

## Written evidence submitted by Reform Political Advertising

Trust in politicians has been at an all-time low. We applaud the Committee's recognition of the need to drive up standards and hope its work will succeed.

### **.Who we are**

Reform Political Advertising (RPA) does what it says on the tin – we are a small group of people campaigning for the reform of electoral advertising. RPA is non-profit and run by unpaid volunteers, all of whom hold or held senior positions in the advertising industry and all of whom have worked in significant capacity with the largest and most successful organisations in the world and all of whom have had contact and interaction, some short term, some longer, at senior levels with politicians from all parties.

The chairman of our Electoral Advertising review Panel is (Lord) David Puttnam; our advertising code (included at the end of this document) has been endorsed by the likes of Sadiq Khan, Andy Burnham, Lord Kinnock and six of the candidates in the 2024 London mayoral elections.

Our premise, firmly avowed and solidly substantiated, is that electoral advertising is:

- Very poorly delivered by all major political parties;
- Distrusted by the great majority of voters;
- Much more important than most politicians think it is;
- Long overdue (some twenty-five years) to be regulated again;
- Making a major contribution to the distrust of politics and of advertising.

In the course of this submission, we will provide evidence to support all of the above assertions.

### **Our perspective on the Committee's call for views**

We turn now to addressing the completion of evidence, per the committee's suggested structure. We should first make clear that we are not well versed in parliamentary procedures. We are keen observers and very engaged in outcomes, especially, of course, those related to our role, but we do not pretend fully to understand the workings of the House of Commons.

It is for that reason that we approach the work of the committee rather as an advertising agency approaches a brief from a client: from the opposite end of the telescope. (The client tends to start with the product; the agency starts with the consumer or potential consumer of that product). So, our perspective is not so much the interrogation or analysis of HoC processes, but that these should be conducted *with the voter, as well as the member, in mind and how any improvements can be communicated.*

If 'the product' referenced above is politics or politicians, it will not be news to the committee that both are in a sorry state. The consumer is disengaged and distrustful:

- "We live in a time where people feel painfully disconnected from politicians and from politics." (Ben Sixsmith, November 2023)
- 'Only 1.5% of the electorate engage with political parties as members or supporters.' From the UK Parliament's October 2024 [Democratic Engagement and Trust in Parliament](#)
- The 2019 Audit of Political Engagement finds that some 80% of respondents have 'little or no trust' in MPs in general. According to IPSOS' December 2023 data that figure has worsened to the point where just 9% trust politicians. *Two per cent of those aged 25-34 consider politicians to be truthful.*

In that context:

**1. What topic(s) do you think the Modernisation Committee should prioritise and how do they link to one or more of the strategic aims set out in the Leader's memorandum?**

Those processes that impact on the perceived integrity of the House and its members. During election periods in particular, we work closely with friends at Full Fact (FF). Earlier this year, we noted that FF had secured agreement that the Correction of Record procedure had been extended beyond ministers. This is important progress towards improvement in trust and it is other procedures of that ilk that we suggest the committee should prioritise. We note, meanwhile, that there did not appear to be much in the way of communication from the government or House on the issue – an opportunity lost, we suggest.

It is therefore our strong recommendation that the Modernisation Committee should enact the proposal from the Committee on Standards in Public Life (CSPL). To expand: the October 2013 [Report of the All-Party Parliamentary Inquiry Into electoral conduct](#) covers the issue of political advertising regulation under Section 4, points 78-83. The Report references the work in this context of the CSPL/ Neill Committee, which recommended that *'the political parties seek to agree a code of best practice in partnership with the advertising industry to apply to the non-broadcast media. The enforceability of such a Code by, for example, the Electoral Commission was questioned by the Government in their response to the Committee but it stated its intention to explore whether existing or adhoc bodies could oversee it and offered to broker cross-party agreement. There appears to have been no action taken.*

The Committee may also be aware of the cross-party House of Lords Democracy and Digital Technologies Committee's ['Digital Technology and the Resurrection of Trust'](#). A primary recommendation from the Report (para 36) stated: *'The relevant experts in the ASA, the Electoral Commission, Ofcom and the UK Statistics Authority should co-operate through a regulatory committee on political advertising. Political parties should work with these regulators to develop a code of practice for political advertising, along with appropriate sanctions, that restricts fundamentally inaccurate advertising during a parliamentary or mayoral election, or referendum. This regulatory committee should adjudicate breaches of this code.'*

The cross-party committee was chaired by Lord Puttnam; this recommendation was unanimous. RPA (that's us) provided evidence to the House of Lords Committee and strongly supported the recommendation outlined above. The [then government's response](#) was evasive, inaccurate and patronising.

