

REPORT TO BBC EXECUTIVE COMMITTEE

Review of BBC's guidance on individual use of personal social media for those working in the on-air freelance community, outside News, Current Affairs and Factual Journalism

John Hardie

“Cum delictione hominum et odio vitiorum”
(Commonly translated as: “*Love the sinner, hate the sin*”)
Saint Augustine, Letter 211 (AD 424)

“Play the ball, not the man.”
Anonymous

“You can disagree without being disagreeable.”
Ruth Bader Ginsburg

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INTRODUCTION

Social Media Guidance Review

Terms of reference

To review the BBC's guidance on 'individual use of social media' in relation to the personal social media use of those working in the on-air freelance community outside News, Current Affairs and Factual journalism. To consider options as to how it should be formulated.

To provide recommendations to the BBC as to how it could apply that guidance, considering the BBC's Charter commitments to both impartiality and freedom of expression. Future guidance must be easy to understand, practical and deliverable.

Inputs

The review will be led by an external, independent reviewer.

Members of the freelance community in the scope of the review will be consulted, as well as Trade Unions, staff and industry stakeholders. The review will consider the wider market and audience research.

The review will be supported by a BBC project team, including Editorial Policy and CRBA.

Outputs

A report will be submitted to the Executive Sponsor. Any changes to the Social Media Guidance - which are to be agreed by the Executive Committee - will be set out in a published report, and will include the advice from the independent reviewer.

The BBC commissioned this review on March 31 2023, following the events surrounding social media posts by Match of the Day presenter Gary Lineker. The essential task is to review the BBC's guidance of personal use of social media by on-air freelancers, outside of journalism. Initially this seemed to revolve around two competing principles: impartiality and freedom of expression. In other words, what constraints may the BBC reasonably place upon the freedom of expression of those it contracts to work (outside journalism), proportionate to the legitimate goal of preserving its reputation for impartiality?

With deeper examination, I find there are four important principles at play for the BBC: *Impartiality*,
Freedom of Expression
Universality of Service
Civility in Public Discourse.
Each of these has to be weighed in the balance to arrive at a considered conclusion.

The review may have a narrow scope. It is focused on a relatively small proportion of people working for the BBC and only covers guidance for social media use, not their other public utterances or conduct. Nevertheless, it raises wider issues and many people were keen to be heard and express views on the matter. Consequently, I have tried to explore, as deeply as practical in the time, the underlying principles and issues which gave rise to BBC's current policy; to explore the views and perspectives from a wide range of constituencies; to

understand legal and ethical context and ultimately, informed by all of the above, articulate a simple recommendation.

Few of the people I spoke to considered the issue was solvable by a simple, satisfactory answer. Very few. Some said that BBC is not entitled to set any rules of impartiality for the off-air social media comments of non-news presenters at all, and should limit any guidance to matters of disrepute e.g. overtly racist remarks. An equally small number said if non-news presenters enjoyed a high-profile on the BBC, well-paid through the licence fee, they should not express views on political matters at all. Period.

I did not find either simple answer convincing. The great majority of those I spoke to considered there was no easy answer, that there were compelling and competing principles at play.

I explored a few avenues.

- I personally conducted 83 interviews with a variety of relevant people including BBC executives, agents, talent, trade unions, regulators, lawyers, journalists, BBC staff network groups and former Directors-General going back to 1992.
- I reviewed relevant reports and existing guidelines within the BBC
- I reviewed contract structures (though no individual contracts) to understand how current guidance is enforced and how it might be in the future
- I looked at external benchmarks in comparable international PSBs and other organisations
- I invited all staff at the BBC to email me directly their own opinions and observations on a confidential basis
- I commissioned extensive qualitative and quantitative audience research via the BBC research department, designed to understand licence-fee payers' attitudes to the specific subject at hand and the underlying principles in play

From the outset it seemed clear to me this review had to answer some questions

- Who are the non-news on-air freelancers who should be in scope for any kind of BBC oversight into their personal use of social media?
- What criteria applies to selecting them? Are there different categories requiring different guidance?
- Why should *any* restrictions regarding political impartiality apply to them? What nature of guidance is right for them? Is it the same as for journalists or somewhat different? How so?
- How can the BBC articulate such guidance in concise and yet clear, unambiguous and practical manner?
- How should it be implemented?

- Is it right to include such guidance in the main body of freelancer contracts rather than rely on reference to BBC policies and editorial guidelines?

This report is broken down into seven sections. Each cover a topic that emerged during the process of my work. First, I look at current and historic policy – what realities and principles shaped guidance, and how was it interpreted and practiced in reality. Second, I look at the BBC’s commitment to impartiality and universality. Third, I explore the evolution of talent relationships and how freelance contracts may influence the scope and scale of guidance. Fourth, how the BBC balances its guidance with freedom of expression, and the expectations the BBC can place on civility in public discourse. Fifth, I look at public opinion, including the research I commissioned as part of this review. Then, I explore the political context. Finally, I analyse what other PSBs are doing.

I was supported by staff members at BBC and given full reign to explore any avenue I chose while remaining independent throughout. I would like to thank Richard Crook, Helen White, Peter Johnston, Rachel Jupp, Hannah Sainsbury and Helen Moor for their excellent support.

EXECUTIVE SUMMARY

It is clear that the British public expect BBC non-news presenters to maintain high standards on social media and respect an appropriate balance between impartiality and freedom of expression. It is timely for the BBC to clarify where that balance point lies.

I recommend that high-profile presenters outside of journalism should be able to express views on issues and policies - including matters of political contention – but stop well short of campaigning in party politics or for activist organisations.

It is also right for the BBC to protect its reputation for impartiality and demonstrate its commitment to universality of service to all licence-fee payers. It is therefore appropriate to set the highest expectations for social media conduct of the main presenters of its flagship brands and craft specific, proportionate guidance for them.

Moreover, BBC should set a new mission to promote *civility in public discourse*, and insist that all those who present BBC programmes should respect diversity of opinion and exemplify BBC's ethos of civility on social media.

Following this review, the BBC should:

1. Define those in scope for guidance according to the BBC programmes and roles being performed, especially to protect the universal appeal of the BBC's flagship brands
2. Specify a priority category - 'Flagship-Brand Presenter'. This would involve those performing leading roles on some of the most cherished BBC brands. This will be an evolving list determined at its discretion by the BBC and communicated in advance to presenters
3. Clarify its guidance to acknowledge the freedom to express opinions on issues – including those which are politically contentious - with due care
4. Prohibit party political campaigning, support for or attacks on political parties, individual politicians, governments or activist organisations
5. Be prescriptive on what it considers is not appropriate, to help presenters steer clear of trouble
6. Require all on-air freelance presenters to act with civility on social media
7. Be consistent, proportionate and transparent in implementation.

ILLUSTRATIVE GUIDANCE

The following serves to illustrate guidance based on the recommendations laid out in this report. However, it is for the BBC to develop their policies as they decide and I am mindful of the need to balance my proposals with contractual practicalities and pre-existing policy.

