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## MEDICINE AND THE MEDIA

# How do UK broadcast media deal with covid misinformation?

Protecting TV and radio audiences from fake news requires a delicate balance of accuracy, impartiality, and freedom of speech, finds **Meg Carter**, after a series of high profile cases of misleading claims about covid-19

Meg Carter *freelance journalist*

Covid-19 may no longer lead the UK media's news agenda, but concern about covid misinformation remains. This is perhaps especially pertinent in the broadcast media, after several recent investigations and high profile rulings by Ofcom, the regulator responsible for ensuring standards in TV and radio programmes.

“Covid misinformation has not gone away, particularly around the vaccines and how they work,” says Claire Milne, health editor at Full Fact, a charity that checks and corrects facts reported in the news and claims that circulate on social media. “And with so much data and new datasets created there is lots of room for misinterpretation and misinformation.” In its 2023 annual report Full Fact called for broadcasters to do more to counter false and misleading claims by politicians.<sup>1</sup>

Retired consultant paediatrician Tony O’Sullivan, co-chair of the campaigning group Keep Our NHS Public, which includes countering covid misinformation as one of its campaigns, says that such misleading material “is also having a rebirth, as government witnesses and key people who were involved at the height of the covid pandemic give evidence to the UK Covid-19 Inquiry.”

“So, it’s incumbent on broadcasters and other media not to lazily report one person’s witness testimony as having equal weight to the established body of evidence that’s gone before.”

Covid misinformation comes in various guises, resulting from a misunderstanding or misrepresentation of covid statistics, medical information (especially relating to vaccines), and public health advice. For all media organisations tackling it can be both complex and nuanced.

### Accuracy . . .

For broadcasters, safeguarding audiences means vigilance across a range of programme types and formats: from news programmes to features and to studio discussions and phone-ins directly about covid and also about covid’s wider, knock-on effects throughout society—and politics. All mainstream UK broadcasters licensed by Ofcom have internal systems and guidance and training to ensure they comply with the regulator’s Broadcasting Code ([box 1](#)).

### Box 1: The UK Broadcasting Code and covid misinformation

Mainstream commercial TV and radio broadcasters in the UK are licensed by Ofcom, which is required to draw up a code for TV and radio—the UK’s Broadcasting Code—and ensure that all licensed broadcasters comply with its standards.<sup>2</sup> Ofcom also regulates the BBC’s editorial standards and complaints. But while it handles complaints made about commercial broadcasters directly, it handles complaints about the BBC, which operates its own complaints handling procedure, only in certain circumstances.<sup>3</sup>

This regulatory framework is unique to broadcasting. Most UK newspapers and magazines are voluntarily regulated by the Independent Press Standards Organisation (IPSO), which oversees the rules that newspapers and magazines agree to follow—if they decide to be regulated.

Podcasts, social media (an increasingly popular news source, especially among younger people, Ofcom research shows<sup>4</sup>), and other online content are not independently regulated, although the UK government is working to change this through its Online Safety Bill. The Broadcasting Code, which covers programme standards, including impartiality, accuracy, harm, and offence, has 10 key sections. Two of these are relevant to safeguarding against the knowing or unknowing relay of covid misinformation. The first, Section 2: Harm & Offence, has key principles intended to protect the public from harmful material and from factual content that might materially mislead. The second, Section 5: Due Impartiality & Due Accuracy, is intended to ensure impartiality and accuracy by requiring that personal views or authored programmes are clearly presented as such, that alternative viewpoints are adequately considered, and that any mistake is immediately acknowledged and corrected.

#### Complaints process

When Ofcom receives a complaint,<sup>5</sup> it is first assessed to see whether a rule in the code has been broken. If Ofcom believes further investigation is merited it launches a formal investigation to decide whether a programme is “in breach,” “resolved,” or “not in breach.” When a programme is found to be in breach, Ofcom’s responses can include meeting to discuss what went wrong and how not to do it again, making a statement on air, fines, and shortening—or even rescinding—a broadcaster’s licence.

When considering complaints relating to misinformation, Ofcom weighs a broadcaster’s right to freedom of expression against safeguarding the public from harm. “It’s critical that broadcasters can debate the key issues during the covid-19 pandemic,” an Ofcom spokesperson says. “We have previously advised broadcasters to take care when airing unverified claims about the

virus—including statements that sought to undermine the advice of public health bodies or trust in accurate sources of information.

“This doesn’t mean broadcasters cannot air unfounded claims, broadcast controversial views, or challenge and critique different policies or offer opinions that diverge from the advice of public bodies. But they must take care to put this content into context when doing so.”

In news bulletins, safeguarding against covid misinformation involves a combination of good journalism and Ofcom compliance—a key requirement of both being accuracy.

“Our whole approach to covid from the start of the pandemic has been to lean into our role as a public service broadcaster, ensuring accurate, reliable, impartial information is delivered to our audience in a calm and measured way,” says Andrew Dagnell, editor of ITV News, which is produced by ITN. “And we look for guests and those we have on as contributors who are able to contribute to that.

“Before the pandemic, one assumed there was one scientific view and that was the right view. But what we learnt quite quickly was that among scientists there is a broad church of opinion, and you might have one person interpreting the science one way, another interpreting it another. That was a challenge. You need to be clear about the perspective a scientist comes from. It’s nuanced.”

When specialist knowledge and expertise were required, ITV News did everything it could to make sure its specialists were involved in those stories, Dagnell says. To this end, ITV News’s science editor or health editor was rostered to work on any day.

“Might we do things differently if we had our time again? Potentially, some things,” Dagnell says, though he didn’t give examples. “I feel confident that throughout the whole of the pandemic we were impartial, accurate, and fair.”

