Ofcom determines Sky UK to be in breach for offensive language broadcast during cricket coverage

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Sky UK Limited was held to have breached Ofcom rules 1.14 and 2.3 for the broadcast of offensive language during their cricket coverage on their temporary Sky Sports Ashes channel during the summer of 2019. There were three incidents of which two Sky was held in breach, but the third matter was deemed resolved by the regulator given the circumstances and Sky's broadcast of an immediate apology.

Ofcom's Code of Conduct Rule 1.14 states that in the case of television "the most offensive language must not be broadcast between the watershed [...]"

Rule 2.3 of the Code states, "In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context. [...] Such material may include offensive language." Further Rule 2.3 considers the context in which offensive language was broadcast, such as time and likely audience expectations.

There were three Sky broadcasts which led to complaints: at 1.50 p.m. on 24 August 2019; at 8.10 p.m. on 4 September 2019; and at 1.40 p.m. on 14 September 2019 p.m. The first two incidents occurred during coverage of the The Ashes and T20 between England and Australia and the last event was during an Ashes test match.

The first two incidents concerned Sky's wicket microphones picking up offensive language used by players who had just been bowled out. The language included the "F" word. The third incident was when one of Sky's commentators, David Gower, said, "they haven't a f***ing clue."

Regarding the first two incidents, Sky said that the player remarks had been picked up by the onboard microphones and that, subsequently, they had taken steps for more careful monitoring, including switching off some microphones at key points. On the occasions subject to complaint, there had been a lapse in their monitoring of speech and Sky assured Ofcom that future coverage would have continuous monitoring of language.

Sky said that in the case of the 24 August incident, the player was swearing at himself since he was angry at his own performance, rather than directing his

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comments at a third party. Ofcom considered that this would not have been apparent to the viewers. Ofcom observed that Sky's position would have been mitigated if they had immediately apologised to viewers, but they had failed to do so on both occasions. Sky has assured Ofcom that broadcast directors have instructions to ensure that if there is inadvertent swearing or use of offensive language, an apology is immediately issued.

Regarding the third incident involving David Gower, Sky explained that the commentator had handed over to another commentator, Shane Warne, believing his microphone was muted and his comments would not be picked up. When the mistake was realised, Gower's microphone was muted and Shane Warne immediately broadcast an apology.

Ofcom accepted that the broadcast of offensive language had been inadvertent and noted the steps Sky had since taken to avoid recurrence. However, the language transmitted would be deemed offensive and given the times of day, considered audiences would not have expected such language to be broadcast.

Ofcom determined that there had been a breach of Rules 1.14 and 2.3 for the incidents on 24 August and 4 September, but regarding the commentator's comments on 14 September, Ofcom accepted that this had occurred in error whilst there had been an immediate apology, so that matter was determined as resolved.

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