

Campaign for Press and Broadcasting Freedom North (CPBF North)—written evidence (FON0040)

House of Lords Communications and Digital Select Committee inquiry: The future of news: impartiality, trust, and technology

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CPBF North publishes *MediaNorth* (<http://www.medianorth.org.uk/>) and promotes policies for diverse, democratically accountable media. Please send any queries to cpbfnorth@outlook.com

CPBF North is also a member of the Media Reform Coalition and as such contributed to its submission to the Committee. Thus there are elements of overlap between the two submissions.

1.1. We have found it difficult to respond to this call for evidence because of the sheer breadth of the Inquiry's remit. It states that its subject is 'the UK news sector', about which it poses various questions, but the problem is that the sector is nothing if not heterogeneous, and indeed is becoming ever more so. This means that it would be difficult to reply to some of the questions in anything other than an extremely general way, which would not be particularly useful, and also that certain questions are simply not relevant to some of the media under consideration. In particular, questions about impartiality cannot be answered in relation to the press, as newspapers are not required either by law or by IPSO to be impartial. All that the [Editors' Code of Practice](#) states is that: 'The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text' and that: 'The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact—' strictures which are, in fact, routinely [ignored](#) by certain national newspapers which are members of IPSO.

1.2. We have thus chosen to address our remarks primarily to the Inquiry's questions concerning trust and impartiality in relation to the public service broadcasters and to relatively new arrivals such as GB News and TalkTV, with some occasional considerations of the national press.

1.3. In its Call for Evidence, the Inquiry states that:

Concerns have been growing over the challenges around due impartiality. Audiences continue to say that impartiality is key, but have very different views on what this means in practice. Public service broadcasters, notably

the BBC, are under particular pressure to serve all audiences and demonstrate their relevance in an increasingly complex and fragmented media environment. Current trends suggest this task is becoming ever more complex. Political realignments among the public and societal divides pose ongoing challenges to serving audiences from all walks of life. Opinionated online content is growing in popularity.

It is difficult to understand exactly what is being suggested here, but if it is that by adhering to the requirement for impartiality laid down in the Communications Act 2003 and the *Ofcom Broadcasting Code* the public service broadcasters are in some way or other hindered from serving a wide range of audiences, we would strongly disagree, for reasons that will become apparent below. Furthermore, all the available reliable evidence suggests that opinionated online content is growing not in terms of popularity or levels of public trust in it but merely in terms of volume. It is certainly the case, as Ofcom has pointed out in [News Consumption in the UK 2023](#), that an increasing number of people access their news via the internet and social media, but the 2022 European Broadcasting Union Report [Trust in Media](#), based on 33 European countries, found that the majority of European citizens do not trust the internet and, even less so, social networks. Thus for reputable broadcasters to follow this path would be disastrous both for journalism and for society at large.

2.1. Key Question 3: *How are perceptions of due impartiality evolving and what challenges do news organisations face around impartial reporting?* There is no reliable evidence that perceptions of due impartiality on the part of the public have changed. One of the main challenges to public service broadcasters' ability to remain impartial stem from the influence of the news agendas of other media. In particular, the BBC's tendency to shadow the news agenda of the increasingly partisan right-wing press has been much remarked upon in recent years, for example in this [study](#) by Cardiff University, and the arrival of partisan channels such as GB News and TalkTV could well serve to increase the pressures to do so. Furthermore, the BBC appears to have lost its nerve and resolve in the face of endless attacks on its alleged 'liberal bias' by those self-same newspapers, Tufton Street 'think tanks' (in fact opaquely funded lobby groups) and campaigning groups such as News-watch, Defund the BBC and The Conservative Woman. There is also the vexed issue of the possible influence on BBC content exercised by Conservative supporters in the highest echelons of the Corporation (Sir Tim Davie, Sir Robbie Gibb) and at Ofcom (Lord Grade), which now regulates it.

