[GB] Ofcom clears ITV for Piers Morgan's controversial comments about Meghan Markle

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On 1 September 2021, Ofcom, the UK's communications regulator, rejected a record of complaints about Piers Morgan's comments on *Good Morning Britain* in the wake of the Duke and Duchess of Sussex's interview with Oprah Winfrey.

Good Morning Britain (GMB) is a weekday morning news and discussion programme broadcast on ITV. On 8 March 2021, GMB was dominated by the interview between Oprah Winfrey and the Duke and Duchess of Sussex which had been broadcast overnight in the USA. Excerpts from the interview had been made publicly available ahead of its full broadcast in the UK that evening. The programme included a report on how the US was reacting to the interview and focused on two parts which revealed that the Duchess had contemplated suicide and that an unnamed member of the Royal Family had raised concerns about "how dark" her son's skin colour might be.

The following day, the lead presenter Piers Morgan made it very clear during the show that he did not believe a word of what Megan Markle had said, adding that if she read him a weather report, he wouldn't believe it. Mr. Morgan stormed off the GMB set after clashing with weather presenter Alex Beresford over his controversial remarks. By the end of the day, the mental health charity Mind had released a statement showing their deep concern over the statements aired in the show. This was rather awkward for ITV because of their 2021 *Get Britain Talking* mental wellness campaign, in which Mind is a partner. A strong public reaction ensued. Ofcom received more than 57,000 complaints about Mr. Morgan's comments on GMB, making it the most complained-about TV show in Ofcom's history. The same evening, ITV announced that the GMB host resigned from his role on the show after six (often confrontational) years.

The complaints received by the regulator can be grouped under two main categories. The first category related to concerns about Morgan's statements on the Duchess of Sussex's revelations about her mental health and suicidal feelings. The second category related to concerns about the presenter's dispute of the Duchess' personal account of her experiences of racism within the Royal Family during her time as a senior royal. The programme in question raised issues under Section Two of the regulator's Broadcasting Code which outlines standards for broadcast content in respect of harm and offence.

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In particular, the rules engaged were Rule 2.1 which provides that "generally accepted standards must be applied to the content of television and radio services [...] so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material" and Rule 2.3 which requires that broadcasters must ensure that potentially offensive material is justified by the context. Under the latter, racist terms and material should be avoided unless their inclusion can be justified by the editorial content of the programme.

As far as the discussion of mental health and suicide in the programme is concerned, Ofcom held, in a 97-page-long ruling, that Piers Morgan was entitled to hold and express strong views that scrutinised the veracity, timing and possible motivations behind the allegations made by the Duke and Duchess of Sussex. Their interview was a major international news story that was a legitimate subject for debate in the public interest. Restricting such views would be "an unwarranted and chilling restriction" to the broadcasters' right to freedom of expression and the audience's right to receive information and ideas without undue interference (Article 10 of the ECHR). However, while the Broadcasting Code does not seek to curb broadcasters' right to include contentious viewpoints, compliance with the Code's rules must be ensured.

The regulator expressly acknowledged that Piers Morgan's statements of disbelief of Meghan Markle's suicidal thoughts had the potential to cause harm and offence to viewers. Without adequate protection by broadcasters, audience members (some of whom were likely to place weight on the presenter's opinions) may have been discouraged from seeking mental health support for fear of facing a similar reaction. As the Chief Executive of Mind explained in the charity's statement: "[...] when celebrities and high-profile individuals speak publicly about their own mental health problems, it can help inspire others to do the same. Sharing personal experiences of poor mental health can be overwhelming, so it's important that when people do open up about their mental health they are met with understanding and support."

Ofcom underlined their concerns about Mr. Morgan's apparent disregard for the seriousness of anyone expressing suicidal thoughts, but nevertheless took the view that the robust and direct challenge to his comments from other programme contributors provided important context for viewers throughout the programme. "Overall, adequate protection for viewers was provided and the potentially harmful and highly offensive material was sufficiently contextualised," Ofcom concluded. Thus, on balance, the programme was not found in breach of Rules 2.1 and 2.3 in respect of the discussion on mental health and suicide. Although the regulator ruled in Mr. Morgan's favour, it reminded ITV to be more cautious when discussing sensitive issues around mental health, e.g., through the use of timely warnings or signposting of support services.

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A similar reasoning was followed in relation to the second category of complaints about race. Ofcom considered that the conversations in the programme provided an open and frank debate on the nature and impact of racism, about which there is a high public interest value. Given the seriousness of the allegations made in the interview to Oprah Winfrey, it was legitimate to discuss and scrutinise these claims. The programme included, however, several contributors who could speak "decisively and with authority" on racial issues, meaning that a range of views was represented, and Mr. Morgan's comments were directly challenged on several occasions. Despite the strong opinions expressed in the programme, which could be highly offensive to some viewers, any potential offence was justified, according to the regulator's view, by the broader context; hence, the comments were not found to be in breach of Rule 2.3 of the Code.

Speaking at a Royal Television Society conference in September 2021, the Chief Executive of Ofcom, Dame Melanie Dawes, defended the regulator's ruling as "quite a finely balanced decision" but "pretty critical" of Piers Morgan. However, BBC presenter Clive Myrie, who interviewed Dame Dawes at the event, told her: "The media forums that I'm on, which include a lot of black broadcasters and producers and people in the industry, were very upset at the Ofcom ruling concerning Piers Morgan, which was about his comments and views on mental health issues, but that race element is there. And their sense is that it [Ofcom] is too white an organisation and would never understand why that ruling was so upsetting to so many people."

Piers Morgan was recently nominated for best TV presenter at the 2021 National Television Awards. On 15 September 2021, it was reported that he would be joining a Rupert Murdoch-owned network as a host of a new show that is planned to air in the US, UK and Australia.

Ofcom Broadcast and On Demand Bulletin, Issue 433 (1 September 2021)

https://www.ofcom.org.uk/__data/assets/pdf_file/0024/223746/Good-Morning-Britain,-ITV,-8-March-2021,-0600.pdf

Mind responds to the Duchess of Sussex, Meghan Markle's interview

https://www.mind.org.uk/news-campaigns/news/mind-responds-to-the-duchess-of-sussex-meghan-markles-interview/

BBC News, Piers Morgan to launch new show on Rupert Murdoch-owned network

https://www.bbc.co.uk/news/entertainment-arts-58586493

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