1. BBC presenters outside of news should adhere to the following guidance in their personal use of social media:

Flagship-Brand Presenters must refrain from campaigning in party politics or for activist organisations.

- a) Do not endorse nor attack political parties, individual politicians or urge the public to vote for a party
- b) Do not 'campaign by proxy' by posting frequently on a range of issues that resemble one party's manifesto and presents sustained criticism to a government or opposition policy agenda

When any presenter expresses opinions on issues which may be controversial or matters of political contention, they should do so in a civil manner consistent with BBC's values, namely:

- c) Maintain a civil and measured approach at all times and respect those they disagree with
- d) Deal only with the facts of the issue, not with presumed 'ulterior motivations' behind opposing views
- e) Never slip into ad hominem attacks - overt or veiled - on the character of individuals including politicians or anyone who happens to disagree.
- f) Exercise greatest care on the most divisive issues and never promote law breaking
- g) Observe an embargo on all political commentary during local and general election periods.

2. Implementation:

- a) BBC should explain the guidance and request presenters to abide by it for the duration of current contracts, being explicit that future renewals will be dependent on present compliance.
- b) New contracts should be limited to two years and include the guidance in the main body.
- c) BBC should deal with transgressions consistently, define proportionate sanctions for repeated infringement and hold suspensions for most egregious cases of clear disrepute.

CONCLUSIONS AND RATIONALE

The following conclusions are drawn from the topics relevant to the review. They reflect a range of views from over eighty interviews conducted, considered together with the audience research and deeper conversations with agents, talent, BBC management, producers, lawyers and compliance experts. The conclusions and rationale reflect all those inputs. While, inevitably, the conclusions formed are my own, I most certainly did not begin with these views in mind. They developed through this process, and I am confident they are consistent with a broad consensus view.

1. Current policy, practice, and events leading to review

Having reviewed current policies, principles and recent events, I make these initial observations:

- a) It is best for all parties to start with a clean slate. It will be detrimental to future implementation to assign blame to the past.
- b) The BBC should avoid taking a hammer to crack a nut. *“Hard cases make bad law.”* There have been a relatively small number of politically ‘problematic’ posts among the cohort of high-profile presenters in the last two years. Changes should not unnecessarily ‘over-steer’ due to immediate interest nor be shaped by a desire to fix short term ‘hot’ issues, of which there are few.
- c) There is no working, de facto or agreed list, nor further definition of the criteria for who is in the group of freelancers in scope. Attempts have been made to define them variably as those who ‘are identified with the BBC’, are seen as ‘faces’ or ‘voices’ of the BBC. No two people I spoke to came up with exactly the same list or criteria.
- d) The BBC has to make clear to whom the guidance applies, what criteria puts them in scope, and explain why any restrictions are appropriate. The BBC should find amicable resolutions for those who do not agree to comply with the new guidance and seek to avoid unnecessary conflict.
- e) The BBC should make the guidance as clear, prescriptive and unambiguous as possible.
- f) The BBC must be able to use freelance contracts for limited engagements which must apply to the vast majority on-air assignments. There are a thousand per year and are explicitly not full employer-relationships. The answer is not to exert greater control by ‘putting everyone on-air on to full employment status.’
- g) While the contract status of BBC presenters is irrelevant to the viewing and listening public, it is highly relevant to the practicalities of enforcing any requirements of non-employment behaviour. For any guidance to be practically meaningful, this must be addressed.
- h) The BBC needs to put effort and investment into explaining the guidance to staff, press, politicians and the general public. It will recognise that not everyone will agree with its conclusions. But it can demonstrate that the

BBC has reflected deeply on the matter and identified a thoughtful, reasonable approach.

- i) The BBC should implement the new approach consistently, transparently, proportionately and then handle misplaced external criticism robustly.

2. Impartiality and universality

In considering whether any guidance restricting political opinion should apply outside news, BBC policies must reflect how these two key principles support the BBC's reputation among licence-fee payers, influence its future funding, and accordingly frame its personal social media guidance.

- a) It is critical to the BBC's future that it demonstrates the ability to serve the whole country across all output with high quality, impartial content, created in an organisational culture which evinces those aims internally and externally.
- b) The BBC has for all its existence been funded by a licence fee. That funding model lies at the heart of BBC's success and international reputation. In order to maintain a public consensus for a publicly funded BBC, it must continually demonstrate its commitment to serve the whole country and avoid perception of institutional political bias.
- c) The BBC's commitment to impartiality extends to placing strict constraints on the public utterances of those who work across all aspects of journalism, in order to avoid 'perceived bias.' While not within the scope of this review, I agree with that policy.
- d) However, I do not believe those same strict prohibitions on journalists extend automatically to non-news freelancers from whom the risk of perceived bias seems less acute. Indeed the current policy makes it clear, it does not apply to, '*actors, dramatists, comedians, musicians and pundits...*'
- e) Prior to 2020 there were no explicit constraints on expressing political opinions placed on anyone outside journalism, even BBC staff – except for the admonition not to bring BBC's reputation for impartiality into disrepute. The current guidance is a new feature and reflects the rise of social media.
- f) The degree to which it is necessary and legitimate for prohibitions on free speech to apply to those outside journalism needs to have a separate justification and design.
- g) Such justification may be rooted in how detrimental overt political engagement of its main presenters could be to the BBC's reputation for universality. The BBC belongs to and must serve the whole country. *Outside news, the principle of impartiality is the servant of universality.*
- h) If more than half the licence-fee paying public had reason to form the view that most popular and iconic shows are presented by people who campaign in party politics against 'their kind' and felt they were no longer 'for them,' it may, eventually, undermine each programme's universal appeal, its brand value and in aggregate, the BBC itself.

- i) There is a genuine risk that if one of the BBC Flagship Brands is presented by someone who becomes politically active, campaigning for one side of the political spectrum, perhaps posting attacks on those they disagree with, members of the general licence-fee paying public might well think the programme they have long adored is now fronted by someone 'who just doesn't like people like me'
- j) Consequently, BBC's avowed mission to universality may itself be a compelling reason to seek some constraints on presenters from engaging in party politics. But does not automatically extend into a blanket prohibition on expressing views on all issues which become political.
- k) A reasonable criterion for a high-profile presenter who comes in scope might be those who are offered the incredible opportunity to present one of BBC Flagship brands. I find it reasonable for the BBC to set certain guidance for conduct on social media for those handed the 'Ming Vases' of some of the BBC's most cherished brands.

3. Talent:

BBC relationships with on-air talent have evolved dramatically in the last decade and have altered the extent to which the BBC's on-air talent are intrinsically linked with or indeed represent the corporation and its reputation.