3.1. Key Questions 4 and 4 (a). *What factors affect trust in news and how might this evolve? To what extent is trust linked to perceptions of impartiality, or to other trends in online news?* It needs to be stressed here that the matter of lack of trust in the news media is of global and not simply national concern, and emanates from various positions on the political spectrum. The [Reuters Institute Digital News Report 2023](#) (based on 46 countries in six continents) notes that overall trust in the news has been in decline for some time and fell by a further 2% in 2023. Finland enjoys the highest levels of overall trust in the news (69%), while Greece is at the bottom of the league with just 19%. In fact, it is highly significant for the present Inquiry that the media that are the most trusted in Europe are also the most highly regulated: thus Denmark (57%), the Netherlands (57%), Norway (53%) and Sweden (50%). The UK scores only

30%.

3.2. The above-mentioned [Digital News Report](#) and European Broadcasting Union [Report](#) both note that public service broadcasters remain the most trusted news sources in more than 60% of the countries in their surveys. They align trust in broadcast media with a free and independent media landscape and claim that the more citizens perceive public service media in their country to be free from political pressure and interference, the higher the level of trust in the information provided by those media. In the case of the UK, it is worth examining the trust scores in a little more detail.

3.3. In the 2019 [Ofcom Review of BBC News and Current Affairs](#), 59% of regular users of BBC TV rate it as impartial, and 71% as both trustworthy and accurate. This is in line with the findings of the [Reuters Institute Digital News Report 2023](#), which also includes figures for other PSBs as well as national newspapers:

Brand	Trust	Neither	Don't Trust
BBC News	61%	17%	21%
Channel 4 News	59%	26%	15%
Mail/Mail Online	25%	24%	51%
Daily Mirror	23%	28%	48%
Daily Telegraph	41%	32%	27%
GB News	28%	31%	41%
Guardian	51%	27%	22%
Independent	46%	35%	20%
ITV News	58%	26%	20%
Regional/local paper	53%	30%	17%
Sky News	51%	27%	21%
Sun	13%	21%	66%
Talk TV	20%	43%	37%
The Times	48%	31%	22%

Source: [Reuters Institute Digital News Report 2023](#)

A more granular and detailed survey can be found in the 2021 Reuters Institute study [Overcoming Indifference: What Attitudes Towards News Tells Us About Building Trust](#)

3.4. What is particularly notable about this is that although the public service broadcasters score relatively highly, GB News and sections of the press score extremely badly. Such low scores for the press are also in line with the European Broadcasting Union's report [Trust in Media 2022](#), which shows that only 35% of

those questioned expressed trust in the UK press whereas 65% registered distrust, putting the UK six places from the bottom of the list. Similarly, according to the latest edition of the [World Values Survey](#) published by the King's College London Policy Institute in March 2023, the share of the British public who said they had confidence in the press halved between 1981 and 1990, falling from 30% to 14%. Since then, perceptions have barely changed and remain persistently negative. In a list of 24 countries in 2022, the UK came last but one (above Egypt).

3.5. We would argue that these differences are highly significant for the Inquiry's attempt to discover what factors affect trust in news, and are fully in line with the points that we make at 3.2. above. It needs to be stressed here that, entirely contrary to what vociferous sections of the British national press claim, regulation is not inimical to freedom expression – that is, understood as something more than the freedom of press owners to do with their papers and their employees exactly as they will – and can indeed be used to regulate *into* the media all sorts of qualities that most people find desirable, such as trustworthiness, accuracy, diversity, accountability and accessibility. In other words, the standards that public service broadcasting claims to uphold.

3.6. We have already indicated at 2.1. above that we have our own criticisms of how the BBC appears to interpret its impartiality obligations, criticisms that we have expressed publicly on numerous occasions over the past decades. However, we have also argued extremely strongly, including at the Leveson Inquiry and before various iterations of the DCMS select committee, that lack of effective press self-regulation is one of the main reasons why trust in sections of the national press is so remarkably low in Britain. The fact that few people actually understand how the Independent Press Standards Organisation (IPSO) operates and that it is neither independent nor Leveson-compliant is entirely beside the point. The plain fact is that lack of effective self-regulation (including by the erstwhile Press Complaints Commission [PCC]) has allowed sections of the press to operate in ways that have rendered them entirely untrustworthy in the eyes of a majority of the public – phone-hacking, blagging, pinging and other forms of privacy invasion furnishing the most glaringly obvious examples of such behaviour. We would also add that attacks on the BBC's impartiality by hyper-partisan papers with their own political, ideological and economic reasons for wanting to see the BBC severely weakened, if not destroyed, are simply not worth taking seriously, particularly when backed up by highly questionable 'research' and dubious 'public opinion' surveys.

