

## **Professor Steven Barnett, University of Westminster—written evidence (FON0052)**

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

#### **Introduction**

1. I am submitting these comments as an independent academic and commentator on communications policy at the University of Westminster. I have been conducting research on news and journalism for over 30 years, including projects on changing trends in TV news, TV current affairs and documentaries. I have authored several relevant books and book chapters on news and journalism, including a 2011 book devoted to Television News (with a dedicated chapter on impartiality). I was specialist adviser to this committee for its enquiries into News and Media Ownership (2008) and Investigative Journalism (2012), and have acted in a similar capacity for the committee on three other occasions. My comments are confined to two areas of the committee's enquiry: trust and impartiality.

#### **The importance of Trust**

2. The committee has rightly highlighted the issue of trust, and the importance of maintaining public confidence in professional newsgathering. It is also right to link issues of trust to problems of mis- and disinformation: the lower the level of trust in authentic and credible news sources, the greater our susceptibility as a society to the burgeoning volume of AI-generated material that is being disseminated in bad faith. This in turn will have serious consequences for democracy and everyday life, both within the UK and globally.
3. While the committee is right to draw attention to declining levels of trust in media overall, there is clear and long-standing evidence that different news outlets in the UK command very different levels of trust. It is therefore important to disaggregate "media" and to differentiate between different platforms and newsbrands. **In particular, news consumers in the UK have long distinguished between broadcast and print journalism (including the online platforms of newspaper publishers), and between different categories of newspaper publisher.**
4. This distinction is regularly apparent in trust surveys. For example, a YouGov survey in May last year asked respondents "How trustworthy or untrustworthy do you rate the news reported by the following media organisations?".<sup>1</sup> Subtracting those who said "untrustworthy" from those who replied "trustworthy", the resulting table showed the Financial Times top with a net trust figure of +30, followed by the three Public Service Broadcasters (ITV +28, Channel 4 +27 and BBC +22).

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<sup>1</sup> <https://yougov.co.uk/politics/articles/45744-which-media-outlets-do-britons-trust-2023>

5. By contrast, the UK's tabloid papers had shockingly low trust figures: bottom of the table was -53 for the Sun, followed by -50 for the Star, -37 for the Mail and Mirror, and -33 for the Express. Broadsheet newspapers (with the exception of the Telegraph) and Sky News had net positive trust figures in the teens.
6. This disparity is echoed in the most recent Reuters Institute research on trust in news brands, where 61% said that they trusted BBC News, 59% said they trusted Channel 4 News and 58% said they trusted ITV News. Equivalent figures for the Sun, Mirror and Mail were, respectively, 13%, 23% and 25%.<sup>2</sup>
7. There is therefore a vast difference in levels of public confidence between legacy broadcast providers and legacy print/online sources. The significance of this disparity was highlighted in detailed research by Ofcom during the Covid pandemic, when the regulator tracked both usage and trust for various sources of information. Over 76 weeks of systematic polling during 2020 and 2021, the figures changed little: by week 76, nearly 8 in 10 said that they trusted BBC online (79%) while three quarters said the same for BBC radio and TV (75% and 76% respectively). Both Channel 4 (79%) and ITV (72%) enjoyed similarly high levels of trust, as did Sky News (74%).
8. In stark contrast, only just over a third said that they trusted online versions of mid-market tabloids like the Mail and Express (35%), while just over half (52%) said they trusted the printed versions.<sup>3</sup> Equivalent trust figures for the red-top tabloids were 49% and 41% respectively.<sup>4</sup>
9. Unsurprisingly but importantly, these trust figures translated directly into usage: just over half of Ofcom's respondents (51%) said that broadcasters were the *most* important source for information on Covid, while a mere 7% gave their most important source of information as newspapers, whether online or in hard copy.<sup>5</sup> **These figures demonstrate conclusively why trust matters – at moments of peril, when accurate and reliable information is essential for society to function effectively, people will turn to the news sources in which they have confidence.**
10. These relative trust figures between broadcast and print/online news providers are confirmed on a comparative basis by annual surveys of trust in the media carried out by the European Broadcasting Union (EBU) amongst 37 countries. The UK's written press performance has consistently come at or near the bottom of the league table. According to the EBU's most recent figures (May 2022), just 35% of UK consumers said they "tend to trust" the written press compared to 65% who said they tend not to trust it. Only Serbia and Bosnia-Herzegovina achieved lower net trust figures than the UK's -30%. By contrast, 53% said that tended to trust TV (net trust +6%)

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<sup>2</sup> Reuters Institute Digital News Report 2023, p59.

