highley being a difficult place in which to live existed prior to the broadcast of the programme.

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.

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, consistent and targeted only at cases in which action is needed.

In this case, Ofcom found the following:

Ofcom recognised that the Council was concerned about the manner in which it perceived the village to have been depicted in the programme. However, Ofcom considered that it was likely that viewers would have recognised that the programme was intended to be light-hearted in its approach and was not intended to be a serious critique of the village itself or the work of the Council. In these circumstances, it was not incumbent on the programme, in the interests of fairness, to refer to positive aspects of life in Highley and the efforts of the Council to improve facilities in the area.

Ofcom noted that, during interviews provided to the programme, some residents of Highley talked openly of their experiences of living in Highley and about the tough reputation the village had. In Ofcom's view, these contributors had a right to express their personal views and it was legitimate for the programme to include their comments.

Further, there did not appear to be any evidence before Ofcom to support the Council's complaint that footage of the fun day was edited unfairly in the programme as broadcast. The programme's treatment of the fun day appeared to be straightforward and in Ofcom's view was unlikely to have led viewers to react critically to Highley.

In all the circumstances, Ofcom considered that the programme did not materially misrepresent the village of Highley in a way that was likely to result in unfairness.

Accordingly, the complaint of unfair treatment was not upheld.

Complaint by Reverend David Chislett

Toughest Villages in Britain, Sky One, 1 November 2004

Summary: Ofcom has not upheld this complaint of unfair treatment about this programme which looked at a number of British villages that, it was alleged, had reputations for toughness. One of the villages featured in the programme was Highley in Shropshire. Reverend David Chislett complained that his son, Michael, was “tricked” and “lied to” by the programme makers and was portrayed as a “stupid young village yobbo”. He also complained that his own crockery smashing stall was shown in a “condescending light”.

Ofcom found no unfairness to Michael in his inclusion itself or in the presentation of his contribution in the programme as broadcast. Ofcom also found no unfairness to Reverend Chislett in the programme as broadcast. Specifically Ofcom took the view that:

- a) Reverend Chislett had provided no evidence that his son was misled. Further, Michael was simply shown sliding down a slide at the fun day and viewers were unlikely to have reacted to Michael, on the basis of the footage shown, in a way which was unfair to him.
- b) The programme did not suggest, either explicitly or implicitly, that Michael was a “stupid young village yobbo”.
- c) The programme presented the crockery smashing stall in a straightforward factual manner as the type of attraction at the fun day. Although the programme’s general treatment of matters was light-hearted the stall was not, in Ofcom’s view, depicted in a “condescending light”.

Introduction

This programme looked at a number of British villages that, it was alleged, had reputations for toughness. The village of Highley in Shropshire was featured along with some of its residents attending a “Beach Party” themed fun day at a local public house. Michael Chislett (a minor) was briefly shown at the event sliding down a slide. A crockery smashing stall run by Reverend David Chislett, Michael Chislett’s father, was also shown briefly in the programme.

Reverend Chislett complained on his own behalf and on behalf of his son, Michael Chislett, that the programme treated them unfairly.

The Complaint

Reverend Chislett’s case

In summary, Reverend Chislett complained that:

- a) Michael was “tricked” and “lied to” by the programme makers into agreeing to be filmed sliding down a slide. The programme-makers told Michael that the filming was for a video celebrating the village and village life;
- b) the programme portrayed Michael as a “stupid young village yobbo”; and,

- c) the crockery smashing stall run by Reverend Chislett was shown in a “condescending light”.

BSkyB’s case

In summary, BSkyB responded by saying that:

- a) Michael was neither “tricked” nor “lied” to by the programme-makers. Michael was already playing on the slide when they asked him to go down it again so that he could be filmed having fun and enjoying the day. The programme-makers told Michael that the footage would be used to illustrate the village celebrations that were taking place at the fun day event.
- b) Michael was not shown as a “stupid young village yobbo”. The very brief footage of him clearly showed a boy enjoying going down a slide among a series of other images of the event. No audible sound was attributable to Michael. The accompanying commentary described the fun day event generally as “the theme is a beach party and no expense has been spared transforming the village into a replica of a seaside resort. Everyone is expecting a day to remember”. Neither the commentary nor the footage of Michael and the other images shown in this brief sequence could be interpreted as portraying him as anything other than a boy enjoying sliding down a slide.
- c) The crockery smashing stall was included in the programme to illustrate the attractions of the fun day event and was not shown in a “condescending light”. The stall was shown for less than two seconds without any specific commentary referring to it. Neither was there any reference to Reverend Chislett, nor to the fact that the stall belonged to him. BSkyB said that the footage accurately reflected the events at the fun day and that it was used as a “wallpaper” to preface the section of interviews with the “characters” of the village that followed. The pause in the commentary and the change in focus from an overview of the fun day to interviews with several of those attending made this clear. There was nothing in the programme to suggest that any of these individuals were in any way connected with the crockery stall or Reverend Chislett.