4.1. Evaluation Question 2. *How adequately are UK news organisations providing impartial and trusted news? What actions are needed to address any shortcomings?* As noted both above and below, this all depends which UK news organisations are under consideration. In the case of sections of the press, the answer is that for the most part they are not doing so at all (although it needs to be noted that papers such as *The Guardian* and *Financial Times*, neither of which is regulated by IPSO, routinely score very highly in terms of trust). GB News and TalkTV, as befits overtly populist and partisan channels, score badly. And although the BBC takes seriously its commitment to impartiality, the way in which it interprets and operationalises that notion has led to accusation of bias from the Left and – less convincingly – from the Right. However, this most certainly does not mean, as the BBC is wont to claim, that it has got the balance

about right.

5.1. Evaluation Question 2(a) *How should news organisations balance competing demands to provide content that aligns with particular values on the one hand, and provides trusted and impartial news on the other?* It's extremely difficult to understand what the Committee is trying to get at here, and especially what it means by 'particular values'. In the case of the public service broadcasters, their news provision is governed by the terms of the *Ofcom Broadcasting Code*, which are intended to ensure that the news they deliver is accurate, trustworthy and duly impartial. But these are not only the terms of *Code* – they are also what is expected of any form of journalism that adheres to, or claims to adhere to, Fourth Estate principles. These are the only values with which news organisations worthy of the name should be aligned.

5.2. News that aligns itself with 'particular values' other than those above, which is overtly partisan and privileges views over news, or routinely ignores the distinction, cannot be regarded as trustworthy, or indeed as news at all in the generally accepted sense of the term. The creation of such echo chambers and silos, usually in the name of 'giving the public what it wants' and providing 'balance' to the allegedly 'biased' and overly-liberal BBC, contributes significantly to the process whereby individuals come to inhabit their own 'realities' and subscribe to their own conceptions of 'truth'. This then leads inexorably to the circulation of increasingly bizarre conspiracy theories and an intensification of the social atomisation and fragmentation that so disfigures our society and others across the globe. It would be interesting to know if these are the 'particular values' that the Committee has in mind.

6.1. Evaluation Question 3. *How adequately are news media organisations ensuring that efforts to provide trusted information and tackle disinformation do not alienate some sections of society in the process?* Again, it's extremely difficult to understand what the Inquiry is trying to get at here. That hyper-partisan sections of the media specialising in the propagation of mis- and disinformation should be concerned about developments such as the BBC's Trusted News Initiative, Verify and Reality Check, and the appointment of disinformation correspondent Marianna Spring, is hardly surprising. Take, for example, this diatribe by GB News's Mark Dolan: https://www.youtube.com/watch?v=PQqhi4r97VA&ab_channel=GBNews. Nor are such complaints limited to this quarter, being frequently voiced in *The Spectator* and in various partisan newspapers by the likes of Charles Moore, Toby Young and Rod Liddle. An example of the level of the 'critique' to which such fact-checking initiatives are habitually and typically subjected can be gleaned from Liddle's column in *The Times*, 9 September 2023, in which he declares that the 'fraudulent nature' of Spring's job 'largely involves telling everybody who has ever had the slightest twinge of doubt about Covid vaccines or lockdowns that they're wrong and probably mad' and goes on to attack what he claims is 'the wholly bogus Manichean division between "real news" and "false news"'. Given the widespread prevalence of such pieces it is surely hardly surprising that Spring is the victim of truly epic trolling, the *Sunday Times*, 6 August 2023, quoting a tiny sample of the more repeatable insults aimed at her, such as 'filthy dirty propagandist', 'liar', 'communist bitch', 'leftist disgusting ugly dog' and 'you're a mindless slug of greed that I hope publicly gets thrown under a moving bus. Literally or figuratively'.