<sup>3</sup> [https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2023-06/Digital\\_News\\_Report\\_2023.pdf](https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2023-06/Digital_News_Report_2023.pdf)

<sup>4</sup> <https://www.ofcom.org.uk/research-and-data/tv-radio-and-on-demand/news-media/coronavirus-news-consumption-attitudes-behaviour/interactive-data> Q5

<sup>5</sup> The red top figures can be gleaned from the week data tables via the same link, pp53 and 54

<sup>5</sup> <https://www.ofcom.org.uk/research-and-data/tv-radio-and-on-demand/news-media/coronavirus-news-consumption-attitudes-behaviour/interactive-data> Q3b

and 61% said they tended to trust radio (net trust +6%). In both cases, the UK were comfortably above the European average for trust.<sup>6</sup>

11. This distinction between press and broadcast in the UK has a long history: my own research in 2008 showed that over half the UK population felt they could trust TV journalists (nearly two thirds for the BBC) compared to 43% for broadsheet newspaper journalists, and just 15% for tabloid journalists.<sup>7</sup>
12. These results are not surprising because Britain's broadcast journalism has a reputation – internationally as well as at home – for being robust, independent, ethical and accurate. It is the product of both institutional evolution and thoughtful regulation, and demonstrates that a well-constructed and genuinely independent regulatory regime focused on promoting impartiality and accuracy in news production will promote high journalistic standards. It is a framework which, through Ofcom, ensures that truthful, non-partisan journalism is protected while journalistic freedom is guaranteed without compromising professional codes of conduct. It is a framework that derives its authority from Parliament and from a regulatory structure that is seen to be independent from government control or political influence.
13. The same cannot be said for the regulatory framework governing the main newspaper publishers. After nearly ten years of operation, it is now abundantly clear that the complaints handler to which most of the major publishers belong - the Independent Press Standards Organisation (IPSO) – is neither independent nor effective in upholding professional standards or protecting the public interest. As my own research demonstrated three years ago, IPSO was established as a means of bypassing the recommendations of the Leveson enquiry: although it was promoted as a regulator that had powers to both launch investigations and impose meaningful sanctions on miscreant publishers, in the words of that report: "the Regulatory Articles are drafted in such a way as to render those powers virtually worthless".<sup>8</sup> **Given that IPSO has effectively recreated all the flaws of its discredited predecessor, the Press Complaints Commission, it is perhaps unsurprising that trust in the British press remains pitifully low.**
14. Following the Leveson recommendations, we now have a working structure for genuinely effective and independent self-regulation of the press in place, giving the Press Recognition Panel powers to approve self-regulators that meet the Leveson standards. If we are serious about trying to engender more trust in mainstream, professional journalism, we need to find ways of incentivising those publishers to respect and implement their own codes of professional conduct. It is not encouraging that, at this very

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<sup>6</sup> EBU, "Trust in Media 2022", [https://www.ebu.ch/files/live/sites/ebu/files/Publications/MIS/login\\_only/market\\_insights/EBU-MIS-Trust\\_in\\_Media\\_2022.pdf](https://www.ebu.ch/files/live/sites/ebu/files/Publications/MIS/login_only/market_insights/EBU-MIS-Trust_in_Media_2022.pdf)

<sup>7</sup> Steven Barnett, "On the Road to Self-Destruction" in *British Journalism Review*, Vol 19 No 2, 2008, pp5-13.