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.

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, consistent and targeted only at cases in which action is needed.

In this case Ofcom considered the following:

Broadcasters should ensure that all programme-makers understand the need to be straightforward in their dealings with potential participants in factual programmes, in particular by making clear, wherever practicable, the nature of the programme and its purpose. Where a participant is under 16 years old programme-makers should

normally seek the consent of a parent or guardian unless the subject matter is trivial or uncontroversial and the participation minor.

It was clear from the written submissions before Ofcom that Reverend Chislett genuinely believed that his son, Michael, was misled about the nature and likely content of the programme. It was equally clear from the written submissions that the programme-makers did not believe that they misled Michael.

Ofcom is not a fact finding tribunal and was not able to resolve the conflict (referred to above) between the parties' accounts of events at the time filming took place. Ofcom's function was to consider whether, notwithstanding this conflict, Michael was treated unfairly in the programme through his inclusion and/or presentation of, his contribution.

Ofcom noted that the overall purpose of the sequence was to show the activities at the fun day and to provide a backdrop to some of the characters who were later interviewed. The footage of the fun day was presented in a light-hearted manner and did not, in Ofcom's view, attempt to misrepresent those at the fun day. Ofcom found no unfairness to Michael in his inclusion itself or in the presentation of his contribution in the programme as broadcast. Ofcom also found no unfairness to Reverend Chislett in the programme as broadcast.

Specifically Ofcom took the view that:

- a) Reverend Chislett had provided no evidence that his son was misled. Although Michael was under 16 years old he was simply shown sliding down a slide at the fun day. These actions were sufficiently trivial, innocuous and fun to justify filming him without his father's consent and later broadcasting the footage. Viewers were unlikely to have reacted to Michael, on the basis of the footage shown, in a way which was unfair to him.
- b) Ofcom noted that the programme did not suggest, either explicitly or implicitly, that Michael was a "stupid young village yobbo". Further, Ofcom considered that it was unlikely that the viewers would have considered Michael to have been a "stupid young village yobbo" from the very brief footage of him included in the programme. It was clear that he was shown in a sequence that highlighted the activities undertaken during the fun day event and he was portrayed as nothing more than a boy having fun.
- c) Ofcom noted that the crockery smashing stall was included for less than two seconds. There was no accompanying commentary about the stall and no reference was made to Reverend Chislett. In Ofcom's view the programme presented the stall in a straightforward factual manner as the type of attraction at the fun day. Although the programme's general treatment of matters was light-hearted the stall was not, in Ofcom's view, depicted in a "condescending light".

Accordingly, the complaint of unfair treatment was not upheld.

Complaint by Mr Joseph Clements

Traffic Cops, BBC1, 13 June 2004

Summary: Ofcom has not upheld this complaint of unfair treatment and unwarranted infringement of privacy about this programme which documented the work of the traffic department of South Yorkshire Police. Mr Joseph Clements was filmed being stopped in his car by a police patrol, being breathalysed and later being taken into custody and breathalysed again at the police station. Mr Clements complained that he was misrepresented in the programme and that footage of him was used out of context to create an unfair impression of him and his behaviour. Also he complained that his privacy was unwarrantably infringed in the making and broadcast of the programme.

Having viewed the unedited footage of the incident, Ofcom considered that:

- there was no evidence to support Mr Clements' complaint that footage in the programme was used out of context or misrepresented his behaviour; and,
- although much of the filming took place in a public place, the circumstances were such that Mr Clements would have been likely to have expected a degree of privacy. He requested that filming stop, was in a vulnerable state and was being arrested for a serious offence. Further, broadcast of the footage was likely to cause Mr Clements considerable embarrassment. However, Ofcom was satisfied that the public interest in examining the work of the police services in combating drink-driving and in exposing Mr Clements' own criminal conduct (he was found to be three times over the drink-drive limit and refused to take responsibility for his actions or acknowledge the seriousness of his offence) was sufficient to justify filming him and later broadcasting the footage. Ofcom therefore found that his privacy was not unwarrantably infringed in either the making of the programme or in the programme as broadcast.

