[GB] Sky News breached Ofcom requirements by failing to name all constituency candidates during a constituency report

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On 7 August 2017, Ofcom determined that Sky News was in breach of Rule 6.10 of the Broadcast Code by failing to list all candidates during a constituency report held during this year's UK General Election. On 12 May 2017, during Sky's morning show called Sunrise, the presenter had a three way discussion concerning tactical voting with the Labour, Conservative and Liberal Democrat candidates for the constituency of Vauxhall in London. The discussion concerned the participating candidates agreeing not to stand against each other in an attempt to encourage tactical voting. Three other candidates were standing in the Vauxhall constituency, namely for the Green Party, the Women's Equality Party and the Pirate Party. None of these candidates were involved in the discussion or named at any point during the piece.

Rule 6.10 of Ofcom's Broadcasting Code states that "Any constituency or electoral report or discussion after the close of nominations must include a list of all candidates standing, giving first names, surnames and the name of the party they represent or, if they are standing independently, the fact that they are an independent candidate. This must be conveyed in sound and /or vision". Ofcom also determined that Rule 6.8 applied to the broadcast. Rule 6.8 of the Code states, "Due impartiality must be strictly maintained in a constituency report or discussion and in an electoral area report or discussion". Ofcom considered that the Sunrise feature was a constituency report or discussion on the 2017 General Election and that it had taken place during the election period that began on 3 May 2017; as such, all constituency candidates should have been named. Rule 6.2 deems the start of the election period for General Election purposes to be the date Parliament is dissolved. Sky, in response to the complaint, said that normally they did broadcast the names of all candidates but that on this occasion, the failure to do so was an "aberration". The news organisation said that prior to the election period and subsequent to its start, they had given strict guidance to their staff about the Ofcom rules, as well as the Representation of the People Act 1983 (the Act). Since the showing of the 12 May piece, further guidance was issued. In mitigation, Sky contended that the three candidates who did appear in the discussion accounted for 97% of the vote for Vauxhall, and the failure to name the other candidates did not have any impact on the voting for Vauxhall.

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Ofcom, which in the exercise of its statutory duty had to ensure compliance with the Code and the Act, considered that Rule 6.10 was a basic requirement and in the interests of all relevant candidates so as to ensure that audiences, including any relevant voters, are made fully aware of all candidates contesting a particular constituency. Therefore, Ofcom considered the Sunrise programme to be in breach of Rule 6.10.

Ofcom, Broadcast and On Demand Bulletin, Issue 334, 7 August 2017, p. 22

https://www.ofcom.org.uk/__data/assets/pdf_file/0014/105611/Issue-334-of-Ofcoms-Broadcast-and-On-Demand-Bulletin.pdf

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