### ... versus impartiality

Impartiality is another important principle in the Ofcom code, but for some broadcasters it has been a problem to apply it in discussions and other non-news output—when a caller or contributor says something inaccurate live on air, for example.

In response to 26 000 covid related complaints up to May 2023, Ofcom opened 11 formal investigations and found nine programmes to be in breach of the Broadcasting Code (box 2). Two of its most recent upheld covid related complaints were about the *Mark Steyn* discussion show, formerly broadcast on GB News.

#### Box 2: Ofcom’s covid complaints: upheld—and not upheld

Between March 2020 and May 2023 Ofcom received more than 26 000 complaints related to covid-19. As a result, it opened 11 formal investigations where the content raised “serious concerns.” Of these, it found nine programmes to be in breach of its Broadcasting Code.

Recently, Ofcom has found GB News, the right-of-centre news channel, to have breached the code twice, in two separate editions of the *Mark Steyn* programme, a discussion show that aired before the eponymous presenter left the broadcaster earlier this year.

In May 2023 it ruled that Steyn’s interview with Naomi Wolf, a US author and journalist, breached its code when she made claims about the covid vaccine, including that its rollout amounted to a premeditated crime (“mass murder”) and was comparable to the actions of “doctors in pre-Nazi Germany.”<sup>6</sup> Two months earlier it had ruled that an April 2022 edition presented a “materially misleading interpretation” of official covid data “without sufficient challenge or context, risking harm to viewers.”<sup>7</sup> GB News received no formal sanction for either of these rulings.

In January 2023 the BBC apologised for an interview with Aseem Malhotra, a consultant cardiologist, who unprompted had linked excess deaths among people with heart conditions to some covid vaccines and made

claims about mRNA vaccines.<sup>8</sup> He had been booked by the BBC News channel to discuss guidance that the National Institute for Health and Care Excellence had issued on statins.

Responding to complaints, the BBC stated that it “should have been better prepared to challenge what Dr Malhotra said, given his past comments about the vaccination programme.” It asked Peter Openshaw, a member of the UK Vaccine Network, to clarify what Malhotra had said and published clarification on its website the same day.

Not all programmes generating large numbers of complaints end up being found in breach, however. Repeated or systemic rule breaking are just two of the many factors Ofcom looks out for across its code.

After assessing complaints against an episode of Channel 5’s *Jeremy Vine* show in which a health consultant made an inaccurate statement about numbers of unvaccinated people in hospital with covid, making it Ofcom’s sixth most complained about programme in 2022,<sup>9</sup> Ofcom decided that the case did not merit further investigation.

It came to the same conclusion after assessing an episode of *Lorraine* in which the GP Hilary Jones made comments about the number of unvaccinated people, making it the sixth most complained about programme in 2021.<sup>10</sup>

Ensuring that presenters are adequately trained and briefed to counter misinformation as soon as it is said is one challenge. Another, more complex one is how to be impartial while at the same time being accurate when “impartiality” is not formally defined; Ofcom does not, for example, stipulate what proportion of time should be split between two sides of an argument.

“We take Ofcom compliance seriously and we also take freedom of speech seriously,” a GB News spokesperson says. “The balance between these two is not always clear cut and presents vital issues for our democracy.”

Lack of clarity on impartiality is one of several issues that Voice of the Listener and Viewer (VLV), a consumer group that campaigns on behalf of audiences for quality broadcasting, is lobbying the government to deal with in its Media Bill, new legislation intended to better align UK media regulation with the changing media landscape.

“We are concerned current impartiality rules are not as clear as they might be or consistently regulated on,” says Colin Browne, VLV’s chairman. “Often, presenters with strong views don’t distinguish between their point of view and news. The idea is to have balance, giving attention to different perspectives on an issue. But there is no standard definition for due impartiality relating to news in whatever form it is, and Ofcom chooses when to apply it,” he says.

O’Sullivan highlights a related issue: “Setting up a story always with someone on one side ‘for’ and someone else on the opposite ‘against’ risks giving undue balance to the fake news side, especially when equal time is given to each.”

### Trusted broadcasters

Despite such concerns, broadcasters remain among the most trusted of news brands. Last year the BBC and ITV were jointly the UK’s most trusted news brands,<sup>11</sup> closely followed by Channel 4 News, according to the Reuters Institute for the Study of Journalism, a globally focused research centre that explores the future of journalism and that has ranked UK news brands by trustworthiness since 2018. The institute has also found that overall levels of trust in news is declining in the UK.<sup>12</sup>

Against this backdrop, UK broadcasters licensed by Ofcom and that follow the Broadcasting Code are “generally doing okay,” Browne

says, citing some that recently stepped up their efforts by setting up dedicated units to tackle misinformation.

One example is BBC Verify, a department launched in May that brings together experts in open source journalism, verification, fact checking, and countering disinformation so as to build trust through greater transparency across all BBC platforms.<sup>13</sup> The BBC also has established story teams with journalists with specialist knowledge in particular subject areas, including health. Then there are Channel 4 News's *FactCheck* and BBC Radio 4's *More or Less*.

At ITV News, Dagnell's focus is on embedding specialist skills such as data interpretation and open source journalism across the organisation. "What we have tried to do is ensure a broad cross section of our newsroom is equipped with these new skills and specific techniques rather than them being the sole preserve of a specific unit," he says. "In addition, everyone at ITV News has to have legal training. All new starters have to go through a compliance and legal refresher course."

Full Fact's Milne agrees. "It's about training. It's about thorough research and proper briefing—so an interview or presenter can challenge anything false or misleading quickly," she says. In other words, it's about good journalism. And constant vigilance.

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