- a) The traditional idea that the BBC is fronted by a cohort of BBC personalities who manifest the corporation's essence to the public simply no longer applies. Almost all major talent has cultivated a portfolio of broadcast relationships and bring their own individual brand reputations to their roles on BBC programmes. Indeed, these brand personalities are forces the BBC actively wish to capitalise upon in output and promotion.
- b) If the BBC is to justify the licence fee and fulfil its mission of universality, it has to deliver highly popular, top-quality content that the public choose to consume in their millions, against an array of formidable global and local competitors. It must be able to compete for the best talent, despite commercial disadvantages. That means working with freelancers across a range of contract arrangements.
- c) In particular, the BBC, like other traditional media, has an acute need to attract younger viewers and listeners. To reach them, the BBC must attract talent who are part of a generation that live out their views and identity on social media. It also means attracting talent who come 'fully formed' with a fan base, a constituency, and a hinterland of points of view.
- d) The BBC may put itself at a disadvantage in striving to attract the best talent if it insists on controlling their ability to publicly engage in issues important to them. No other broadcaster or streaming service - some of whom are much stronger financially - have such limitations.
- e) The talent community understands and accepts there are certain roles on BBC 'flagship' brands that bring with them some expectations on their

behaviour in public. Contracts have long contained 'disrepute clauses' and limits on commercial activities.

- f) Trying to define those in scope by the extent to which they are identified with the BBC, are faces of BBC, "voices" of the BBC, preponderantly associated with the BBC is, most agree, at best ambiguous. Moreover, in an age where almost all top talent has a portfolio of engagements, they refuse to accept the status, even if they have worked with the BBC over many years.
- g) A better way to define scope might be to start with the programmes and roles performed, rather than the individual and their history on the BBC. The BBC's array of programme brands represents an incredible set of assets which belong to the whole country. They manifest the BBC's universal service. The BBC can rightfully take the view that any presenter offered the opportunity to present one of these brands must accept certain codes of conduct that go beyond avoiding disrepute.
- h) In other words, the BBC is handing such presenters the 'Ming Vase' and may require specific conduct to maintain it with great care. Talent is only expected to meet those conditions while they are contracted to present those specific, identified programmes and roles.
- i) This does not mean they must have the same strict code that applies to journalists. But it may be reasonable to demand they are not involved in activities or organisations that are likely to alienate a large part of the country from some of its most cherished programme brands.
- j) It still remains to identify what the proportionate constraints are that the BBC should place for presenters on scope. There is no long-established BBC code of 'off-air' political impartiality that applies outside news. Constraints on the public political utterances of non-news talent are a very recent phenomenon and arose in the wake of social media, when for the first time in 2022 when freelancers were given guidance on impartiality and explicitly directed not to take sides on party political issues or political controversies.

4. Freedom of expression:

The extent to which BBC can seek to prevent its non-news presenters expressing political opinions should be balanced with and not exceed what it genuinely needs to protect its reputation for impartiality and universality. It is reasonable for BBC to set standards of civility on public discourse from all its presenters.

- a) Social media has magnified the worldwide trend for citizens to engage publicly in critical issues. These are often matters of 'lived experience', intensely important to the individual: racial equality, gender identity, nationalism, migration, environmentalism. More people than ever feel it is their right and even social duty to speak out and engage on issues publicly on social media.

- b) The desire to express views publicly is more profound among a younger generation, already less engaged with the BBC or 'mainstream media.' Great care and consideration needs to be given to placing constraints, both from a moral and legal perspective, to balance the BBC's need to reach this generation. A common view is there is an unstoppable wave of freedom of expression the BBC cannot stop.
- c) A blanket prohibition on high-profile BBC presenters' freedom to express opinions on political issues may overreach what is truly required to protect impartiality and is - at least to me - not self-evidently proportionate for non-news presenters.
- d) Consequently, if presenters are to be granted meaningful freedom of expression on issues important to them, that has to extend to issues which are matters of political contention.
- e) That said, the freedom to engage in issues that are politically contentious does not require the full visceral engagement of 'party politics', in the sense of political engagement or commentary practised through the prism of party-driven partisanship. Such partisanship often leads to attacking politicians, parties or the character of those on the opposing sides of debates. It should be possible to tackle the substance of issues with the full force of logic and reason without descending into the snake-pit of social media at its worst. The demand for expression on political issues may be sufficiently met without the full licence to engage in party politics for certain roles and responsibilities.
- f) It is therefore acceptable that the BBC strike a better balance and make it a condition of hiring presenters for certain high-profile roles that they do not engage in party politics but acknowledge their ability to express their views on issues even if they are politically contentious.
- g) The question arises where to draw the line on the spectrum of political intensity. We have considered whether to try to draw a line between 'social issues' and 'policies.' Once an issue is the focus of a government policy, should the BBC at that point prohibit those in scope from opining on it?
- h) Every issue at some point finds its way into the political realm. Individual policies can take years to develop from initial propositions to fully executed legislation. And then they are still policies in action. To deny someone's ability to opine on an issue or disagree with a government policy (or absence of policy) is a practical prohibition on serious engagement with the issue at all.
- i) That said, there is a distinction between an individual policy and general 'government policy' in the sense of the entire programme of policies, initiatives, budget priorities that make up its agenda. Attacking 'government policy' in that broader sense is tantamount to campaigning in party politics. I conclude this is a line that can be drawn. It may be appropriate for the BBC to require that those in scope do not 'campaign by proxy' i.e., attack on so many individual issues it becomes tantamount to a concerted attack on the government or opposition itself.

- j) The issue of how to deal with the most divisive subjects is itself the most difficult. Some subjects are so divisive it is tempting to try to add them to a list of prohibitions. Except of course in the context of *freedom of expression* it would seem strange for the BBC to identify a 'taboo' list. And of course, these subjects include some which are themselves the most important for individuals to opine on: gender identity, immigration, Irish Unification, Scottish Independence.
- k) It may be best to require the highest level of care and consideration be used on such subjects, and that BBC presenters express any views with respect to those who disagree, speak with civility, and never descend into tribal, hateful discourse.
- l) This leads to the broader consideration, beyond the question of impartiality - the question of civility of public discourse on social media.
- m) To be effective on social media, the BBC should encourage staff and contributors to engage on personal accounts and use it to promote BBC content, journalism and information. Personal sites are sometimes more influential than corporate accounts.
- n) Regardless of their views on where the line of political impartiality should be drawn, everyone I spoke to agreed this is an opportunity for the BBC to take leadership in the goal of *Civility of Public Discourse*. The BBC, its brands, its staff and its presenters should be exemplars of decent behaviour in social media.
- o) This does not have to be a puritanical mission to ban adult engagement or banter, nor to police profane language. It is about a response to the tendency of social media to magnify a societal lurch to tribal, intolerant, abusive belligerence. It is commonly said that people make abhorrent, personal attacks on social media in a way they would never do in person.
- p) It is consistent with the BBC's long-established values to take leadership starting with those it employs and establish a conscious and genuine mission to promote civility of public discourse, a value that stands alongside BBC values of impartiality, universality and quality.
- q) This is no small ambition. With 20,000 employees, 52,000 freelancer contracts and 1,000 on-air freelancers such a mission to promote civility of public discourse may seem like herding a million cats.
- r) And yet, the BBC should strive to do exactly that. If not the BBC, who else?

