

## **Complaint to Ofcom in respect of breaches of content standards relating to environmental and climate issues on BBC broadcasting services.**

### **A. Jurisdiction of Ofcom**

Newswatch, a broadcast watching service, is making this complaint directly to Ofcom under its jurisdiction to handle complaint when the complainant “considers that exceptional circumstances apply”.

Ofcom has jurisdiction under Section Five of its Guidance Notes covering “Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions” [1-17] in relation to;

*5.11: In addition to the rules above, 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 (listed above) in each programme or in clearly linked and timely programmes.*

“Matters of political or industrial controversy and matters relating to current public policy” are defined as:

*political or industrial issues on which politicians, industry and / or the media are in debate. Matters relating to current public policy need not be the subject of debate but relate to a policy under discussion or already decided by a local, regional or national government or by bodies mandated by those public bodies to make policy on their behalf, for example non-governmental organisations , relevant international institutions etc...*

*These will vary according to events but are generally matters of political or industrial controversy or matters of current public policy which are of national, and often international importance, or are of similar significance within a smaller broadcast area.*

The BBC’s obligation, to be enforced by Ofcom, is encapsulated at 5.12 which states;

*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.*

5.5 provides also that:

*Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service (listed above).*

The complaint is made on the evidence set out below which clearly supports a finding that in environmental and climate coverage the BBC has failed to comply with the above obligations and in particular those set out in 5.12 above.

### **B. BBC Complaints Framework**

The Complainant is aware of the requirement that other than in exceptional circumstances, Ofcom can only consider the complaint if the complainant has already complained to the BBC first under the BBC First procedure set out in the BBC Complaints Framework and Procedures.

However, the Complainant submits;

- i. The complaint is based upon exceptional and unique circumstances.
- ii. The subject matter does not fall within the definition of editorial complaints. These are to be made in reference to a particular item broadcast or published on the BBC's services.
- iii. The exceptional subject matter of the complaint does not fall easily within the definition of a general complaint. The definition states that "most general complaints will fall outside Ofcom's remit". This complaint falls within Ofcom's remit.
- iv. As set out above the subject matter falls within Section Five of the Ofcom Guidance Notes on a subject of national and international importance and involving issues of public policy.
- v. The subject matter is within Ofcom's jurisdiction involving its overall regulatory obligations in respect of the BBC.
- vi. It is, in any event, open to Ofcom when considering the complaint to direct that it should be first heard by the BBC Executive Complaints Unit with a subsequent entitlement on the part of the Complainant to appeal to Ofcom.

### **C. The BBC's overriding impartiality obligation**

This is set out in the BBC Charter, has statutory effect and can be summarized as follows;

The BBC has an obligation to maintain "due impartiality" in its broadcasts. In the context of the above subject-matter the interpretation of "due impartiality" contained in the Annan Report of 1977 (*Report of the Committee on the Future of Broadcasting* Cmd. 6753) is authoritative. In summary;

- a. *Broadcasters should allow the widest possible range of views and opinions to be expressed. Broadcasters are not doing their job if they allow only one view to monopolise their services.*
- b. *Broadcasters must take account, not just of the whole range of views on an issue, but also of the weight of opinion which holds these views.*

The duty of impartiality is accordingly a duty on broadcasters to let the public hear a variety of views on matters of political controversy, taking into account of the weight of opinion that generally holds such views and not permitting one view on any given point of controversy to monopolise their services.

These views are also reflected in the Ofcom Broadcasting code.

According to the then BBC Chairman, Richard Sharp and Director-General, Tim Davie and as they set out in the Accounts for 2022-2023, [18-19], the statutory and accepted impartiality obligation remains the "fundamental basis" for BBC coverage.

Moreover, "renewing our commitment to impartiality" is referred to in the Accounts as one of four strategic priorities.

This impartiality obligation is core to the constitutional basis of the functioning of the BBC and its broadcasting.

#### **D. Breaches of the impartiality obligations in relation to climate matters**

The complaint submits that the BBC has breached its impartiality obligations in relation to climate matters as contained in numerous publications and broadcasts. These demonstrate overt, express, and intentional breaches of the impartiality obligation in relation to environmental and climate coverage.

