

Brexit: A Love Story? – complaint to Ofcom

The full details of the alleged breach of broadcasting impartiality are spelled out in the News-watch report about the series, which was submitted to the BBC in an initial complaint letter.

The BBC in its four responses about the series via the BBC Chairman's office and the Editorial Complaints Unit, has not addressed properly the issues raised by the report.

In summary, *Brexit: A Love Story?* did not conform to the requirements of impartiality or 'due impartiality' laid down in the BBC Charter, the BBC Public Purposes, the BBC Editorial Guidelines or the Ofcom Broadcasting Code.

A key point is that the series was broadcast in *World at One*, a flagship Radio 4 news programme, between March and September 2018, at a time of major national debate about the EU-UK relationship. The series was launched as part of a special day of programming, entitled, '*Britain at the Crossroads*' with the aim (stated in a Corporation press release) to, 'go beyond the detail of the negotiations, and the drama of Westminster politics, to explore Britain's future role and place in the world - and that of our European neighbours. . . a year before Britain is due to leave the European Union we want to consider what this moment might mean in the broadest terms.'

In such a framework, it was a requirement on the makers, and would have been expected by listeners, that the Eurosceptic perspective would be adequately represented by a range and depth of opinion and fairly set out. It was not. The series was deliberately set up and edited – especially in the selection of contributors who were specially interviewed - to give more prominence to pro-EU strands of opinion.

It is **not** contended that the requirement was to carry a binary ('pro'/'anti') fixed quota of opinion. The points made in the News-watch report are not rooted solely or primarily in simplistic (or any) counting techniques, nor do they specify quotas. The analysis is multi-layered and based on a mixture of quantitative and qualitative criteria which are explained and outlined in detail (p.62 of the report) and are essential components in academic practice throughout the world in the study and assessment of the media.

The complaint is that in a hard news setting, there should have been over the series as a whole a balanced inclusion – judged on a wide variety of criteria - of the main polarities and spectrum of opinion in the EU/EEC-related debate.

Listeners were told in BBC publicity material noted above and then reinforced in on-air introductions within *World at One* that the series was about the 'twists and turns' in the 45-year EU-UK relationship. What was delivered was a skewed and selective body of edited material (none of which was transmitted live and was therefore very carefully selected) which was weighted disproportionately towards a pro-EU perspective.

This occurred, it can be deduced, largely because the majority of specially-recorded contributions came from figures who were sympathetic to the EU, and also because – as the News-watch report outlines in detail – the editorial commentary was also unduly negative towards Eurosceptic points. A further important issue here is that all the contributors – and the broadcast form of what they said – was determined by the programme production team. Lord Armstrong was 'there' in the programme sense but so were dozens of other senior figures who were not selected to take part who might have had different views. They assembled a 'cast' and script which was highly slanted towards pro-EU perspectives.

The transcripts and News-watch analysis also demonstrate that throughout the series, and especially, for example, in the episodes about the role of the press in fomenting Eurosceptic opinion, and the handling of Mad Cow Disease, the perspectives of those who were against the EU/EEC were negatively misrepresented.

BBC RESPONSE

Richard Hutt, the ECU complaints director, argued in his two letters about the complaint that the series firmly met requirements of due impartiality because it was clearly stated within each episode of the programme that it was a 'discrete programme strand' which was not an overview of the UK-EU relationship, but a deliberately selective series of snapshots and sideways views with those 'who were there'.

He claimed – echoing the note from the programme production team sent to Lord Pearson by the BBC Chairman - that although pro-EU opinion was prominent, the reason was that 'those who were there' were predominantly government and civil service figures, and that, therefore, such contributors were more likely to be pro-EU. However, he argued that this was not necessarily a key factor because much of the content of contributions of all kinds was 'nuanced' and could not be categorised in 'pro'/'anti' terms.

He further argued that Eurosceptic opinion was nevertheless adequately represented throughout the series, and that the quality of the selected clips from Eurosceptic contributors was of sufficiently high and of a properly representative quality and breadth to meet 'due impartiality' requirements. He instanced a handful of such contributions which, he claimed, substantiated this viewpoint and, crucially in his view, were 'fairly set out'.

A major part of Mr Hutt's attempted rebuttal of the News-watch report was that it did not provide evidence of a lack of 'due impartiality' because its analysis of the series was through 'counting' or 'quantification'. He maintained this was not in this instance a valid way of assessing impartiality issues, especially in the context of this series, because impartiality was 'resistant to simple quantification'. Mr Hutt also discounted the importance or relevance of academic analysis by the media departments at Loughborough and Cardiff Universities which suggested that 'talk time' was an important factor in investigating and establishing media bias.