5. Public opinion and research:

In the eyes of the public, BBC presenters are believed to have some influence, at least partly due to their status on the BBC, and should meet high standards of behaviour on social media and balance impartiality with their right to freedom of expression, especially in relation to party politics and polarising social issues.

- a) Audiences believe that non-news presenters should have to strike a balance between impartiality and freedom of expression. 53% believe non-news presenters should be able to express their opinions on social media (23% do not) but 55% also believe BBC impartiality can be put at risk by non-news presenters' conduct.
- b) 30% of people believe impartiality is more important than freedom of expression; 28% think freedom of speech is more important; 28% think they are equally important. When reflecting in focus groups, most thought freedom of expression was the priority but the balance of what is more important (Impartiality v Free Expression) shifts depending on the topic from the average (30% v 28%) to 'endorse a political party not supported by respondent' (41% v 27%) 'Gender Identity' (37% v 27%), 'Immigration' (36% v 31%) 'Climate Change' (26% v 37%) and 'Poverty' (26% v 40%)¹
- c) Audiences generally do not want to see BBC Non-News presenters actively engaging in party politics, encouraging people how to vote. Audiences are more concerned when BBC non-news presenters endorse or attack political parties or engage in the most divisive issues.
- d) Audiences do think non-news presenters should be held to high standards of behaviour on social media. 59% thought they should be held to the same standards as news presenters although in focus groups a clear distinction was evident and most thought news staff should never express opinions while non-news staff should be able to express opinions.
- e) Audiences believe presenters should be very sensitive about divisive issues and always behave responsibly on social media.
- f) The research makes it clear that the public do not expect BBC presenters to use angry, belligerent, abusive language on social media. They believe influential BBC presenters should act with consideration.
- g) The research suggests the public do not think that famous BBC personalities represent the views of the BBC itself, nor are they themselves influenced by their views.

¹ *Jigsaw research, 2023, 3,198 adults 16+*

6. Political dependence and independence

The BBC must take account of the views of its stakeholders in Parliament as it weighs the correct policy in implementing the principle of impartiality. But it must also be politically independent in day-to-day matters and not over-react to topical interventions from MPs or indeed the partisan press.

- a) The attitude of Parliament, MPs and government matters to the BBC. At its simplest level, these are the stakeholders who directly determine the long-term mission and funding model of the BBC. They are elected by citizens and on their behalf have the right to determine the nature of the BBC in the future and set the Royal Charter. It would be naïve if not disingenuous to say BBC can simply disregard the views of politicians who believe presenters should not be allowed to engage in politics or that the principle of 'off-air impartiality' should extend well beyond journalists.
- b) There seems to be a current left/right split on the matter in scope, although we did not 'poll' a representative sample of politicians. It seems Conservatives are more likely to hold that all BBC non-news presenters should be held to strict impartiality off-air and stay out of politics while Labour/left-leaning politicians argue that such non-news presenters should be free to say what they please.
- c) The BBC needs to alight on a social media guidance policy that itself is politically impartial, one it can explain and defend to politicians, even if not unanimously supported. The recent incident was all the more difficult because they were perceived to be taking a hard line against an anti-government tweet but had done nothing when another presenter had urged people to 'vote Tory.'
- d) Politicians on all sides will from time to time attack the BBC's political coverage for perceived bias. The BBC must retain its independence in editorial, operational and organisational matters. Its reputation for independence is harmed whenever its day-to-day decisions are perceived to be influenced by politics.
- e) It then needs to apply it so consistently that no politician can effectively accuse the BBC of its own failure of impartiality in implementation.
- f) The BBC should be able to explain and defend a policy which deters Flagship-Brand Presenters engaging in party politics but allows them to express considered opinions on political issues.
- g) The BBC must be able to be robust in preserving day-to-day independence in its editorial and operational decision making and be 'on the front foot' defending its position with politicians.
- h) The need for such steadfast defence is even greater as the BBC deals with the partisan press.

7. External benchmarking

The BBC may have the strictest regime of any public service broadcaster in demanding that off-air impartiality extends at all to non-news presenters.

- a) There are plenty of examples of news broadcasters and newspapers requiring a code of impartiality from its journalists, similar to the BBC. In the UK, ITN, ITV, Channel 4 and Sky News apply the same principle
- b) There are no examples of broadcasters we have found explicitly demanding a prohibition on taking sides on party political issues or political controversies for non-news presenters.
- c) European broadcasters often look to the BBC as a role model for upholding standards of impartiality.
- d) There are no examples we have found of non-news presenters being suspended for expressing political opinions but significant examples of cancellation due to bringing broadcasters into disrepute due to racist remarks.

SECTION ONE

Current policy, practice and events leading to this review

Who does the current guidance apply to?

- In October 2020, the BBC introduced a new guidance policy document “*Individual Use of Social Media*” as part of an initiative to address what was perceived as significant issues in the personal use of social media by staff members and in particular people involved in News and Current Affairs.
- The new guidance was not primarily designed for those in scope of this review, members of the ‘On-Air Freelance Community’. But it did include the following references.
 - “*There are also others who are not journalists or involved in factual journalism who nevertheless have an additional responsibility to the BBC because of their profile on the BBC. We expect these individuals to avoid taking sides on party political issues or political controversies and to take care when addressing public policy issues.*”
 - ‘*The extent to which a non-staff member, contributor or presenter is required to comply with the Editorial Guidelines will be set out in the BBC’s contractual relationship with them.*’
 - ‘*Actors, dramatists, comedians and pundits who work for the BBC are not subject to the requirements of the Editorial Guidelines to their social media use.*’
- The brevity of this clause reflects the fact the full guidance was principally focused on BBC staff and freelancers working in news, current affairs and in factual journalism.
- This review specifically excludes those on-air freelancers who are contracted in news and current affairs and Factual Journalism.
- The term Factual Journalism ‘*includes returning strands which cover topical issues (such as Countryfile, The One Show and Woman’s Hour). It does not include, for example specialist, authored or limited documentary series.*’
- In my discussions with staff working in the regions and on radio, I found some uncertainty among BBC as to whether certain output was covered. For example, would a local radio broadcast where music was blended with discussions or phone-in covering topical subjects fall under the definition of Factual Journalism?
- The BBC has confirmed to me that any factual output whether it be radio or television, network, national or regional which contains topical issues is covered by the ‘Factual Journalism definition and hence the full force of the rules which apply to news journalists apply to individuals working on such programming.
- The guidance therefore casts a wide net over employees and freelancers, none of whom are within the scope of this review.