Mr Clements' complaint of unfair treatment and unwarranted infringement of privacy was not upheld.

Introduction

The programme documented the work of the traffic department of South Yorkshire Police. Mr Joseph Clements was filmed being stopped in his car by a police patrol, being breathalysed and later being taken into custody and breathalysed again at the police station. Mr Clements was clearly identifiable in the programme and was referred to by name a number of times. The programme stated that Mr Clements was convicted of being three times over the legal limit and was sentenced to a period of 30 months disqualification from driving and fined £150.

Mr Clements complained to Ofcom that he was treated unfairly in the programme and that his privacy was unwarrantably infringed in both the making of the programme and the programme as broadcast.

The Complaint

Mr Clements' case

In summary, Mr Clements complained that:

- a) The programme used footage of him out of context and misrepresented his behaviour. In particular:
 - i) the programme misrepresented the circumstances of him stumbling when getting out of his car. Nothing was shown or referred to in the commentary that made it clear that he walked with the aid of a cane and that when getting out of his car he would turn to get his cane; and,
 - ii) the programme was edited in such a way to portray a mobile telephone call that Mr Clements answered while sitting in the police car, as taking longer than it actually did. The programme suggested that he displayed "arrogance" in answering the call. It failed to make it clear that, as an IT professional, he was trained to answer "support" calls instantly and not to let it wait. This gave the viewer the impression that he was acting unreasonably.
- b) Mr Clements said that the programme presented him as "having attitude" when, in fact, he was polite and cooperative at all times to the police officers. He said that the tone of the programme was "not even close to the truth". In particular he said that the programme suggested that he was "making excuses" for his level of intoxication. Mr Clements said that he had only provided details of his possible liver problems after he was cautioned at the police station as he was unsure whether such information would be important or not.

Also, his comment to the custody officer to "do your job" was taken out of context giving the impression that he possessed an arrogant attitude towards the police officers and the circumstances for his arrest. He said that the programme failed to show that the reason he had told the custody officer to "do his job" was because the police officers were "playing to the camera".

- c) The constant use of his name was unfair and malicious.
- d) Mr Clements claimed that his privacy was infringed in both the making and broadcast of the programme in that he was filmed against his wishes and some of the footage was used in the programme. He made it clear to the programme-makers on more than one occasion that he did not wish to be filmed. He was also referred to by name several times, making him identifiable to friends and clients.

The BBC's case

In summary, the BBC responded that:

- a) The programme fully and accurately reflected what happened when Mr Clements was stopped by the police patrol and later at the police station. This was evident from the unedited footage of the incident. The BBC provided Ofcom with the unedited footage. Specifically:
 - i) Mr Clements' stumbling was not misrepresented in the programme. The

footage clearly showed Mr Clements being helped out of the car by the police officer and that he stumbled in doing so. Mr Clements also stumbled again when getting out of the police car to lock up his own car. The BBC said that although Mr Clements used a cane, his bearing was influenced by inebriation rather than his disability.

- ii) The BBC said that the length of Mr Clements' mobile telephone call was not misrepresented in the programme. He was shown in the programme on his phone for approximately 1 minute 3 seconds. However, the unedited footage of this incident clearly shows that this conversation lasted 3 minutes 47 seconds. In relation to Mr Clements' complaint about the style of editing used by the programme-makers, the BBC said that it was normal practice in documentaries to inter-cut footage of several different events. In this case, it was sufficient for viewers to hear only part of Mr Clements' mobile telephone conversation to get an idea of his behaviour after being stopped by the police.

The BBC said that if Mr Clements felt that he had not come over well in the programme, it was not the result of unfair editing, but his own behaviour.

- b) The BBC said that Mr Clements was not portrayed unfairly as "having attitude" or "making excuses". The programme showed him accurately and fairly, which was confirmed in the unedited footage. Mr Clements was not depicted in the programme as being impolite or uncooperative in the sense of being overtly rude or aggressive. However, he was shown as being uncooperative by: having a mobile telephone conversation when the police were waiting to talk to him; refusing to accept that he was over the limit; questioning the accuracy of the breathalysing equipment; and advising the police on how to do their job. Mr Clements also told the police that he had a liver disorder which might have affected the alcohol levels of his body.

The BBC said that the unedited material clearly showed that Mr Clements' comment to the custody officer to "do your job" was not taken out of context and was typical of his behaviour and attitude towards the police officers. This material did not support Mr Clements' account of the behaviour at the police station in relation to the police officers "playing to the cameras". The footage used in the programme was not unfairly edited to misrepresent Mr Clements' behaviour and attitude.