<sup>8</sup> G. Ramsay and S. Barnett, *IPSO: Regulator or Complaints Handler? How UK News Publishers Set Up Their Own Regulator to Avoid Scrutiny* <https://camri.ac.uk/blog/2021/06/23/ipso-regulator-or-complaints-handler/>

moment, the government is choosing to repeal those incentives contained in section 40 of the Crime and Courts Act. **As part of the process of restoring trust in legacy print/online news publishers, the committee may want to consider alternative incentives that would complete the Leveson framework.**

### **Impartiality**

15. At the heart of the UK's reputation for fair, free and reliable broadcast news has been a regime of impartiality that was first introduced by statute at the beginning of commercial television in 1955. The current requirements, covering every TV and radio station licensed by Ofcom, 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". These obligations 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). It is Ofcom's duty to interpret and enforce these statutory requirements.
16. Ofcom's approach is contained in Section 5 of its Broadcasting Code on due impartiality and due accuracy.<sup>9</sup> This explains that "due" means "adequate or appropriate to the subject and nature of the programme" and emphasises that this does not mean that every argument must be represented and given equal 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". This interpretation of "due" is long-standing, and rightly allows for flexibility in approaches to news programming.
17. However, Section 5 is also very clear that there are limits to this flexibility. Rule 5.11 states that "...due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service...in each programme or in clearly linked and timely programmes". And Rule 5.12 states that "In dealing with matters of major political and industrial controversy and major matters relating to current public policy *an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented*" (emphasis added).
18. The advent of two new avowedly partisan news channels – GB News and Talk TV – have introduced a new dimension to broadcast news that will be familiar to American viewers but are a new phenomenon in the UK. Traditionally, the regulator has proved to be an effective bulwark against the kind of unbridled and unfiltered propagandist approach to broadcast news and information that is routine in the United States. **In respect of GB News, however, Ofcom**

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<sup>9</sup> <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code/section-five-due-impartiality-accuracy>

**appears to be either unable or unwilling to uphold the statutory impartiality regime mandated by Parliament and to ensure that the broadcaster adheres to the stipulation clearly laid out in Rule 5.12.** Its failure is, in my opinion, a major threat to the UK's carefully constructed environment for promoting trust in broadcast news, and is potentially a threat to democracy.

19. We have seen the inherent danger in a wholesale relaxation of impartiality rules in the US, dating back to the 1980s when then President Reagan abandoned the long-standing Fairness Doctrine<sup>10</sup>. This reflected a fundamental belief in the free market as the only guarantor of quality and choice, and was directly responsible for facilitating the emergence of Fox News. Although Fox has only relatively recently started to embrace and promote some of the wild conspiracy theories that characterise the far right – especially around stolen elections, immigration and climate change – it is not difficult to draw a direct line from relaxation of the Fairness Doctrine to the establishment of Fox News as a fervently partisan channel to the storming of the US Capitol on 6 January 2021.
20. Some of those partisan views and conspiracy theories are now clearly apparent on GB News, particularly on its opinion-driven evening programmes hosted by a roster of right-wing personalities with barely a nod in the direction of competing views. While Ofcom, after facing some serious criticism for its inertia, has recently upheld a few complaints of breaches of impartiality, these have frequently taken several months to complete. Many others, however, have been dismissed on grounds of prioritising “free speech”.
21. The rationale for this approach has been laid out on a few occasions by Ofcom Chief Executive Dame Melanie Dawes. In March 2023, giving oral evidence to the House of Commons Digital, Culture, Media and Sport select committee, Dame Melanie said: “we are always thinking about freedom of expression here and do not want to see just a single, monocultural – a mono-representation of views on British TV. When you compare what you get in the UK with what you see in America, which is unregulated, it is very, very different”.<sup>11</sup> According to a report in the Guardian, when asked last year about the propriety of Conservative MP and deputy chairman Lee Anderson interviewing the then Conservative Home Secretary Suella Braverman, Dame Melanie said that rules around impartiality are flexible and “require us to prioritise freedom of expression”.<sup>12</sup>
22. It is possible that this response was misreported by the Guardian, but there is no such requirement for Ofcom to “prioritise” freedom of speech. More importantly, the notion that impartiality obligations impose a “mono-representation of views” is misguided. **There is no conflict whatever between Freedom of Expression, a fundamental Article 10 right that**