Mr Hutt added that, as already noted above, the views expressed by contributors were 'nuanced' and not binary or even capable of objective classification. He claimed that much of what they said was background or detail related to events.

He contended that 'counting' was further not appropriate because short contributions could be more effective than longer ones. He selected a number of examples from figures such as Tony Benn and Enoch Powell in the early episodes which he believed illustrated this point.

Mr Hutt is simply wrong to dismiss so sweepingly 'quantification' and the metrics deployed by News-watch. As already noted, the News-watch methodology is outlined in full on p.62 of the series report. It spells out why 'counting' is, in fact, an essential component in the consideration of impartiality – and indeed in almost all academic assessment of social sciences themes - but also how it is part of robust and transparent analytical techniques which together form the only way of building an overall picture of the material under examination.

Turning to the detail of the News-watch report, quantification was an essential component in demonstrating that there was an imbalance in comment between those who supported the EU and Eurosceptic opinion. Remarks which were not 'pro-EU' or 'Eurosceptic' were classed as

'neutral'. The conclusions were based on what was *actually said*, not solely the number of words. It is explained that contributions classed as 'pro-EU' were not solidly from that perspective, but, taken as a whole, did make pro-EU points. The comments, and the strength and extent of pro-EU opinion, are detailed in full in Parts 2-4 of the report.

Striking examples of the clear 'pro-EU' partisanship were: Sarah Morrison said in Episode 1 that it was 'complete baloney' that Edward Heath had misled the British people about the implications of joining the EEC; in episode 4, Caroline Slocock explained how Margaret Thatcher's negativity towards EU countries was based on outmoded national stereotyping, and comment from Timothy Garton Ash bolstered her point; and Kenneth Clarke (episode 5) said that the Daily Mail had published 'unremitting anti-European propaganda', and asserted that Boris Johnson spoke in a 'Trump-like way' in relation to EU issues. This list is not exhaustive (the report itself includes all such examples) but they are chosen here to illustrate the clearly pro-EU nature of such contributions. Those contributors who made clear 'pro-EU' points – Margaret Thatcher excepted - did not also add other points that could be classed as Euroceptic. Thus the clear evidence presented by News-watch is that in key respects there was a strong pro-EU component which was dominant across the series as a whole.

Mr Hutt's approach boils down to that that if not every word is biased, a contribution cannot be categorised. If Mr Hutt's argument is accepted it means that almost all attempts to detect bias are doomed to failure, and gives broadcasters –and regulators - almost complete discretion in deciding what is acceptable.

Mr Hutt claims that, by contrast, his analysis does demonstrate that 'due impartiality' was achieved. But his arguments are actually based on narrow, selective assumptions and atypical examples. He claims, for example, that Mr Mardell's commentary was balanced and challenged Lord Armstrong and Edward's Heath's approach to the question of sovereignty. But his replies do not deal with the vast majority of the observations about Mr Mardell made in Part 4 of the News-watch report showing the extent of his selectivity and bias.

Another central point made by Mr Hutt was that the series was clearly distinguished by commentary within each programme as a discrete programme strand and thus, listeners would have understood that different content rules (from those governing hard news in World at One) applied to it. But, as already noted above, this is not borne out by examination of how the programme was actually introduced and described on air from within World at One. It was said on some occasions that it featured contributions from 'those who were there' but there was no further explanation for listeners about what this meant in terms of the balance of what was said. If the producers had identified in advance of transmission that this had led to a programme which the overall tenor of specially-recorded contributions was pro-EU, the programme presenters did not tell the audience. They simply claimed that it was about the 45-year history of the UK-EU relationship.

An example of this was on April 13, when Jonny Dymond (that day's presenter of World at One, said in the programme headlines that the programme would keep listeners updated on latest developments and controversy related to the EU. He added:

In the year running up to Britain's departure, Mark Mardell is charting the ups and downs, twists and turns of our 45-year relationship with the European project, we're calling it *Brexit: A Love Story?* In today's episode, something that feels a little familiar (referring, presumably, to the 1975 referendum).

Overall, Mr Hutt does not explain satisfactorily how the BBC *did* calibrate 'due impartiality' in relation to the series. A fundamental reason for this is that his analysis is conducted on a

limited basis, and through misrepresentation of the News-watch analysis, rather than thorough consideration of the series and the News-watch report as a whole.

Yours etc.