Section E below sets out examples of the BBC's partiality in relation to climate change. However, the following statements recently published by the BBC are contrary to the overriding impartiality obligation. They represent clear and unqualified evidence of the BBC's objectives and actions.

##### **1. "About the BBC – Environmental sustainability" [20-30]**

*When it comes to the content our audiences watch, listen and read, the BBC needs to ensure that it's reflecting the changes we're seeing in society towards more sustainable ways of living. We have a responsibility to help our audiences understand the impact of climate change and the steps we can take to transition to Net Zero.*

*Before we commission any programme, a formal conversation takes place about how environmental concerns can be appropriately and authentically considered or reflected in the editorial content of the project. This encompasses the mindful choices that can be made around sustainable settings or behaviours on screen, as well as the subjects or themes of a production where relevant.*

##### **2. COP26 Climate Content Pledge**

In November 2021, at COP26, the BBC was one of 12 broadcasters and streamers to sign the Climate Content Pledge committing us to doing more and better climate story-telling on screen across all genres. [31-33]

The BBC now states [20-30];

*We are committed to reaching the widest possible audience with climate and environmental themes, putting them at the heart of our biggest entertainment shows, our incisive global journalism, our inspiring content for children, and with a continued focus on producing outstanding world-renowned Natural History series.*

Reference is made to express environmental content including; The Green Planet (BBC One), 39 Ways to Save the Planet (Radio 4), Sow, Grow, Show (Radio 2), City on Mission (5 Live).

There is also "incidental and implicit content around sustainability" including climate subplots in dramas e.g., Rules of the Game and "light touch references" in radio conversations.

"Embedding a consideration of climate themes in all our processes".

By failing to take into account and broadcast contrary views and opinions (for which there is substantial evidence as set out in Section F below) in relation to climate and environmental matters the BBC is in breach of its supervening impartiality obligations and guilty of broadcasting partial views whilst ignoring contrary views and opinions on the subject.

3. BBC “internal guidance” on how its journalists should report climate issues and “the topic of environmental sustainability”. At page 67 to the 2022-2023 Accounts, [35-39] it is stated;

*The BBC informs and educates on the topic of environmental sustainability – both externally to audiences and internally to staff.*

4. Internal email to editorial staff from Fran Unsworth 6 September 2018 states [40-45];

i. Man-made climate change exists;

ii. As climate change is accepted as happening, you do not need a “denier” to balance the debate;

iii. There are occasions where contrarians and sceptics should be included ..... journalists need to be aware of the guest’s viewpoint AND HOW TO CHALLENGE IT EFFECTIVELY.

iv. “BBC admits “we get climate change coverage wrong too often”” The Guardian, September 7, 2018 [46-48]

#### **E. Evidence of the BBC’s partiality in relation to environmental and climate matters**

Recent evidence includes;

i. Numerous instances of factual inaccuracy. See, for example, “BBC still playing fast and loose with climate facts” by Paul Homewood published by Net Zero Watch (August 2, 2023) [49-51].

ii. Unquestioning broadcast of fictitious flooding of central London in Frozen Planet II

iii. Partial comment in Wild Isles natural history series (Editorial Complaint dated 15 March 2023) [52-58]

iv. Rethink Climate (Radio 4); failure to broadcast contrary views.

v. Bias shown by BBC climate correspondents; Roger Harrabin and Justin Rowlett.

vi. Actions of BBC Disinformation department, for example; article by Marianna Spring asserting that criticism of environmentalism was being fuelled by right-wing conspiracy theorists who switched from “Covid denial to climate denial” [59-65].

vii. Roger Harrabin interview “World this Weekend” Radio 4, May 28, 2017; “The old consensus on climate change has been rattled by a long campaign from Conservative leaders and UKIP”

#### **F. The Complaint**

1. In breach of its overriding obligation of impartiality the BBC has accepted

a. without criticism;

- b. without broadcasting contrary views;
- c. and adopted a “fixed habit of thought” of the views of those who accept climate change and Net Zero obligations.

It has failed to recognize that the subject is a matter of serious political and public controversy which in any event is subject to its impartiality obligations.

2. There is now a substantial body of reasoned opinion propounding contrary views to those accepted, broadcast, and propounded by the BBC including;

- a. Parliamentary questioning and opposition. The topic is subject to political debate which requires the BBC to be impartial.

