

BBC Draft Editorial Guidelines Consultation

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This response to the Consultation on the BBC's Draft Editorial Guidelines is made on behalf of the Campaign for Press and Broadcasting Freedom North by Julian Petley, who is honorary and emeritus professor of journalism at Brunel University London. He is also a member of the editorial board of the *British Journalism Review* and has written widely on broadcasting impartiality. It is also relevant to this submission that he is the co-author of two editions of *Culture Wars* (2005, 2019) and the co-editor of *The Routledge Companion to Freedom of Expression and Censorship* (2024). CPBF North publishes *MediaNorth* and promotes policies for diverse, democratically accountable media. It is also a member of the Media Reform Coalition.

1. This response will concentrate solely on the matter of impartiality as (a) it is a topic on which the Campaign for Press and Broadcasting Freedom (CPBF), from which CPBF North is descended, regularly commented on the various BBC reviews of the subject; and (b) the BBC itself states that impartiality is its 'number one priority' in the Consultation and notes that it has made 'the Impartiality section the first main guidelines section, ahead of accuracy'.

2.1. As the Consultation Document notes:

The scope and prominence of impartiality in BBC terms has changed significantly since the publication of the current guidelines, with evolving applications well beyond politics, public policy and other areas which used to encompass what were seen as 'controversial issues'.

One of the main reasons why matters of impartiality have increased in scope and prominence is, of course, on account of the culture wars which have been waged against public institutions such as the BBC in recent years. Although the Corporation had been under attack for literally decades before the declaration of the culture wars (a process which the CPBF regularly documented and

which is also the subject of *The War against the BBC* by Patrick Barwise and Peter York), there is no doubt that the battle has greatly intensified in recent years, although both the targets and the composition of the attackers have remained much the same.

2.2. It is thus more than a little disturbing to find the Consultation Document appearing to cede ground to the culture warriors by stating that: ‘The guideline on breadth of opinion has been expanded and recognises that appropriate breadth and diversity, combined with freedom of expression, may mean the inclusion of views some in the audience find offensive’. What the draft Guidelines actually say at 2.4.2 is as follows:

Breadth and diversity of opinion may require not just a political and cultural range, but also consideration of other variations, such as between older and younger, poorer and wealthier, urban and rural, the innovative and the status quo. It may involve exploration of perspectives in different communities, interest groups and geographic areas. At times, it will require the inclusion of opinions which some of those communities or groups may argue ought not to be included, because they find them unpalatable or offensive.

The Consultation Document also mentions offence with reference to section 2.4.16 of the draft Guidelines, noting that:

The section on ‘Contentious Views and Possible Offence’ now puts greater emphasis on freedom of expression and the need to sometimes take into account impartiality in judgements about ‘offence’, which itself may now encompass issues beyond, for instance, extreme political views (where the current guidelines are more focussed). There is a new mandatory referral which escalates decision-making when these very difficult judgements need to be made. Its intention is to guard against ‘self-censorship’ where avoiding offence by omitting views which are potentially offensive – but legitimate – may sometimes seem to be a ‘safer’ option.

Section 2.4.16 of the draft Guidelines itself states that:

There are some views and language which may cause serious offence, but a failure to reflect them could have implications for the BBC's impartiality; if there is a risk of causing serious offence or jeopardising impartiality, referral must be made to a senior editorial figure, who should consult Editorial Policy.

2.3. There are two fundamental problems here. The first is the stress on offensiveness or unpalatability. Culture warriors habitually accuse those they are attacking of trying to 'censor' certain forms of expression on the grounds that they find them offensive, but this is usually nothing more than a straw man. **In the present context, whether certain views, and those expressing them, should be included in or excluded from programmes should be decided primarily in light of the authority, integrity, representativeness and bona fides of the speaker(s) and of any organisations to which they belong.** We shall return to these points below.