6.2. Such comments certainly express feelings of 'alienation' but is the Committee seriously suggesting that they should give the BBC – and, for that matter, organisations such as Full Fact – cause to revise their policies and procedures in this area? Furthermore, given that the global war on truth by certain politicians and sections of the media is one of the greatest dangers facing the world today, its foot-soldiers in the specifically British media should not be indulged or kowtowed to in any way – however 'alienating' they might find this.

7.1. Evaluation Question 4. *How well is regulatory oversight working? Are any changes needed, for example: a) In the way Ofcom oversees due impartiality and the extent of its remit?* Briefly, in the case of the press, regulatory oversight isn't working, as IPSO is not a regulatory body but a complaints handler, and a conspicuously [unsatisfactory](#) one at that. In the case of the public service broadcasters, regulatory oversight by Ofcom seems to be working reasonably satisfactorily, but in the case of GB News/TalkTV Ofcom appears to have unilaterally changed its remit regarding impartiality, if not largely abandoned it altogether, as we argue below.

7.2. In what follows, we will be drawing on the article by Steven Barnett and Julian Petley, '[Come Off It, Ofcom](#)' in the *British Journalism Review*, Vol. 34, No. 2, 2023, the latter author having written this submission to the Committee on behalf of CPBF North.

7.3. The statutory impartiality obligations that Ofcom is obliged to enforce are contained in sections 319 and 320 of the Communications Act 2003. S319 requires that 'news included in television and radio services is presented with due impartiality', while S320 lays down 'special impartiality requirements' for programmes dealing with 'matters of political or industrial controversy' and 'matters relating to current public policy'. Two crucial points should be emphasised here: first, nowhere does the statute refer specifically to 'news programmes'; and second, these requirements include the exclusion of 'all expressions of the views or opinions of the person providing the service' (in this context, 'person' refers simply to the Ofcom licensee).

7.4. Calls to relax the impartiality regulations and to permit partisan news channels have long come from the right-wing press, and from Murdoch-owned papers in particular. In 2007 Ofcom itself produced the report *New News, Future News*, which asked whether, in a digital multi-channel environment, non-PSB channels should 'be allowed to offer partial news in the same way that newspapers and some websites do at present'. Those ideas received a hostile reception (although not in the Murdoch-owned newspapers), and CPBF was deeply involved in opposing. These were eventually abandoned, although for a time Ofcom did licence Fox News for re-broadcasting in the UK.

7.5. Now, however, Ofcom's approach to GB News and TalkTV suggests that, without any form of public consultation, it has covertly re-introduced them. This it has done through an over-flexible interpretation of the 'due impartiality' qualification introduced by the 2003 Act. Its approach – and, in particular, its interpretation of the word 'due' – is expanded upon in section 5 of its *Code* and in the accompanying *Guidance*. The *Code* explains that 'due' means 'adequate or appropriate to the subject and nature of the programme'. This does *not* mean, it emphasises, that every argument has to be represented and given an equal

amount of time. Furthermore, 'the approach to due impartiality may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience'. Importantly, Ofcom's *Guidance* also states that 'just because material is broadcast on a "rolling news" channel does not necessarily mean that the material would be characterised as "news" content'.

7.6. However, there appears to be confusion here between Ofcom's *Guidance* and its *Code*, which the regulator has been exploiting in its opaque decision-making around these two overtly partisan channels. For the *Code* does not differentiate 'news content material' from other content, but specifically states that in 'matters of political or industrial controversy and matters relating to current public policy' there are 'special impartiality requirements' and these apply to 'news and *other programmes*' (emphasis added). This is particularly important, as controversial subjects are GB News's stock-in-trade, especially during their opinion-driven evening programmes. Moreover, those evening programmes are also highly personality-driven – precisely the model followed by Fox News – and thus could be regarded as falling into the category of what Ofcom calls 'authored programmes': for example, those fronted by Nigel Farage and Jacob Rees-Mogg.