- c) Mr Clements was not named in an unfair or malicious way. The BBC said that Mr Clements was included and identified in the programme because of the nature of his offence and his own apparent disregard for the fact he had committed a criminal offence and was a danger to the public.

The BBC said that drinking and driving was socially unacceptable and regarded by the public as irresponsible. The issue was very high on the public agenda and one which clearly needed to be continually reinforced. The programme highlighted this by including Mr Clements, whose behaviour was anti-social and criminally irresponsible.

- d) The BBC said that when Mr Clements had objected to being filmed in the street, the police officer had explained to him that the filming was being conducted in a public place. Mr Clements had accepted that he was being filmed in the police station but had made clear his objections to any of the footage being broadcast. However, the BBC said that programme-makers decided to include him in the

programme because he was later found guilty of drink driving and it was not, therefore, incumbent on them to respect his wishes for privacy or to conceal his identity.

The BBC also said that it was clearly in the public interest to show police work of this nature and how there are people who not only break the law, but also continue to protest their innocence despite the evidence against them and who fail to take responsibility for their actions. For these reasons, the BBC did not consider that Mr Clements' privacy had been unwarrantably infringed.

Decision

Ofcom's function is to consider whether Mr Clements was treated unfairly in the programme as broadcast or had his privacy unwarrantably infringed in either the making or broadcast of the programme. This is in accordance with its statutory duties under the Communications Act 2003 and the Broadcasting Act 1996 (as amended). Ofcom has regard to the need, when carrying out these duties, to do so in a manner that best guarantees an appropriate level of freedom of expression.

Ofcom requires broadcasters to take special care when their programmes are capable of adversely affecting the reputation of individuals and that they take all reasonable care to satisfy themselves that all the material facts have been considered before transmission and so far are represented fairly.

In this case Ofcom found the following:

- a) Having viewed the unedited footage of the incident, Ofcom took the view that it did not support Mr Clements' complaint that footage in the programme was used out of context or misrepresented his behaviour. In particular, Ofcom considered that:
 - i) The programme's presentation of his stumble was unlikely to have materially affected viewers' understanding of Mr Clements and/or his actions in a way that was unfair to him. It was clear from the unedited footage that Mr Clements required assistance from the police officer when getting out of both his own vehicle and the police car. Although Mr Clements walked with the aid of a cane it was not unreasonable for the programme to reflect the police officer's view that Mr Clements' stumbling was indicative of the amount he had drunk. In reaching this conclusion Ofcom took into account the fact that Mr Clements was arrested at the roadside on suspicion of driving while having excess alcohol in his body and was subsequently found guilty by the Court for being three times over the limit. Ofcom also recognised that the police officer at the scene was experienced in dealing with people suspected of drink driving, and recognised their body language and demeanour.
 - ii) Having viewed the unedited footage of the incident Ofcom considered that the programme accurately portrayed the police officer's reaction to Mr Clements' decision to conduct a telephone conversation during his arrest. In light of the gravity of the offence that the police officer suspected Mr Clements to have committed (and was later found guilty of) it was not unreasonable for the arresting police officer to have considered Mr Clements conduct as arrogant. In these circumstances, the programme's presentation of the duration of the call itself was unlikely to have material affected viewers' opinion of Mr Clements in a way that was unfair.

Ofcom found no unfairness to Mr Clements in these respects.

- b) Ofcom noted, from both the unedited footage and the programme as broadcast, that Mr Clements was not rude or impolite to the police officers and did not consider that viewers would have been likely to conclude from the programme as broadcast that Mr Clements was rude or impolite. Further, it considered that the manner in which he behaved towards the officers was not unreasonably or unfairly presented in the programme. In particular, it was clear from the unedited footage that Mr Clements refused to accept that he had done anything wrong. He continually denied that he had exceeded the drink-drive limit and questioned the accuracy of the breathalysing equipment. In this context, when Mr Clements had put forward the reason for his inebriation as being the result of a liver condition, it was reasonable for the programme to imply that this may have been an attempt to avoid accepting the fact that he had committed an offence.

Having viewed the unedited footage, Ofcom was also satisfied that the programme's portrayal of Mr Clements telling the custody officer to "do his job" was straightforward and factual. In reaching this conclusion Ofcom took into account the fact that the unedited footage did not support Mr Clements' claim that the police officers were "playing up to the cameras".