- The guidance itself also makes it clear to whom it does not apply: *Actors, dramatists, comedians and pundits who work for the BBC are not subject to the requirements of the Editorial Guidelines to their social media use.*
- In passing, I note that some people I interviewed have challenged the fact that prominent BBC actors are not covered by social media guidance. *“So someone who has the BBC platform of being in Eastenders is free to say what they like, but the presenter of a sports show can’t express their political views.”*
- Considering the wide range of inclusions and exclusions, there emerges what seems to be a thin strip of on-air freelancers who are actually intended to be covered by the current guidelines as cited above.
- While the Terms of Reference uses the expression, ‘On-Air Freelance Community’, the focus naturally falls on high-profile presenters, although I will make wider recommendations.
- As the current guidance refers to, *“those who because of their profile on the BBC...”* it seems the current guidance is only meant to refer to ‘high-profile presenters, who do not work in news, current affairs or Factual Journalism. As a shorthand, I use the term ‘non-news presenters.’
- In fact, I found there is no working, de facto or agreed list, nor further definition for who is in this group. Attempts have been made to define them as variably those who ‘are identified with the BBC’, or are seen as ‘faces’ or ‘voices’ of the BBC. Elsewhere, criteria have been considered such as the frequency of programming on which they appear and/or the audience size.
- In many discussions, people raised the remuneration of these high-profile presenters. *“If they take the big money from the BBC, they should not be bringing it into this kind of public embarrassment...”*
- There is also the consideration that the BBC has and continues to give certain presenters a ‘platform.’ This is the notion that some presenters have been made famous by the BBC, have a huge social media presence due to their roles at the BBC and with BBC’s help have cultivated reputations as people to be trusted.
- Consequently, their fame, saliency and influence are functions of their history on the BBC and it is therefore right for the BBC to curtail their ability to use or abuse that ‘BBC-gifted platform’ to politically-biased ends. Unsurprisingly, this is a hotly contested argument. As we will explore later, many believe it is now the other way around; the BBC is contracting ‘fully-formed’, famous talent to perform roles to help its programmes succeed.
- It was my clear impression that both the criteria and the current lists of those in scope is not well understood, even to some of the participants and commissioning staff who deal with them and their agents.
- The significance of the ambiguity extends well beyond those in scope. A common complaint among BBC staff was that they felt there was inconsistent application of the guidance. They did not know who was

covered and why certain high-profile BBC faces were either not governed by the same strict guidance they were or were let off the hook when they did not comply because they were too powerful. One interviewee spoke for many when they said, *“It’s one law for the rich, another for the poor.”*

- The problem with definitions like ‘identified with the BBC’ or ‘faces of the BBC’ is that they are subjective. Moreover for many, the fact that some also have high-profile roles with rival broadcasters dilutes their ‘BBC-ness.’
- One obvious conclusion is that there should be not only a list of who is in scope, but more importantly what objective criteria apply to put one person in scope and not another.

What does the guidance mean for those in scope?

- The guidance makes it clear that for whoever are in scope, they are expected to avoid taking sides on party political issues or political controversies. This is similar to but less emphatic than the guidance’s Section 2, Rule 3 applying to journalists, which *“...requires that you do not express a personal opinion on matters of public policy, or ‘controversial subjects’ if your work requires you to maintain your impartiality, ie, if you are working in news and current affairs (across all Divisions) and factual journalism production or senior management. Nothing should appear on your social media accounts that undermines the perception of the BBC’s integrity or impartiality.”*
- This seems slightly different to the guidance for non-news presenters. First, it implicitly recognises that although their work may not require them to maintain impartiality, it is their *profile* in the BBC that requires them to avoid taking sides in political issues etc. But it goes on to say *“...and to take care when addressing public policy matters.”* This indicates they have more leeway than journalists in expressing such personal opinions; just so long as they are not party-political issues or political controversies.
- That said one manager in a compliance role commented, *“I have interpreted (the guidance) to be a mirroring of the rule for journalists.”*
- So, when does a social issue or a public policy become the kind of political issue that these people should not take sides on in social media? In some of the interviews we found it helpful to consider ‘a spectrum of political intensity.’ At one end of the spectrum is expressing an opinion on a social or humanitarian issue that is non-controversial and not politically controversial - incontestable. (e.g. *“...we should help children in the lowest income groups get the education, nourishment and social care they need and deserve to advance in life...”*). On the opposite end of the spectrum is to express an opinion on the same topic but being overtly party political (e.g. *“...these children have been left behind in xx years of government by a party which wilfully neglects their needs, led by a cabinet minister who simply does not care about them....”*)

- Somewhere between these extremes is discussion about issues which may be politically contested but is not fully weaponised party-political engagement.
- One BBC compliance manager expressed the view that the guidance actually implies it is ok for those in scope to express views on humanitarian or social issues so long as they do not stray into political matters. The moment an issue becomes a current political matter, e.g. when a bill is introduced and debated in Parliament, those in scope should not express opinions.
- Another view from a different BBC compliance manager was that the guidance means it *is* ok for those in scope to express views on current policy issues so long as they “*take care*” for example be evidence-based, reasoned and do not veer into personal attacks on politicians or parties.
- The common agreement is that the guidance does not nail precisely down exactly what is and what is not permissible. This is seen as entirely reasonable to some. *“It is impossible to be definitive. Judgments will always have to be applied case by case...”*

What are the precedents for the guidance? What kind of controls over personal conduct has the BBC demanded of on-air freelancers historically?

- Before the advent of social media, the BBC did not have written policies or guidelines that required non-news presenters to observe political impartiality in their public utterances, which at that time would have been limited to interviews, newspaper articles, public appearances or letters to the press.
- The controls on expression of public opinion were already stated within the main Editorial Guideline in Section 15 ‘Conflicts of Interest’ where freelancers are advised to comply with BBC standards and avoid actions which bring the BBC’s reputation for impartiality into disrepute. For example, Section 15.3.13:

Public Expressions of Opinion

15.3.13 Where individuals identify themselves as being linked with the BBC, or are programme makers, editorial staff, reporters or presenters primarily associated with the BBC, their public expressions of opinion have the potential to compromise the BBC’s impartiality and to damage its reputation. This includes the use of social media and writing letters to the press. Opinions expressed on social media are put into the public domain, can be shared and are searchable.

(See [Guidance: Social Media](#))

The risk is greater where the public expressions of opinion overlap with the area of the individual’s work. The risk is lower where an individual is expressing views publicly on an unrelated area, for example, a sports or science presenter expressing views on politics or the arts.

- There seem to be very few occasions in the past when high profile BBC presenters have taken a political stance.

- I have spoken to past and present BBC senior management and Directors-General going back to 1992 to explore if there was in history an ‘unwritten code’ that such high-profile BBC presenters stayed out of politics. The most common answer is *“No...it just didn’t come up”* and *“...most presenters knew better than to alienate a whole mass of the viewing and listening public by taking sides on political stuff”*. Instead, if something did come up relating to political bias *“You’d just have a quiet word, ‘...look this is a bit difficult for us. Could you lay off a bit?’ But the idea you can write it as a rule and it’s got to apply to everybody? No way.”*
- Consequently it seems the reason why in the long past there were so few BBC presenters to have taken political positions publicly was their own freedom of choice and the absence of social media’s pull - nothing to do with what the BBC tried to impose.