This includes;

- i. Research Briefing note from the House of Common’s library regarding the Government policy on reaching Net Zero by 2050 **[66-69]**;
- ii. Climate Change Policies as debated in the House of Lords on Wednesday 20 September 2023 **[70-76]**.
- iii. Parliamentary questioning at Prime Minister’s Questions as responded to on 13<sup>th</sup> September 2023 **[77-78]**
- iv. Environmental Audit Committee Chairman Rt Hon Philip Dunne MP responds to the Prime Minister’s speech on policies to meet net zero **[59-65]**.

- b. Significant press opposition to the stance that has been accepted and taken by the BBC.

A recent example is the column by Nick Robinson, a senior presenter of Radio 4 Today programme ,in the Daily Telegraph for October 3, 2023 who states **(170)** ;

*“What’s true of Brexit is also true of other contentious debates on sex, gender, race and climate change and much more besides .”*

This is an admission that issues of climate change are politically contentious with no universal public view. It follows that in covering climate change that the BBC should observe its impartiality obligations.

This is further supported by follow up correspondence in the Daily Telegraph for October 5, 2023 **[177]** where one of the correspondents expressly refers to the Nick Robinson column and “the programme’s daily alarmism” as a reason for not listening to the Today programme.

Further examples include;

- i. Leading Article by Charles Moore in Sunday Telegraph for August 6, 2023; “Net zero’s dam has burst, but the BBC is still papering over the cracks” **[81]**.

- ii. Front page, City AM for September 19, 2023; “Green Energy Experts warn UK’s race to renewables will leave economy reliant on Chinese Tech and Materials” **[82]**.
- iii. Allister Heath; Daily Telegraph August 9, 2023; “A restrictive architecture of carbon budgets and climate committees is killing democratic choice” **[83-84]**.
- iv. A commendable shift on net zero by the PM – The Daily Telegraph, September 20, 2023 **[85]**
- v. Blaming climate change for everything is lazy – The Times, August 26, 2023 **[86-89]**
- vi. Climate Blame and the Climate Threat – The Daily Telegraph letters, August 14 and 16, 2023 **[90]**
- vii. Grasping the nettle – The Times, September 21, 2023 **[91]**
- viii. How the BBC is crushing the climate debate – Spiked, November 24, 2021 **[92-96]**
- ix. If Trump wins, Net Zero is dead – The Daily Telegraph, September 26, 2023 **[97-98]**
- x. The referee has spoken – Is the BBC Biased?, September 8, 2018 **[99-100]**
- xi. Labour vows to reinstate ban on petrol cars – The Daily Telegraph, September 21, 2023 **[101]**
- xii. Now it’s blue on green... - The Daily Mail, September 21, 2023 **[102]**
- xiii. Institutional Alarmism – NetZero Watch **[103-116]**
- xiv. Roger the Dodger – Is the BBC Biased?, May 28, 2017 **[117-119]**
- xv. He’s under attack from Labour, the BBC and the Blob, but this is by far the most daring thing Rishi’s done as PM – The Daily Mail, September 21, 2023 **[120]**
- xvi. Sunak’s gamble on delay divides his MPs – The Daily Telegraph, September 21, 2023 **[121-122]**
- xvii. The furious Blob will try to destroy Rishi Sunak for his NetZero heresy – Allister Heath, The Daily Telegraph, September 21, 2023 **[123]**
- xviii. The PM has put common sense before ideology – but will have to face down the net zero zealots – Letters, The Daily Telegraph, September 21, 2023 **[124]**
- xix. Transcript of BBC1, Heat Pumps What They Really Mean for You, August 1, 2023 **[125-144]**
- xx. Prime Minister has set Labour a climate trap ahead of an election, City AM September 28, 2023 **[145]**
- xxi. The Trouble with Climate Change – Nigel Lawson, The Global Warming Policy Foundation **[146-169]**
- xxii. You might not like the BBC – but we still serve this country well, The Telegraph 3<sup>rd</sup> October 2023 **[170-176]**

xxiii. Letters: Tired of Today, The Telegraph 5<sup>th</sup> October 2023 **[177]**

c. Change in Government policy as evidenced by Rishi Sunak BBC Radio 4 interview on 21<sup>st</sup> September 2023 **[178-189]**.