[GB] Conversational exchange between two BBC Breakfast presenters during a broadcast did not breach Ofcom's impartiality rules

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Ofcom determined that an exchange between two BBC Breakfast Time presenters about President Trump's remarks over four female Democratic congresswomen had not breached impartiality rules. The BBC Executive Complaints Unit (ECU) had partially upheld that comments made by presenter Naga Munchetty (NM) had breached the broadcaster's impartiality requirements. However, that decision was overturned by the BBC's Director-General after a public outcry. Ofcom received two complaints that the Director-General's decision to overturn the ECU's finding had breached Ofcom's rules on due impartiality and accuracy in news and current affairs programmes.

BBC Breakfast is a daily magazine show broadcast on BBC1 which reports on and discusses current daily events. Its presenters are Dan Walker (DW) and NM. On 17 July 2019, there was a feature concerning comments made by US President Trump that four female Democratic congresswomen should return home to their countries of origin. The four congresswomen are US citizens and three of them were born in the United States. Some regarded President Trump's comments as racist.

DW conducted a video interview with Jan Harper-Hayes (JHH) of Trump Victory 2020. During the interview, JHH admitted that President Trump could "clean up the way he says things" but that he was not a racist, adding: "I know how he [Trump] manipulates the press to get things going."

After the interview, DW and NM conversed about the JHH interview and during the brief exchange NM said: "[E]very time I have been told as a woman of colour, to 'go home', to go back to where I've come from', that was embedded in racism. Now, I'm not accusing anyone of anything here, but there is, you know what certain phrases mean." Quizzed further by DW, NW said: "It's not enough to do it just to get attention. He's in a responsible position. Anyway, look I'm not here to give my opinion. The lady gave her opinion and it was a good interview. So I hope you enjoyed that." The conversation then turned to the next item.

Ofcom considered Rule 5.1 which states: "News, in whatever form, must be reported with due accuracy and presented with due impartiality."

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Further Rule 5.9 says: “Presenters and reporters (with the exception of news presenters and reporters in news programmes), presenters of ‘personal view’ or ‘authored’ programmes or items, and chairs of discussion programmes may express their own views on matters of political or industrial controversy or matters relating to current public policy. However, alternative viewpoints must be adequately represented either in the programme, or in a series of programmes taken as a whole.” Rules 5.1 and 5.9 had to be balanced against the broadcaster’s freedom of expression and that of the audience, pursuant to Article 10 of the European Convention on Human Rights.

Due accuracy and impartiality did not mean that every argument and every facet of every argument had to be represented in a programme. Furthermore, the context is important, including the type of programme, channel and likely audience expectations. BBC Breakfast is not a traditional news bulletin; it has an informal magazine style, which, in the case at hand, included analysis and discussion between the presenters in response to an interviewee’s comments. Ofcom considered that this was a legitimate editorial device which helped preserve impartiality.

Ofcom determined that Rule 5.1 had not been breached, given that a clip of President Trump including his controversial remark and him giving more details about his remarks had been aired, along with the JHH interview in his defence.

Regarding NM’s remarks, Ofcom determined that there had been no breach of Rule 5.9, given the conversational and informal format of the programme; the discussion had been in reaction to the JHH interview, with NM speaking of her own experience of racism, which was not a matter of political controversy. Furthermore, NM had limited her comments and brought the conversation to a close.

Ofcom was critical of both the BBC’s ECU and the BBC for not fully disclosing their respective reasoning relating to the finding of a partial breach of impartiality standards and then to the Director-General's ruling to overturn that decision. Ofcom said that transparency was important for public confidence, reversing the BBC’s complaints process, and that it would urgently address the broadcaster’s lack of transparency.

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