[GB] Ofcom Opinion determines BBC News online article breached BBC Editorial Guidelines.

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Ofcom has issued an opinion concerning a BBC News online article published on the 2 December 2021 about an antisemitic attack on Jewish students. The article was considered not to have observed due accuracy and impartiality with the consequence of being in breach of the BBC's Editorial's Guidelines. Additionally, Ofcom investigated a news broadcast on the BBC concerning the same attack and this was found not to have breached Rule 5.1 (due accuracy and impartiality) and 5.2 (correcting significant mistakes quickly) of the Ofcom's Broadcasting Code.

On the 29 November 2021 a group of Jewish students aboard a privately -hired bus in Oxford Street, London, was subjected to an antisemitic attack whilst celebrating Chanukah. One of the students recorded some of the incident. One of the passengers aboard the bus had also made a short recording of the incident

The BBC reported the incident on 2 December 2021 in both an online article and a news report broadcast on BBC London News. Referring to the audio recording, both reports reported that "*racial slurs about Muslims*" could be heard from within the bus. A Hebrew phrase meaning "*Call someone, it's urgent*" was identified instead by the BBC as the slur "*dirty muslims*". This inaccuracy caused significant upset to the Jewish community and complaints to Ofcom. Other aspects of the reporting suggested that there had been wrongdoing on the bus and they were protagonists as much as the antisemitic attackers.

Regarding the BBC online content, under the BBC Charter Agreement, the BBC is responsible for editorial standards with Ofcom having no requirement to investigate nor enforcement powers. Ofcom has an Online Arrangement with the BBC whereby if a complaint raises potentially substantive issues under the relevant guidelines then Ofcom can investigate and provide an Opinion as to whether the BBC has breached its editorial guidelines.

Ofcom has investigative and enforcement powers in respect of the broadcast version of the same story.

The BBC online article remained unaltered for almost eight weeks despite complaints and information showing the original report was inaccurate. The BBC published a separate article on the 8 January 2022 disputing the anti-Muslim slur. However, the original inaccurate article remained published. There was no

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hyperlink to the 8 January article to show the revision to the explanation concerning the events. The 2 December 2021 article remained unamended until the BBC's Executive Complaints Unit (ECU) had published its determination on the 26 January 2022 with the consequence the article was revised to say the audio recording was disputed by Hebrew speakers and others. Meanwhile, the unamended article had caused significant upset to the victims of the attack and the wider Jewish community.

Ofcom concurred with the ECU's findings that the offending article had fallen short of the BBC's Editorial Guidelines, including section 3 relating to due accuracy and section 4 about due impartiality.

Ofcom considered the action taken by the BBC on 26 January 2022 was sufficient to correct matters but the broadcaster's failure to act sooner to remedy the breach of the BBC's Editorial Guidelines sooner was a significant and concerning omission. Ofcom commented that had the BBC acted sooner this could have gone some way to resolve the issues raised by the complainants and would have enabled the focus of attention to be on the incident, and not on the BBC's reporting.

Regarding the broadcast version, Ofcom acknowledged that it was an unscripted live report and the reporter's intended meaning "*was not expressed with complete clarity*." Further, the reference to the BBC hearing slurs about Muslim people in the footage represented a brief section of the report which had predominantly focused on the attack on the bus and the police's investigation of the antisemitic attack, the impact on its victims and the circulation of one of the victim's mobile phone recordings on social media. Also, at the time of broadcast the alternative interpretation that the words on the recording did not include an anti-Muslim slur was not known until later.

The BBC responded quickly when they became aware that their reporting had mischaracterised the words on the mobile phone recording. Therefore, Ofcom determined that at the time of broadcast the news report was duly accurate and had not breached Rule 5.1 of

Ofcom rules, namely " *News, in whatever form, must be reported with due accuracy and presented with due impartiality*." This finding had the consequence that Rule 5.2 had not been breached namely: "*Significant mistakes in news should normally be acknowledged and corrected on air quickly*.."

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BBC News Online and BBC London News – Ofcom Broadcast and On Demand Bulletin issue 461, 7thNovember 2022.

https://www.ofcom.org.uk/__data/assets/pdf_file/0023/247163/BBC-News-Online-and-BBC-London-News-2-December-2021.pdf

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