2.4. The second problem is the invocation of freedom of expression in this context. As noted above, this too has been weaponised by the culture warriors – not least by the so-called Free Speech Union and 'free speech fundamentalists' such as Elon Musk – and has now shifted from being a concern primarily of liberals to becoming a hobby horse of the hard/alt/libertarian right. In doing so it has essentially mutated into a demand for consequence-free speech and for those who object to such speech to shut up. It would be more than unfortunate if the BBC were to follow the line of Ofcom, which has allowed GB News to drive a coach and horses through the impartiality clauses in its *Broadcasting Code* in the name of a half-baked libertarian conception of freedom of expression. One really does not have to have read Sir Isaiah Berlin (or more recently Timothy Snyder) to understand the importance of freedom *from* as well as freedom *to*; indeed the distinction is absolutely fundamental to Article 10 of the European Convention on Human Rights, whose second paragraph contains a number of significant qualifications to the right to freedom of expression. This is not an absolute right but one that has to be weighed in the

balance with other rights, such as the right to privacy. **The BBC needs to make it absolutely clear that when it invokes the notion of freedom of expression in its Guidelines it is doing so in accordance with the principles underlying Article 10 of the ECHR and its associated jurisprudence.**

2.5. More positively, however, section 2.4.3 of the draft guidelines (not flagged in the Consultation Document) notes that:

Impartiality does not necessarily require all perspectives or opinions to be covered in equal proportions either across the output as a whole, or within a single programme, webpage or item. Instead, content makers should seek to achieve ‘due weight’. For example, minority views or those less supported by evidence, should not necessarily be given similar prominence or weight to those with more support, to the prevailing consensus, or to those better evidenced.

Anything which avoids the kind of false equivalence which disfigured so much of the BBC’s early coverage of climate change, and later reappeared in the run-up to Brexit, is of course to be welcomed, although we would take issue with the qualifying ‘not necessarily’.

3.1. We now move on to the guideline on contributors’ affiliations (2.4.17) which the Consultation Document notes ‘has been expanded and re-worded to give greater clarity around the considerations for these judgements and the need to include key information such as their own experiences’. What the guideline actually says is:

It should not be assumed that contributors to BBC output are unbiased or impartial. For those from organisations such as charities, think-tanks or universities, it may be necessary, when relevant, to give appropriate information about affiliations, funding or particular viewpoints. The same applies to individual researchers, journalists, scientists or other experts and, on occasion, to contributors who may be relating their own experiences. The key test is to consider whether the audience would be misled if such information was not

made available. It may also be necessary to consider whether such affiliations might risk undermining trust in the contributor's professional credentials or in the perceived authenticity of their experiences.

3.2. We would also note guideline 2.4.22 (not flagged in the Consultation Document). Headed 'Scrutiny', this states that:

The BBC's journalism should scrutinise arguments, question consensus and hold power to account with consistency and due impartiality. Assessing levels of appropriate scrutiny should be based on the degree of power, responsibility and accountability of the contributor.

Appropriate levels of scrutiny should be applied to those who are in government, as well as other bodies or organisations holding power and responsibility; but appropriate scrutiny should also be applied to those who oppose or seek to influence, including opposition parties, campaigners, experts and academics. On occasion, views expressed by members of the public may also require scrutiny.

We would strongly endorse these particular guidelines, but we would also argue that the BBC's record thus far in such matters has left a very great deal to be desired and that, consequently, far greater scrutiny needs to be exercised in this area in future.

3.3. As the BBC will be only too well aware, the question: 'Who gets to speak?' on its panel programmes is one that has been posed with increasing frequency and vigour, and in particular with reference to *Question Time*. However our arguments apply to any programme that in some way involves panellists, or indeed simply interviewees.

3.4. According to the programme's [webpage](#):

Question Time is rooted in politics and therefore has to achieve fair and appropriate representation from the various political parties across the UK. This means there will nearly always be a representative from the UK government and the official opposition on

the panel. The panel will also feature representatives from other political parties across the series, taking as our guide the level of electoral support at national level which each party enjoys.