Ofcom found no unfairness to Mr Clements in these respects.

- c) Ofcom was not satisfied that Mr Clements' name was used constantly in the programme as broadcast or that it was used in a malicious or unfair manner. Mr Clements' name was referred to five times. Once in the commentary and four times by the police officer when he was talking to Mr Clements. Ofcom also noted that, at the time of broadcast, Mr Clements' name was already in the public domain as he was convicted and sentenced for driving whilst drunk by the courts. Ofcom found no unfairness to Mr Clements in this respect.
- d) The line to be drawn between the public's right to information and the citizen's right to privacy can sometimes be a fine one. In considering complaints about the unwarranted infringement of privacy, the Committee will therefore, where necessary, address itself to two distinct questions: First, has there been an infringement of privacy? Second, if so, was it warranted?

Whether or not an event, action or information is in the public domain must be considered on a case by case basis according to all the relevant facts. The fact that it occurs in a public place is not necessarily sufficient in itself to determine that it is in the public domain. There may be circumstances where people can reasonably expect privacy even in a public place. Ofcom is conscious of the challenges faced by programme-makers when making programmes of this kind.

With specific regard to this programme, Ofcom considered that although much of the filming took place in a public place, the circumstances were such that Mr Clements would have been likely to have expected a degree of privacy. He requested that filming stop, was in a vulnerable state and was being arrested for a serious offence. Further, broadcast of the footage was likely to cause Mr Clements considerable embarrassment. However, Ofcom was satisfied that the public interest in examining the work of the police services in combating drink-driving and in exposing Mr Clements' own criminal conduct (he was found to be three times over the drink-drive limit and refused to take responsibility for his actions or acknowledge the seriousness of his offence) was sufficient to justify

filming him and later broadcasting the footage. Ofcom therefore found that his privacy was not unwarrantably infringed in either the making of the programme or in the programme as broadcast.

Accordingly, Mr Clements' complaint of unfair treatment and unwarranted infringement of privacy was not upheld.

Other programmes not in breach/out of remit

14 December– 27 December 2005

Programme	Trans Date	Channel	Category	No of Complaints
100 Greatest Christmas Moments	18/12/2005	Channel 4	Violence	2
9 Songs	08/11/2005	Sky Box Office	Scheduling	1
A Place in Greece	12/10/2005	Channel 4	Language	1
Adam Boulton	14/11/2005	Sky News	Impartiality	1
Airline	09/12/2005	ITV1	Sexual Portrayal	1
Anglia News	13/11/2005	ITV1	Impartiality	1
BBC Breakfast News	14/12/2005	BBC1	Offence	1
BBC Look East	09/12/2005	BBC1	Sexual Portrayal	1
BBC News	22/12/2005	BBC1	Misleading	1
BBC News 24	19/12/2005	BBC News 24	Offence	1
BBC Radio WM	05/11/2005	BBC Radio WM	Offence	1
Big Brother's Little Brother	05/08/2005	Channel 4	Offence	1
Big Game TV	27/10/2005	ITV	Misleading	1
Bikini Beach	15/08/2005	Lucky Star TV	Misleading	1
Casualty @ Holby City	24/10/2005	BBC1	Violence	1
Casualty @ Holby City	25/10/2005	BBC1	Violence	1
Central News	16/11/2005	ITV1	Offence	1
Channel 4 News	19/12/2005	Channel 4	Violence	1
Christmas Calling	22/12/2005	Channel 4	Offence	1
Classic Gold	05/12/2005	Classic Gold	Offence	1
Coronation Street	12/12/2005	ITV1	Offence	3
Coronation Street	19/12/2005	ITV1	Offence	1
Coronation Street	18/12/2005	ITV1	Sexual Portrayal	1
Eastenders	12/12/2005	BBC1	Sexual Portrayal	1
Eastenders	15/12/2005	BBC1	Other	1
Eastenders	16/12/2005	BBC1	Sexual Portrayal	1
Father of the Pride	03/04/2005	Sky One	Offence	1
Frank Skinner Show	08/12/2005	ITV1	Offence	1
Frank Skinner Show	15/12/2005	ITV1	Language	1
GMTV	14/12/2005	ITV1	Other	1
GMTV	21/12/2005	ITV1	Offence	1
Have I Got News For You	07/11/2005	BBC2	Offence	1
Hiroshima	07/08/2005	BBC1	Impartiality	1
Hollyoaks	15/12/2005	Channel 4	Other	1
I'm a Celebrity...4	16/12/2005	ITV1	Offence	2
I'm a Celebrity...4	20/12/2005	ITV1	Offence	1
Isle of Wight Radio	11/10/2005	Isle of Wight Radio	Offence	1