### **Why factual claims in electoral advertising should be regulated**

We said earlier that we would provide substantiation of our claims related to electoral advertising. Those claims were that it is:

- **Very poorly delivered by all major political parties:** see our reviews of the four most recent General and local elections, available [here](#). Our principal issue with it is that of highly misleading 'factual' claims (we do not propose any form of regulation of political opinion or policy; as the committee will be aware, some protection in that regard is provided by the Representation of the People Act 1983).
- **Distusted by the great majority of voters:** Electoral Commission (EC) [research into the 2024 campaign](#) found: *"Over half of people said they saw misleading or inaccurate information about political parties' policies (61%) and candidates (52%) at the general election."* The EC's [2019 campaign research](#) found that: *"People were concerned about misleading campaign techniques from across the political spectrum, and bias in the media. We received a large number of complaints raising concerns about the presentation, tone and content of election campaigns."* Separately, Advertising Association research finds that political advertising is the least trusted form of advertising. Less 'formally', we are frequently contacted by voters who are completely fed up and frustrated and have absolutely no official or independent recourse.
- **Much more important than most politicians think it is:** politicians generally don't 'get' the power of advertising.
- **Long overdue (some twenty-five years) to be regulated again:** see the CSPL references above. Consumers are protected from commercial dishonesty by the law and by the ASA and Ofcom. Factual content of electoral advertising is entirely unregulated (the ASA 'retired hurt' in 1999); that is not just unfair to voters, it is also damaging to advertising, which is brought into disrepute. We know from our own research that voters agree with the premise: our YouGov research in 2019 and 2021 found that some nine out of ten voters think, consistently across party affiliation, that it should be a legal requirement that factual claims in electoral advertising are accurate. Our 2023 Opinium research found that just 4% of voters do not support the idea of regulation of factual content of electoral advertising.
- **Making a major contribution to the distrust of politics and of advertising:** the image below speaks for itself. While we are politically neutral, it has to be said that a system that permits this level of dishonesty cannot be allowed to continue. The perpetrators are out of office; the opportunity remains. Despite the ONS officially asking the Brexit campaign to stop using this demonstrably false claim, there was nothing anyone could do to enforce that and it ran for the duration of the campaign.

## Thursday briefing: Why public trust in politicians is at rock bottom - and what we can do about it

In today's newsletter: As confidence in politicians hits a record low, we look at how the public lost their faith in government

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- A. Communication. None of whatever the committee decides should be improved, whatever standards are driven, whatever enhanced working practices, whatever more effective processes, means anything unless successful developments are communicated.

We have earlier indicated, that we (as individuals, not as the group we now represent) have extensive commercial communications and advertising experience; If those organisations communicated generally and to their stakeholders in the same manner as the government does to their own stakeholders, they wouldn't be successful much longer.

Individual MPs, especially the more recent intake, are often very good communicators. Indeed, we think it's fair to suggest that they wouldn't otherwise have been elected. It is the collective, the corporation, the government, the House that is, in our view, alarmingly deficient in that respect.

On a more parochial level, we have written – politely and carefully – on a minimum hundred occasions to various political parties. We have received just two replies.

### 2. Why would the topic(s) benefit from the attention of the Modernisation Committee?

In the modern era of disinformation regulation of factual claims in election ads is in 'low hanging fruit' category of steps the government can take to win back the electorate's trust and drive up standards.

Plugging this regulatory gap would bring political advertising into line with other forms of advertising and support the ASA's aim of increasing trust in advertising and making every UK ad a responsible ad.

Voters have a right to expect political advertising to be factually accurate, given the high standards set by the programme covering all other advertising which the ASA administers.

### 3. Are you aware of examples from other Parliaments relevant to the topic(s) which may be interesting for the Modernisation Committee to consider?