Disrepute

- Almost everyone I spoke to was clear that the BBC has always warned in contracts against ‘bringing the BBC into disrepute.’ There was common agreement that behaviour including racism, misogyny, and threatening or violent conduct constitute disrepute. Others would go further to say *any* conduct which embarrassed the BBC also constituted disrepute. A broad and subjective definition
- There have long been provisions in BBC contracts that warned presenters against conducting behaviour that could bring the BBC into disrepute. For example, one version of contracts to freelancer stipulates *“...if the BBC reasonably believes You have (a) behaved in a manner which is or may be perceived to be contrary to the BBC Standards and/or could bring the BBC into disrepute...the BBC may suspend the performance of this Contract for a period not exceeding 3 months....”*
- Contracts also direct presenters to BBC Standards that require freelancers to *“...acknowledge that the BBC’s reputation for impartiality, integrity, independence, and decency (i.e. the “BBC Standards”) is fundamental and agree that Your Contributions and Your activities and conduct, whether carried out for the BBC, for Yourself or for any third party must not compromise....any of the BBC Standards.”*
- I note that there seems room for disagreement in interpretation about what constitutes disrepute. A non-news contributor might argue their own political views cannot compromise BBC standards of impartiality if they do not work in journalism and make it clear their views are not those of the BBC.
- Contracts go on to direct freelancers to the BBC Editorial Guidelines and Guidance and a host of other policies and laws (from Ofcom compliance, anti-bribery laws, Equality Act 2010, Bribery Act 2010)
- I also note that social media guidance has not been included in the main body of contracts since its introduction. This is despite the fact the new

guidance states *'The extent to which a non-staff member, contributor or presenter is required to comply with the Editorial Guidelines will be set out in the BBC's contractual relationship with them.'* I can find no evidence this has happened.

- It might be observed that while the list of referrals constitutes a comprehensive and appropriate list of requirements for a contract, and that talent agents and legal representatives may support their clients, the likelihood of a presenter diligently studying and mastering this amount of external detail is not entirely likely.
- It is also worthy of note that the BBC makes it clear that freelancer engagements are, "...a contract for services and not a contract of service. There is no employment relationship intended to arise between the BBC and the Contributor."
- I note that very long contracts present difficulties. Proving breach of contract and terminating an agreement with 3 years to run is a challenge. With shorter contracts, in cases of persistent non-compliance, the BBC has the simpler option of non-renewal.

Then came social media

- As stated above, having spoken with a large group of people whose service for the BBC extends back decades, it is clear to me that few problems were perceived with high-profile presenters relating to political impartiality.
- The first meaningful problems arose due to the rise of social media usage. Some issues occurred around the EU referendum in 2016. Some BBC journalists were accused of revealing bias, sometimes by retweets, likes and other forms of indirect bias. One journalist admitted to now being aware of their own unconscious bias at the time, tending to retweet economic analyses from reputable sources which, on reflection, were mostly pro-Remain.
- Among non-news presenters there have been relatively few problematic tweets which have given rise to reputational concerns for the BBC.

So, what has gone wrong since the new guidance was issued in October 2020?

- The short true answer is: not much. Since the new guidance the BBC has implemented a system tracking reports and complaints on social media posts across the organisation, a small subset of which includes social media posting by non-news presenters.
- Nevertheless, the few instances have been themselves high-profile, not the least of which the incident that led to this review, which I shall discuss presently.
- The low number of problematic social media posts also leads me to one conclusion: the BBC should avoid taking a hammer to crack the proverbial

nut. Any changes to guidance should not be driven by a drive to fix short term 'hot issues.' To quote an old legal saying, "*Hard cases make bad laws.*"

- Nor should guidance be designed to find a compromise in a dispute, nor a draconian set of measures to stamp out non-compliance.

The Gary Lineker incident

- I have discussed the incident with most if not all the various parties at the centre and on the fringes of recent events with a view to get the full context for this review, which I believe I now have.
- I do not regard it as part of the review to *investigate* the recent incident, to rule on who is to blame nor pass judgement on alleged managerial failings, or indeed to 'Monday morning Quarterback' on what might have been a better way to have handled the events. It is for the BBC to conduct its own review of managerial practices related to the affair.
- However, in order for any conclusions I offer to be practical, I suggest it would be detrimental to future implementation of new guidance to assign any kind of 'blame' to the past. I conclude it is best for all parties to start with a clean slate and not indulge in a contest to say who was proven right.
- That said, it would be disingenuous not to acknowledge the recent incident which led to the commissioning of this review. I only refer to elements insofar as they illuminate the problem to be tackled.

Abridged timeline

- On Tuesday, March 7, 2023 Mr Lineker reposted a video of Home Secretary Suella Braverman's speech on the government's immigration bill, Rwanda refugees policy with the comment "*How awful.*"
- This led to a hot twitter exchange in which, defending criticism of his comment, Mr Linker posted this reply. "*There is no huge influx. We take far fewer refugees than any other European country. This is just an immeasurably cruel policy directed at the most vulnerable people in language that is not dissimilar to that used by Germany in the 30's, and I'm out of order?*"
- This sparked a storm of reaction in social media and the next day the Daily Mail front page led with the headlines, "*LINEKER FACES BBC REBUKE FOR LIKENING SMALL BOATS PLAN TO NAZIS. TV bosses' anger at £1.35m presenter as sources warn his latest political outburst 'crossed a line.'*"
- Over the next two days there were discussions between BBC executives and Mr Lineker and his agents. These are private and not discussed here.
- On March 10 the BBC issued a statement that Mr Lineker would step back from presenting that Saturday's Match of the Day.
- Mr Lineker and his agents had made it clear in the public domain including an article in The New Statesmen that they did not accept he had breached his contract as it pre-dated the guidance, he had never accepted the right of the BBC to limit his expression of opinion and in any case had reached

an understanding with BBC DG that he would continue to talk about two issues of great importance to him: immigration and climate change.

- Following the BBC statement that Mr Lineker would not present MOTD, MOTD pundits Ian Wright and Alan Shearer announced (on Twitter) they would not take part in that Saturday's programme. This was catalyst to an effective 'walk-out' of BBC Sport presenting staff across the weekend. In the end the BBC broadcast a short selection of match highlights with no presentation or commentary.
- On Monday March 13, the BBC's Director-General apologised to viewers for the loss of sports programming that weekend, announced his intention to commission a review of the corporation's social media guidance to be led by an independent figure.
- In the meantime, Gary Linker would return to presenting duties. The current social media guidelines would stay in place until the review was complete and any new recommendations implemented.
- On March 31, 2023, the BBC announced that "...former ITN Chief Executive John Hardie has been appointed to lead the review..." together with the Terms of Reference cited above.

BBC found itself in a classic no-win situation.

