[GB] Ofcom has concluded that five programmes on GB News featuring politicians acting as news presenters breached broadcasting due impartiality rules

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Ofcom determined five GB News programmes, namely two episodes of Jacob Rees-Mogg's (a Conservative Member of the United Kingdom Parliament) State of the Nation, two of Friday Morning with Esther and Phil and an episode of Saturday Morning with Esther and Phil, broadcast between 9th May and 23rd June 2023, breached due impartiality rules. The five programmes breached Rules 5.1 and 5.3 of the Broadcasting Code. Esther McVey is also a Conservative Member of the United Kingdom Parliament.

Ofcom's Broadcasting Code requires that news, in whatever form, be presented with due impartiality. Further, a politician cannot be a newsreader, news interviewer or news reporter unless there is editorial justification.

Rule 5.1 says: "News, in whatever form, must be... presented with due impartiality", whilst

Rule 5.3 requires: "no politician may be used as a newsreader, interviewer or reporter in any news programmes unless, exceptionally, it is editorially justified. In that case, the political allegiance of that person must be made clear to the audience". Section 319 of the Communications Act 2003 specifically requires that: "news is presented with due impartiality".

Ofcom considered factors that could lead them to classify content as news might include: a newsreader presenting directly to the audience; a running order or list of stories, often in short form; the use of reporters or correspondents to deliver packages or live reports; and/or a mix of video and reporter items.

During the investigation, Ofcom considered the right to freedom of expression pursuant to Article 10 of the European Convention on Human Rights. Meanwhile broadcasters have editorial freedom to offer audiences various programme formats, including using politicians to present current affairs or other non-news programmes. Further, politicians may also appear in broadcast news content as an interviewee or any other type of guest.

Individual programmes can also feature a mix of news and non-news content and move between the two genres. However, if a broadcaster chooses to use a

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politician as a presenter in a programme containing both news and current affairs content, it must take steps to ensure they do not act as a newsreader, news interviewer or news reporter in that programme.

The five programmes had a mix of news and current affairs content. The host politicians acted as newsreaders, news interviewers or news reporters in sequences which news, including reporting breaking news events. There was no exception to justify the use of politicians in the role of newsreaders. The consequence was that the news was not presented with due impartiality.

The innate quality of politicians is to represent a particular political standpoint, and an audience will be likely to consider or perceive such a presentation as delivering content in a partisan or partial manner. Therefore, Ofcom believed that news content presented in the manner adopted by GB News was likely to be viewed by audiences as presenting matters in a biased way rather than impartially. The regulator considered using politicians to present the news as risking to undermine the integrity and credibility of regulated broadcast news. Ofcom considered that preserving the impartiality of news output was of fundamental importance in a democratic society. Therefore, Ofcom considered it was necessary and proportionate to find a breach of Rules 5.1 and 5.3 in these circumstances.

GB News, as part of their representations to Ofcom, said that there was uncertainty about the application of Rule 5.3 of the Broadcasting Code. GB News referring to statements made by Ofcom on Twitter (now X) acknowledging the changing broadcasting environment, as well as Ofcom's decision to undertake audience research into attitudes towards politicians presenting programmes

Another episode of Jacob Rees–Mogg's State of the Nation was considered not meriting investigation under the Broadcast Codes. Ofcom considered that this episode provided broadcasters with an example of what constitutes exceptional editorial justification as allowed by Rule 5.3. In the case of this live programme, Jacob Rees-Mogg was used as an eye-witness, in situ news reporter during an unforeseen security incident at Buckingham Palace.

Ofcom noted that these complaints were the first breaches of Rules 5.1 and 5.3 recorded against GB News. Since opening these investigations, there has only been one further programme which has raised issues warranting investigation under these rules. However, Ofcom placed GB New on notice that any repeated breaches of Rules 5.1 and 5.3 may result in imposing a statutory sanction.

Politicians acting as newsreaders, news interviewers or news reporters, Broadcast and On Demand Bulletin, Issue 494, 18 March 2024

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Jacob Rees-Mogg's State of the Nation, Broadcast and On Demand Bulletin, Issue 494, 18 March 2024

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