We would like to draw your attention to the following examples.

New Zealand has had regulation in place for several decades, with all the parties buying into the process.

### **New Zealand**

- The ASA has administered the Advertising Standards Code for several decades, which applies to all advertisements, including political ads.
- Political advertising must not mislead, deceive, or be likely to mislead or deceive under the code's Rule 2 (Truthful Presentation).

The ASA distinguishes between statements of fact and political opinion:

- Statements of fact: must be substantiated with evidence. If a political ad includes a factual claim (e.g., "Unemployment is at 10%"), it can be challenged if misleading.
- Political opinion: The ASA generally does not regulate political opinions, as these are considered part of free speech and open debate.

### **States in Australia**

#### South Australia

- Section 113 of the Electoral Act 1985 (SA) prohibits electoral ads that are "inaccurate and misleading to a material extent".
- Complaints are investigated by the Electoral Commissioner, who can order corrections or retractions.

#### Australian Capital Territory (ACT)

- The ACT's Electoral Act 1992 includes similar provisions to those of South Australia, banning materially misleading political advertising.

#### National proposal

Zali Stegall MP has introduced a bill to parliament to "stop the lies in political advertising" with her Commonwealth Electoral Amendment (Voter Protections in Political Advertising).

[https://www.zalisteggall.com.au/media\\_release\\_zali](https://www.zalisteggall.com.au/media_release_zali)

#### **4. Is there any existing work relevant to the topic(s) which you think the Modernisation Committee can build on?**

Two of our key initiatives over the last few years have been development of an advertising code and running an "Election Advertising Review Panel". We aren't pretending to take on any of the responsibilities of a regulator but have implemented them to demonstrate how regulation could work in the UK in practice.

[Election Advertising Review Panel \(EARP\)](#)

We ran a pilot “Election Advertising Review Panel” several years ago in the 2022 local elections which worked very successfully. You can hear its chairman David Puttnam discussing it [here](#). We formed it again this year to demonstrate how regulation could work in a General Election. We invited seven senior people from inside and outside the advertising industry to create an executive that reviews factual claims in election ads and judges whether they are truthfully presented or otherwise.

The members of the panel were:

- David Puttnam, Chairman
- Chris Morris, Chief Executive Officer, Full Fact.
- Marina Purkiss, Political Commentator & Podcaster.
- Harriet Kingaby, Co-Founder, Conscious Advertising Network.
- Poppy Wood Managing Director, Reset.
- Richard Lindsay, Director of Legal & Public Affairs, IPA.
- Gemma Charles, Deputy Editor, Campaign.

The process worked in a not dissimilar way to how the regulatory process for commercial advertising works with the Advertising Standards Authority.

The panel were forwarded ads with a brief summary of the issue raised about them and evidence / source of any transgression (against the electoral ad code below). Members were asked to provide a view within 24 hours as to whether the ad meets the standards laid out in the code.

David Puttnam’s summary of our work over the general election can be viewed [here](#).

#### Advertising code

We also launched a draft advertising code for discussion with interested parties in the run-up to the various elections this year.

We initially approached candidates in the mayoral elections in May to sign up to it. The response was beyond our expectations. We had 6 London mayoral candidates sign up, including Labour’s London mayor Sadiq Khan as well as the Green Party’s and the Liberal Democrat candidates. We believe that is the first election where almost all the main candidates signed up to such a standard.

Some of the Labour politicians who agreed to it have been high-profile. For example, the Greater Manchester and West Yorkshire mayors Andy Burnham and Tracy Brabin signed up to it and, Lord Neil Kinnock has endorsed it.

#### RPA DRAFT ADVERTISING CODE

Electoral advertising: our commitment

In our advertising we will:

- Make every reasonable effort not to mislead voters;

- Ensure that factual claims are accurate according to recognised sources;
- Hold relevant and reliable evidence for factual claims, which will either be sourced in the advertising or made available if requested;
- Acknowledge it if we make a mistake and issue a public correction as quickly as possible;
- Inform audiences when we use generative AI.

Please see the following link for the code and guidance for sourcing (not included in this document due to the Committee's word count limit).

<https://reformpoliticaladvertising.org/reform-political-advertising-draft-advertising-code/>

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