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<sup>10</sup> For a fuller explanation, see Barnett, S., & Petley, J. (2021). Why Ofcom must find its backbone. *British Journalism Review*, 32(1), 29-36. <https://doi.org/10.1177/0956474821998991>

<sup>11</sup> <https://committees.parliament.uk/oralevidence/12819/pdf/> Q111

<sup>12</sup> Guardian, 28 September 2023: <https://www.theguardian.com/media/2023/sep/28/no-rule-to-stop-tory-mp-interviewing-minister-on-gb-news-says-ofcom-boss>

**lies at the heart of any democratic society, and a requirement for impartiality in broadcast news.** Indeed, the two concepts are entirely compatible and actually promote plurality: the whole point of an impartiality regime is precisely to ensure that all sides of any debate about controversial issues are freely presented, so that citizens can make up their own minds after hearing a range of diverse opinions.

23. This principle was firmly endorsed by a 2020 Court of Appeal judgement involving the Russian news channel RT and Ofcom<sup>13</sup>. In rejecting RT's appeal against an Ofcom fine, the Court argued that "[p]ermitting a provider of television services to avoid the requirement of 'due impartiality', even for one programme, would... seriously harm the rights of others, as protected by Article 10(2), because individual viewers will not be exposed to the contrasting views necessary to assist the viewer to take a full role in the modern democratic state".
24. In the context of disinformation, the Court sounded a very pertinent warning: "Viewers of news on media which are not subject to impartiality regulations may receive only one viewpoint to the exclusion of other viewpoints.... [and] the media accessed by that viewer may become "an echo chamber" or "information silo" for that single viewpoint. Given the multiplicity of sources, and the corresponding increased likelihood of a viewer accessing only media according with or reflecting that viewer's own viewpoint, the importance of a provider of television services maintaining "due impartiality" in each broadcast programme becomes of greater, and not lesser importance".
25. As events in the US have demonstrated, impartiality is more than an outdated legacy of the public service tradition in broadcasting: it was and remains a principle rooted in ideal journalistic norms of accuracy, fairness and integrity which – importantly – are still supported by the great majority of citizens. This was demonstrated most recently in the Reuters Institute 2021 report that found over three quarters of UK respondents (76%) supporting the view that "news outlets should reflect a range of views" and over two thirds (68%) believing that "news outlets should give equal time to all sides".<sup>14</sup>  
**Far from undermining the democratic imperative of free expression, impartiality rules are therefore embraced by the general public and sustain an informed democracy in what the growing number of authoritarian leaders around the world like to call a "post-truth world".**

## Conclusion

26. Broadcast news in the UK, unlike the press or online sources, commands enormous trust from UK citizens and is a vital bulwark against the proliferation of mis- and disinformation. This trust has been built on decades of institutional and regulatory commitment to professionalism and

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<sup>13</sup> R (Autonomous Non-Profit Organisation TV-Novosti) v The Office of Communications  
<https://www.judiciary.uk/wp-content/uploads/2020/03/RT-v-Ofcom-approved-judgment-27.3.20.pdf>

<sup>14</sup> Reuters Institute Digital News Report 2021, pp38-9:  
[https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2021-06/Digital\\_News\\_Report\\_2021\\_FINAL.pdf](https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2021-06/Digital_News_Report_2021_FINAL.pdf)

impartiality. We should value and nurture it.

27. New partisan channels, in particular GB News, have demonstrated a contempt for balance in its approach to news and current affairs that requires a strong regulatory response and appropriate sanctions. Ofcom's response has been weak and effectual, displaying an inertia that could have profound consequences if it does not start to take its statutory duty more seriously. **It would be helpful if the committee could emphasise the vital role of our long-standing impartiality regime in protecting trust in broadcast news in the UK, and stress the importance to both democracy and free speech of Ofcom taking a more robust approach to its regulatory duties.**

*12 February 2024*