The real problem here, particularly in the light of the results of the July 2024 general election, concerns the amount of appearances made by MPs who are not from either the government or the official opposition, and in particular by those representing the Liberal-Democrats, Greens and Reform UK. In this respect it is worth noting how these parties performed in July:

Party	Total seats	Total vote	Share of total vote
Liberal-Democrats	72	3,519,143	12.2%
Reform UK	5	4,117,610	14.3%
Greens	4	1,944,501	6.7%

In addition, one should also take into account that there are 87 Liberal-Democrat members of the Lords, two Greens and no *official* representation on the part of Reform UK. At the local level, the Liberal-Democrats have 3,100 councillors, control 68 councils and have two London Assembly members; the Greens have 812 councillors, three London Assembly members and control mid-Suffolk; and Reform UK has 47 councillors and one London Assembly member.

3.5. As noted above, the BBC claims that it takes as its guide to the frequency of politicians' appearances on *Question Time* 'the level of electoral support at national level which each party enjoys'. In the past this appeared to mean that MPs from parties with a large number of seats were featured more frequently than those from parties with less. However, this is very clearly no longer the case. To take the most obvious example, Nigel Farage has now appeared 38 times on *Question Time*, and only since July as an MP. It might be argued that some of his earlier appearances could be justified by his status as a UKIP MEP from 1999 to 2020, but then this fails to explain why Farage himself appeared far more than any other MEP, why not a single pro-

EU UK MEPs appeared on the programme between 2010 and 2019, and why the overwhelming majority were from UKIP.

3.6. This is not to personalise the issue of who appears, and how frequently, on the *Question Time* panel, but it is to take Farage's appearances as symptoms of a much wider problem concerning representativeness, and to argue that **the BBC needs to be far more open and explicit about the processes whereby MPs from particular parties are chosen to appear not only on *Question Time* but on other political panel shows too.** If, for example, it is decided on the basis of their party's share of the total vote, then Liberal-Democrat MPs should be appearing very nearly as often as Reform UK ones. But as the voting statistics outlined above suggest, and as the BBC itself admits on the *Question Time* web page, there are in fact various possible measurements which the BBC could employ in order to work out how frequently MPs of particular parties should appear on political panels. **The point is, however, that the selection process should be fully transparent and democratically legitimate.** Otherwise, as in the case of the widely perceived over-representation of Farage and Reform UK, the BBC simply lays itself open to the charge of favouring one party over others, either on account of deliberate political bias or because performative populists such as Farage increase audience numbers. However, the first would represent an abject betrayal of the BBC's commitment to impartiality, and the second a complete abandonment of the journalistic standards proper to a public service broadcaster.

4.1. We now move on to the related question of which non-politicians are permitted access to the airwaves.

4.2. As researchers from Cardiff University's School of Journalism, Media and Culture have [shown](#), right-wing journalists feature heavily on *Question Time* panels. Between 2014 and 2023 the following appeared a significant number of times:

Isabel Oakeshott, TalkTV: 13

Julia Hartley-Brewer, Talkradio: 13

Kate Andrews, *Spectator*: 12

Tim Stanley, *Telegraph*: 12.

Camilla Tominey, *Telegraph*, GB News: 10

Fraser Nelson, *Spectator*: 7

Melanie Philips, *The Times*: 7

Peter Hitchens, *Mail on Sunday*: 7

It needs to be borne in mind, however, that the above list doesn't give a full picture of these contributors' right-wing journalistic activity, as some contribute to more than one publication – for example Nelson, Oakeshott and Andrews all write for the *Telegraph* as well.

4.3. However, what is so notable about this list is that contains no journalists from the left, or even the centre left, of the political spectrum. Of course, this mirrors the extremely heavy dominance of right-wing titles in the national press, but this immediately raises the key question of whether the BBC should be replicating this by inviting so many right-wing journalists onto its panels, particularly those devoid of countervailing forces from the opposite end of the political spectrum. After all, one of the distinguishing features of the British media ecology is that while newspapers and magazines are free to be politically partisan, the BBC is committed to remaining duly impartial in the matter of news and current affairs. One way in which a degree of impartiality can be achieved is by balancing opposing views, but this does not appear to be happening *as a matter of course* when it comes to right-wing journalists contributing to BBC panels.