- On one side, the right-leaning press and Conservative MPs roundly condemned the BBC for Mr Lineker's tweet, demanded immediate action. They then condemned BBC for how it handled the suspension, the loss of MOTD and then for what they characterised as the BBC's climbdown, ie the apparent compromise reached allowing Mr Lineker back on air.
- On the other side, Labour and opposition MPs condemned the BBC for discrimination against Mr Lineker's tweet because it was anti-government, alleging the BBC executives were reacting to government pressure, and were hypocritical as they had (allegedly) taken no action against previous Pro-Tory, anti-Labour tweets of Lord Sugar, another high-profile BBC presenter.
- This criticism was conflated with the criticisms levelled at the appointment process of the BBC Chair which was then still the matter of an inquiry by The Commissioner for Public Appointments.
- Commentators on all side condemned the BBC for trying to censor the free speech of a sports presenter: *'Everyone knows Gary Lineker doesn't speak for the BBC, doesn't work in news... and who cares what he thinks anyway?'*
- As the BBC executives handled what became a crisis in real time, confronted with dozens of front-page headlines, attacks on all sides, they were not able to explain their position on the issue to the licence-fee paying general public.
- I am bound to observe that the old adage, *'If people are complaining on both sides, we must be doing something right'* no longer offers comfort to

beleaguered BBC executives. In the social media age, being wrong with one side quickly feels like being wrong on every side.

Section One Summary

Having reviewed current policies, principles and recent events, I make these initial observations:

- It is best for all parties to start with a clean slate. It will be detrimental to future implementation to assign blame to the past.
- The BBC should avoid taking a hammer to crack a nut. *“Hard cases make bad law.”* There have been a relatively small number of politically ‘problematic’ posts among the cohort of high-profile presenters in the last two years. Changes should not unnecessarily ‘over-steer’ due to immediate interest nor be shaped by a desire to fix short term ‘hot’ issues, of which there are few.
- There is no working, de facto or agreed list, nor further definition of the criteria for who is in the group of freelancers in scope. Attempts have been made to define them as variably those who ‘are identified with the BBC’, or are seen as ‘faces’ or ‘voices’ of the BBC. But no two people I spoke to came up with exactly the same list or criteria.
- The BBC has to make clear to whom the guidance applies, what criteria puts them in scope and explain why any restrictions are appropriate. The BBC should find amicable resolutions for those who do not agree to comply with the new guidance, and seek to avoid unnecessary conflict.
- The BBC should make the guidance as clear, prescriptive and unambiguous as possible.
- The BBC must be able to use freelance contracts for limited engagements which have to apply to the vast majority on-air assignments. There are a thousand per year and are explicitly not full employer relationships. The answer is not to exert greater control by ‘putting everyone on-air on to full employment status’
- While the contract status of BBC presenters is irrelevant to the public, it is highly relevant to the practicalities of enforcing any requirements of non-employment behaviour.
- The BBC needs to put effort and investment into explaining the guidance to staff, press, politicians and the general public. It will recognise that not everyone will agree with its conclusions. But it can demonstrate the BBC has reflected deeply on the matter and identified a thoughtful, reasonable approach.
- The BBC should implement the new approach consistently, transparently, proportionately... and then handle misplaced external criticism robustly.

SECTION TWO

BBC Mission: Impartiality and universality

The twin pillars of the BBC's reputation.

- In order to understand the creation and implementation of the BBC's social media guidance for non-news presenters, it is useful to step back and consider the full context of due impartiality and the recent initiatives the BBC undertook to strengthen its journalistic reputation.
- Impartiality runs through the traditions, values and people of the BBC like the proverbial Blackpool Rock. Indeed, while other broadcast news organisations extol similar values and practices, no other media company carries the impartiality mission so extensively across all output. The BBC strives to be duly impartial in entertainment, sport, music, children's... indeed, across all genres, through all media.
- Impartiality is matched by an equally important principle: universality. The BBC must appeal to the whole of the country and deliver its services with equal regard to all members of the community across all cultures, demographics and indeed political persuasions.
- The BBC Mission as laid out in article 5 of the Royal Charter makes the BBC's obligation to a universal service that is impartial abundantly clear. *"The Mission of the BBC is to act in the public interest, serving all audiences through the provision of impartial, high-quality and distinctive output and services which inform, educate and entertain."*
- Moreover, the BBC must pay close regard to the views of the licence fee paying public as again outlined in the Royal Charter article 10 "Engagement with the public."
 - *The BBC must carefully and appropriately assess the views and interests of the public and audiences, including licence fee payers, across the whole of the United Kingdom*
 - *The BBC must make arrangements to ensure that the diverse perspectives and interests of the public and audiences, including licence fee payers, across the whole of the United Kingdom are taken into account in its decision making"*
- This is not simply a worthy ideal. It is a practical necessity for BBC to maintain consensus support for a publicly-owned institution funded by a compulsory licence-fee.
- To be plain, if a large part of the general public had reasonable cause to believe the BBC was institutionally biased, tending to favour one end of the political spectrum over another, it could have serious consequences for BBC's future.
- The focus on impartiality within the BBC therefore goes deeper than providing fair, accurate and non-partisan news coverage – as important as that is. The BBC's mission is to serve all audiences, be trusted by the whole

nation and be inclusive of the whole country. To the extent the BBC is perceived as favouring one ideology or political group over another undermines its mission to universal service.

- That in turn might impact the organisation's ability to maintain its licence fee funding model. While the licence fee is a legal requirement, it arguably requires the implicit consent of listeners and viewers who today, more than ever before, can find ways of side-stepping the BBC's output and avoid paying the licence fee, legally or not.
- One very high-profile presenter captured the point thus: *"On the one hand I think Gary Lineker should be able to speak his mind on the government's immigration policy. He is not a news journalist after all. But then, I see the problem for the BBC. They have to justify a licence-fee to everyone, including those who maybe think immigration is a problem. So your most famous presenter using their platform just makes the job of the BBC in one sense harder...."*

Impartiality: Mission Renewal

- When the current Director-General, Tim Davie, assumed office in 2020 he made it clear that one of his priorities was to renew and strengthen BBC's reputation for impartiality.
- The Director-General's focus on impartiality and standards followed a number of reviews into BBC editorial processes, governance and culture.
- This included the "Dyson Report" in May 2020 which was an independent investigation into the BBC Panorama interview with Princess Diana. This review was highly critical of BBC culture and practice in 1995 and raised questions around current practice, albeit much evolved in the subsequent twenty-five years.
- In turn, the Dyson Report led to The Serota Review, conducted by Sir Nicholas Serota *'...established by the BBC Board in May 2021 to look at BBC Editorial Processes, Governance and Culture following the publication of Lord Dyson's independent report into the 1995 Panorama interview with Diana, Princess of Wales.'*
- I will not seek to summarise the conclusions of the Serota Review and subsequent BBC Editorial policy and Action plan other than to highlight that this was powerful context for the corporation's mission to implement new policies and practices and to restore public trust in its editorial standards, including a series of ongoing thematic reviews.
- Following the Serota Report the BBC Executive produced its own October 2021 report: *'BBC Impartiality and Editorial Standards. BBC Action Plan Incorporating the Response to the Serota Review.'*
- In October 2021 Mr Davie unveiled a "10-point impartiality plan" to raise standards and the general public's confidence in BBC news and current affairs.