7.7. In these cases, the *Code* states that presenters may express their own views on controversial matters but that 'alternative viewpoints must be adequately represented either in the programme, or in a series of programmes taken as a whole. Additionally, presenters must not use the advantage of regular appearances to promote their views in a way that compromises the requirement for due impartiality'. Ofcom's *Guidance* adds that alternative views 'must not be included in a way that they are merely dismissed by the presenter and used as a further opportunity to put forward the presenter's own views'. However, all this is precisely what happens on such programmes almost as a matter of routine. And this in spite of the fact that when Ofcom's CEO Dame Melanie Dawes gave oral evidence in March to the House of Commons Digital, Culture, Media and Sport select committee, she stated that 'even a programme presented by somebody with a very strong set of political views needs to make sure that other voices are heard, or they will come up against our guidelines'.

7.8. It will of course be pointed out in Ofcom's defence that it has upheld a number of complaints against GB News and that two of its most complained-about presenters – Dan Wootton and Laurence Fox – have departed the station. However, (a) the number of complaints upheld is tiny compared to the number of those received and considered (although Ofcom's highly opaque procedures make it hard to ascertain the exact numbers of the latter); (b) not all of the upheld complaints concerned impartiality; and (c) the departures were not *directly* due to any particular intervention by Ofcom.

7.9. The simple fact here is that the whole *modus operandi* of GB News and Talk TV is incompatible with the *Ofcom Code* as it *used to be interpreted and applied*. And it is simply inconceivable that these hyper-partisan channels, and especially GB News, can be permitted to broadcast in the manner that they currently do in the run-up to the forthcoming General Election. The Committee asks whether 'any changes [are] needed' in the way that 'regulatory oversight [is] working',

but a far more pertinent question is: Why, and on what authority, were the changes made to the way in which the impartiality clauses of the *Code* are now interpreted and applied so as to allow GB News and Talk TV to broadcast, largely with impunity, in their present fashion.

7.10. Part of the answer to this question appears to be provided by another remark by Dame Melanie to the DCMS select committee to the effect that 'the phrase "freedom of expression" is a very important part of this debate – one that perhaps should be a little bit more prominent'. Similarly Ofcom's chairman Lord Grade has stated that 'at the heart of Ofcom is the promotion of free speech and freedom of expression ... we are not in the business of stifling innovation'. However, the partial and simplistic conception of 'freedom of expression' that is being invoked here is akin to the kind of crude 'free speech fundamentalism' espoused by the likes of Elon Musk. In a UK context it also plays a key role in the culture wars waged by the Right, not least against the BBC and in favour of the relaxation of rules governing any speech on any platform – regardless of its provenance and the damage it might inflict on others, or on public and democratic life in general.

7.11. In defence of her narrow notion of freedom of expression, Dame Melanie also told the select committee that 'we do not want to see just a single, monocultural, a mono-representation of views on British TV', and, in context, this can really only be read as referring, albeit obliquely, to the BBC. Which, of course, is regulated by Ofcom. Thus to concerns that GB News and TalkTV are inadequately regulated by Ofcom must be added the fear that it might regulate BBC content on the assumption that it is infected by the dread 'liberal bias' and that this needs to be corrected. This fear is only intensified by the fact that the culture secretary, [Lucy Frazer](#), appears to share this assumption. Significantly she was recently quite unable to produce any evidence for such a belief, and, under intense questioning, lamely fell back on asserting that 'there is a perception amongst the public that the BBC is biased'. However, as the research quoted in this submission has shown, that perception is very far from widespread, and Frazer is clearly making the classic error of asserting that what appears in newspapers which support the government of which she is a member represents 'public opinion', as opposed to the opinions of the owners and editors of those newspapers and of some, but by no means all, of their readers. These are matters that should be of very considerable concern to the Committee in its deliberations on impartiality.

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