4.4. Of course, newspaper journalists, particularly specialist correspondents, can make extremely valuable contributions to broadcast panel discussions, but the problem with the vast bulk of those listed above is that they are essentially pundits who are employed by populist and opinion-laden newspapers simply to vent their views and appeal to their readers' prejudices. **The BBC needs to consider extremely carefully the journalistic make-up of its panels if it is not to stand**

accused of being increasingly dragged along in the slipstream of the right-wing press and replicating its agendas. And more generally, the BBC should be extremely wary of the dangers of assuming a political centre of gravity that reflects the right-wing press landscape.

4.5. As noted above, 2.4.22 of the Draft Guidelines states that the BBC's journalism should scrutinise arguments and hold power to account with consistency and due impartiality. It is made clear that this scrutiny should be applied to programme contributors as well as to BBC journalists, and that the degree of scrutiny 'should be based on the degree of power, responsibility and accountability of the contributor'. The journalists listed above work for some of the most powerful, irresponsible and unaccountable media organisations in the country and express their views entirely unchallenged in their columns. Such behaviour should not be replicated on the BBC. Admittedly programme chairs do sometimes intervene, but all too often it is left to another panel member to challenge the veracity and authority of the columnist (thereby running the risk of being labelled 'difficult' and not invited back on the programme again).

5.1. We have dealt with the matter of impartiality regarding the broadcast appearances of both politicians and non-politicians (in the form of journalists), and finally we will address the matter of think tanks. This is with reference to guidelines 2.4.17 and 2.4.22 as noted above.

5.2. The past fifteen years have seen a massive growth of think tanks, particularly on the political right (see in particular Peter Geoghegan, *Democracy for Sale*), and their representatives appear frequently on BBC panels. Of course, not all think tanks are right-wing: some are studiously politically neutral, such as the Institute for Fiscal Studies or Chatham House, and some are left-leaning, such as the Institute for Public Policy Research or the Electoral Reform Society. However, by far the biggest growth area in recent years has been on the right, with new entrants such as Policy Exchange and the Legatum Institute joining older but newly-reinvigorated players such as the Institute of Economic Affairs and the Adam Smith Institute.

5.3. In a 2017 issue of *Journalism Studies*, Justin Lewis and Stephen Cushion of the University of Cardiff demonstrated that between 2009 and 2015 there was a clear shift to the right in the BBC's choice of the think tanks whose work it cited. As they explained:

In 2009, there was a broad balance between left and right think tanks – left-leaning think tanks receiving 16.5 per cent of think-tank references and right-leaning think tanks receiving 18 per cent. In 2015, references to right-leaning think tanks remain at a similar level (16.2 per cent) while references to left-leaning think tanks are halved to just 8.5 per cent. To put it into a broad political context, when Labour was in power, the BBC's use of think tanks was relatively even-handed, but when a Conservative-led coalition was in power, the centre of gravity shifted to the political right.

5.5. Since that work was carried out, during the years in which the Conservatives ruled alone right-wing think tanks, and particularly those clustered in and around Tufton Street, became increasingly powerful, vocal and more visible – not in mention, in some cases, distinctly richer. New research needs to be done on the extent of their presence on the BBC, both in terms of references to their work and their members' participation on panels, but it is certainly widely perceived to be significant – and highly problematic. It should also be pointed out that several of the journalists mentioned above have close links with these think tanks, and that their papers regularly and uncritically reference and reproduce their work.

5.6. The BBC's various uses of think tanks and their employees raise a number of crucial issues in relation to the impartiality guidelines. As noted earlier, the Consultation Document states that:

It should not be assumed that contributors to BBC output are unbiased or impartial. For those from organisations such as charities, think-tanks or universities, it may be necessary, when relevant, to give appropriate information about affiliations, funding or particular viewpoints.

