[GB] GB News may face statutory sanctions for breaches of due impartiality rules

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An Ofcom investigation concluded that GB News' "People's Forum: the Prime Minister" (the Programme) broadcast on 12 February 2024 broke broadcasting due impartiality rules (see IRIS 2024-6). Subsequently, on 4 October 2024, Ofcom indicated that its initial view is that this represents serious and repeated breaches by GB News of the impartiality rules. Ofcom is starting the process to determine whether a statutory sanction against GB News should be applied.

The Sanction Panel will reconsider this initial determination about the Programme which comprised a live, hour-long current affairs programme featuring the then Conservative Prime Minister, Rishi Sunak, in a question-and-answer session with a studio audience about the government's policies and performance. The Programme was in the context of an expected UK general election. The nature of the Programme met the definition of a major matter under Ofcom rules, therefore raising the need to apply special impartiality requirements.

While Ofcom does not indicate any issue with the Programme's editorial format in principle as broadcasters are free to innovate and use different editorial techniques in their programming, including offering audiences different forms of debate, it believes there must be compliance with Ofcom's Broadcasting Code.

Ofcom acknowledged that the main focus of the Programme was on the Conservative Party's policies and track record. As a result, Conservative viewpoints prevailed during the broadcast despite the fact that the Programme required compliance with due impartiality rules under the code. Given the subject matter, GB News had to ensure that an appropriately wide range of significant views was given due weight in the programme, or in other clearly linked and timely programmes.

When determining the Programme's due impartiality, Ofcom took account of various factors such as the audience's questions to the prime minister, the prime minister's responses, the presenter's contribution, and whether due impartiality was indeed preserved through clearly linked and timely programmes. However, whilst the audience questions provided some challenge and criticism of the government policies there was no opportunity to challenge the prime minister's responses nor was there sufficient challenge from the presenter. The prime

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minister was able to set out his own government's future policies, if re-elected, and to criticise aspects of the opposing Labour Party's policies and performance. Neither the audience nor the presenter challenged or otherwise referred to significant alternative views.

According to Ofcom, GB News did not, and was not able to, include a reference in the Programme to an agreed future programme in which an appropriately wide range of significant views on the issues discussed would be presented and given due weight.

Ofcom considered GB News' response to the complaints, including that it had purposefully not been aware of the questions asked by audience members while there were no other editorial means for alternative views to be included in the Programme. An editorial decision was taken that the presenter would not intervene or challenge views expressed.

Given the very high compliance risks this programme presented, Ofcom determined GB News' approach to compliance to be wholly insufficient, and considered that it could, and should have taken additional steps to mitigate these risks.

Ofcom decided that different viewpoints were not presented or given due weight in the Programme, nor was due impartiality preserved through clearly linked and timely programmes to ensure the prime minister was suitably challenged in the context of an expected general election therefore leading to a breach of Rules 5.11 and 5.12 of the code.

Ofcom considered GB News' failure to preserve due impartiality to be serious and, taking account of its two previous breaches of these rules, the regulator therefore started its process for consideration of a statutory sanction against GB News. The issues will be reassessed by the Sanction Panel.

Ofcom will aim to conclude its consideration within sixty working days and if they consider that a sanction may be appropriate, the broadcaster will be informed of the Preliminary View. The broadcaster will have the opportunity to make written and oral representations before a final decision is made. If, after considering all the evidence and representations from the broadcaster, Ofcom believes that a sanction is appropriate, it shall determine the most appropriate sanction, including a financial penalty or revocation of the broadcaster's licence.

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