ITV News	07/12/2005	ITV1	Offence	1
ITV News	12/12/2005	ITV1	Accuracy	1
ITV News	15/12/2005	ITV1	Impartiality	1
ITV News	19/12/2005	ITV1	Sexual Portrayal	2
ITN News Channel	01/12/2005	ITN News Channel	Accuracy	1
James Whale Show	30/11/2005	Talksport	Offence	2
Late Night Love	06/12/2005	Invicta FM	Offence	1
LBC Programme	28/10/2005	LBC97.3	Language	1
Little Britain	08/12/2005	BBC1	Offence	1
Make It Big	04/12/2005	Five	Offence	1
MATV	10/01/2005	MATV	Offence	1
Men and Motors	04/10/2005	Men and Motors	Offence	1
Ministry of Mayhem	12/11/2005	ITV1	Offence	1
Ministry of Mayhem	17/12/2005	ITV1	Other	1
Most Haunted	03/09/2005	Living	Offence	1
MTV	12/12/2005	MTV	Sexual Portrayal	1
My Secret Body	28/10/2005	Five	Offence	1
Nathan Barley	09/12/2005	Channel 4	Offence	2
Nick Margerrison	27/11/2005	Hallam FM	Offence	1
Parkinson	29/10/2005	ITV1	Language	1
Pimp My Ride	16/12/2005	Five	Offence	1
Punk'd	18/11/2005	MTV	Offence	1
Quizmania	20/12/2005	ITV1	Offence	1
Revelation TV	26/09/2005	Revelation TV	Offence	1
Richard and Judy	08/12/2005	Channel 4	Misleading	1
Richard and Judy	20/12/2005	Channel 4	Sexual Portrayal	1
Richard Bacon: The Go Home Show	05/12/2005	Capital FM	Offence	1
Rome	07/12/2005	BBC1	Language	1
Secret Smile	13/12/2005	ITV1	Violence	1
Shops, Robbers and Videotape	12/12/2005	BBC1	Offence	1
Space Cadets	12/12/2005	Channel 4	Misleading	2
Steve Wright in the Afternoon	16/12/2005	BBC Radio 2	Sexual Portrayal	1
Story of God	18/12/2005	BBC1	Impartiality	1
Supernanny	14/09/2005	Channel 4	Offence	1
Taggart	11/11/2005	ITV1	Offence	1
Taggart	09/12/2005	ITV1	Misleading	1
Taggart	16/12/2005	ITV1	Violence	1
Take That - For The Record	15/12/2005	ITV2	Sexual Portrayal	1
Talksport	02/12/2005	Talksport	Offence	1
Test the Nation	18/12/2005	BBC1	Sexual Portrayal	1
The Bill	13/10/2005	ITV1	Offence	1
The Jeremy Kyle Show	13/12/2005	ITV1	Offence	1
The Magic of Jesus	30/12/2005	Channel 4	Religious Offence	2
The Quay	25/11/2005	107.4 The Quay	Violence	1

The Record of the Year	10/12/2005	ITV1	Sexual Portrayal	1
The Simpsons	09/11/2005	Channel 4	Language	2
The Simpsons	24/11/2005	Sky One	Language	1
The Simpsons	11/12/2005	Sky One	Sexual Portrayal	1
The Wright Stuff	09/12/2005	Five	Offence	1
The X Factor	12/12/2005	ITV1	Offence	1
The X Factor	17/12/2005	ITV1	Offence	1
The X Factor	20/12/2005	ITV1	Offence	1
The X Factor	21/12/2005	ITV1	Misleading	1
This Week	10/11/2005	BBC1	Language	1
Top Gear	13/11/2005	BBC2	Offence	1
Trisha Goddard	12/12/2005	Five	Offence	1
Trisha Goddard	14/12/2005	Five	Language	1
Trouble TV	28/11/2005	Trouble TV	Offence	1
UEFA Champions League - Live	06/12/2005	ITV1	Offence	1
UTV News	16/11/2005	UTV	Advertising	1
Westwood Rap Show	18/11/2005	BBC Radio 1	Offence	1
Who Wants to be a Millionaire	17/12/2005	ITV1	Advertising	1
Xtra Factor	20/08/2005	ITV2	Language	1
Yasmin	11/08/2005	Channel 4	Offence	1