Currently, BBC presenters do sometimes refer to a think tank as right- or left-leaning, and, in the case of the former, as free market. But in our view, this is far from sufficient. We would argue that what really needs to be made clear is whether the body concerned is a bona fide think tank or in fact a lobbyist. Even from their own descriptions of themselves on their own websites, it is abundantly clear that most of the organisations grouped in and around Tufton Street are primarily the latter, and indeed see and present themselves as such. They are also extremely well-funded, albeit from highly opaque sources in many cases, and, as noted earlier, enjoy a symbiotic relationship with right-wing newspapers which are always ready to highlight their findings. This means that such work may well achieve a media prominence that is out of all proportion to its worth and validity, having effectively bought itself into the marketplace of ideas.

5.7. This is not to suggest that the think tanks in question enjoy the same relationship with the BBC as they do with their press allies, but it is to state that **the BBC needs to be exceptionally cautious in how it references their work and make uses of their employees on panels. Not only should they be described as lobbyists, where appropriate, but also their funding sources need to be made clear, again where these are relevant to the subject under discussion** – for example, climate change, given the vast sums of money being expended on public relations exercises of one kind or another by the petrochemical and mining industries, much of which finds its way into the think tank archipelago (see, for example, the work of [DeSmog](#)). Furthermore, particularly given both their expertise in PR and their unwillingness to discuss their funding, representatives of the kinds of think tanks under discussion here need to be fully open to challenge – either by a confident and well-informed chair, or by properly competent fellow panellists, or indeed both. It cannot be stressed too highly that it does enormous damage to the BBC's reputation for impartiality when think tanks of this kind appear to be given carte blanche to express questionable views with an air of authority to which they are not in the least entitled – not to mention the damage done to public debate on and knowledge about the subject in question.

6. Our response to the Consultation has returned time and again to the question of how the BBC can maintain impartiality in a media ecology in which right-wing newspapers, in spite of their falling sales, remain such a dominant influence. In fact, this was also the main concern of the Lewis and Cushion article (cited above) which concluded that:

While the broader media ecology has become more diverse, broadcasters continue to privilege the UK press (in ways that reflect rather than filter their biases) as a source of content and opinion. In our view, public service broadcasters must rise to this challenge by maintaining a commitment to impartiality by keeping a distance from – rather than too easily reflecting – powerful partisan influences; or, to put it another way, to be impartial requires a clear understanding of the lack of impartiality elsewhere, and a more independent awareness of how stories emerge, and how issues and sources should be balanced and explained.

It is worrying that this remains as relevant as when it was written, particularly as in the interim the right-wing press has become even more partisan and the growth of Reform is now invigorating the far right in Britain. In these circumstances it is extremely important that the BBC revisits the question of impartiality, but that it does so in a way that fully acknowledges the nature of the problems that it faces in this area and the necessity for change in the way that it deals with them. As we have noted before, it is not simply the reputation of the BBC as a public service broadcaster that is at stake here but the health of democracy itself.

Conclusions:

Whether certain views, and those expressing them, should be included in or excluded from programmes should be decided primarily in light of the authority, integrity, representativeness and bona fides of the speaker(s) and of any organisations to which they belong.

The BBC needs to make it absolutely clear that when it invokes the notion of freedom of expression in its Guidelines it is doing so in accordance with the principles underlying Article 10 of the ECHR and its associated jurisprudence.

The BBC needs to be far more open and explicit about the processes whereby MPs from particular parties are chosen to appear not only on *Question Time* but on other political panel shows too. The selection process should be fully transparent and democratically legitimate.

The BBC needs to consider extremely carefully the journalistic make-up of its panels if it is not to stand accused of being increasingly dragged along in the slipstream of the right-wing press and replicating its agendas. It should be extremely wary of the dangers of simply assuming a political centre of gravity that reflects the right-wing press landscape.

The BBC needs to be exceptionally cautious in how it references the work of think tanks and make uses of their employees on panels. Not only should they be described as lobbyists, where appropriate, but also their funding sources need to be made clear, again where these are relevant to the subject under discussion.