- Mr Davie introduced the initiative saying, “*The BBC’s editorial values of impartiality, accuracy and trust are the foundation of our relationship with audiences in the UK.... The changes we have announced not only ensure we learn from the lessons from the past but also protect these essential values for the future.*”
- This initiative was rolled out in the comprehensive ten-point plan across the BBC, with actions ranging from governance, thematic reviews of BBC output, enhanced responsibility for BBC Editorial Policy team, an extensive impartiality training programme for staff, freelancers and new joiners and monitoring of ‘impartiality metrics.’
- It was in the midst of the development of these profound self-examinations and reputational measures that the BBC also turned its attention to the personal use of social media, particularly by its staff in news, current affairs and factual journalism.

Public perceptions of BBC News impartiality.

- The BBC has conducted research to understand its reputation for impartiality since the roll out of the above initiatives.
- Impartiality of news is highly important to the British public with 87% believing impartial news coverage is more important to them than news which reflects their own point of views.²
- According to recent BBC research, British national news organisations meet that need as 75% of people say they trust national news organisations compared to 23% who trust social media.³
- The BBC is by far the most significant source of news. Depending on the subject 40% to 48% of people say BBC is the one source they are most likely turn to for the most important stories, versus second place Sky News at 9%-11%⁴

The new BBC Guidance on Individual Use of Social Media October 2020

- The guidance was mostly designed for News, Current Affairs and Factual Journalism. Staff were expected to read it in conjunction with the extensive BBC Editorial guidelines.
- The social media guidance as it applies to the broad category of journalism is not part of this review. However, it is useful to set the context for non-news presenters by setting out the current guidance guidelines and the culture within news
- There is an important distinction to note between ‘Guidelines’ and ‘Guidance’. The former, *The BBC Editorial Guidelines*, are 220 pages long and constitute a reference tool rather than something it is expected most staff study and digest in detail. These are the main policies and practices

² Yonder, February 2022

³ Ibid

⁴ Ibid

covering editorial standards across all BBC output and may be updated every five years or so. *Guidance* documents within the BBC are additional policies issued to staff in between editions of the Editorial Guidelines and intended to be incorporated into the main document eventually. So, it is assumed on-air freelancers may need to be cognisant of and compliant with both.

- Almost everyone I spoke to says they are not always exactly clear on what guidance applies to whom, but all BBC staffers seemed to understand they have to exercise great caution in their own use of social media and that of on-air contributors with whom they work. Indeed, some young members of staff said they ‘lived in fear’ of transgressing BBC’s policies on social media. This perhaps shows that the BBC was effective in emphasising the importance of the issue when it rolled out the impartiality initiatives in 2021 (notwithstanding that the BBC would not wish its employees to be in genuine anxiety).
- Critical elements of the October 2020 ‘Guidance’ include the statements:
 - *‘... anyone working for the BBC is a representative of the organisation, both offline and also when online, including on social media; the same standards apply to the behaviour and conduct of staff in both circumstances.’*
 - *‘Those working for the BBC have an obligation to ensure that the BBC’s editorial decisions are not perceived to be influenced by any personal interest or bias’*
 - *‘The guidance also applies, in certain respects, to the personal use of social media by anyone working for the BBC.’*
 - *The Guidance applies to ‘Individuals working in news and current affairs (across all Divisions) and factual journalism production, along with all senior leaders...’*
 - ***‘There are also others who are not journalists or involved in factual programming who nevertheless have an additional responsibility to the BBC because of their profile on the BBC. We expect these individuals to avoid taking sides on party political issues or political controversies and to take care when addressing public policy matters’***
 - *‘The extent to which a non-staff member, contributor or presenter is required to comply with the Editorial Guidelines will be set out in the BBC’s contractual relationship with them’*
 - *‘Actors, dramatists, comedians and pundits who work for the BBC are not subject to the requirements of the Editorial Guidelines to their social media use’*
- The fourth bullet above has a very broad application, and ‘factual journalism’ includes all the output any content involving discussions and phone-in programmes covering topical issues in network and nations and regions. I discovered there was some misunderstanding whether music or

sports shows fall within this classification. My impression is they do not. For example, I do not think the Radio 1 breakfast show is included.

- As said, the guidance needs to be read in conjunction with the main BBC Editorial Guidelines which inter alia contains the following relevant sections:
 - **Section 4.3.11 (Impartiality)** *‘Presenters, reporters and correspondents are the public face and voice of the BBC – they can have a significant impact on perceptions of whether due impartiality has been achieved. Our audiences should not be able to tell from the BBC output the personal opinions of our journalists or news and current affairs presenters on matters of public policy, political or industrial controversy, or on ‘controversial subjects’ in any other area. They may provide professional judgements, rooted in evidence, but may not express personal views on such matters publicly, including in any BBC-branded output **or on personal blogs and social media**’*

Implementation of Impartiality Training and Social Media Guidance

- The BBC designed and rolled out an extensive new programme of impartiality training in 2021 and continues to do so for new employees and contractors. In total 29,086 staff and freelancers have gone through this training which is ongoing. I experienced the course, which is bespoke for different BBC divisions. I think it is very good and very clear
- The new Guidance and Impartiality Training was managed into the organisation with a very hands-on implementation by BBC managers. It is my impression these initiatives made a profound difference to the use of social media by those working in journalism. While most of those I spoke to said they still needed greater clarity, there is no doubt the importance of impartiality on and off air is now embedded in BBC organisational culture.

Culture and practice for ‘off-air’ impartiality guidance to journalists.

- The BBC has long expected its journalists to observe a comprehensive self-regulated curtailment of anything in their private lives that could create perceived bias for the work they do at the BBC
- All the BBC journalists I spoke to agree with the mantra that “...*when you sign up for a career in BBC broadcast journalism, you understand you leave your personal views at the door.*” In fact, it is much more than that. They accept they will never express opinions on policies far less favour political parties in any public forum, be that participating in political organisations, writing partisan articles, giving interviews or even writing a letter to a newspaper.
- One long-serving BBC journalist told me, “*Even my family don’t know whom I vote for.*”

- This philosophy is not unique to the BBC. Journalists working for ITN and Sky extol the very same practice.
- In fact, this is a practice that not merely avoids the appearance of perceived bias, it arguably embeds a kind of mental discipline in journalists: to live and breathe the best practices in journalism; to embrace the mission of impartiality, to be rigorously objective, to reach for all the facts, to be fair in dealing with everyone, to be evidence-based, to challenge your own prejudices.
- This well-established philosophy came under pressure as the explosion in social media magnified a host of issues including the Trump presidency, Black Lives Matter, Brexit and gender politics, and resulted in a wave of social media posting from newsrooms which raised questions about impartiality.
- This is what the BBC was most focussed on in 2020 when it created new guidance and training.
- I also found among some journalists frustration - even anger - directed at non-news presenters who do not hold to the same discipline. *‘It makes my job much harder when high profile BBC people are mouthing off opinions about the politicians just when I am trying to scrutinise their policies. They can then point to the presenter and accuse the BBC of institutional bias against them...’*
- Another senior BBC news executive expressed their frustration, *“Why is his need to express such a controversial view greater than their love for the organisation...for an organisation that built his broadcast career? Why do they regard our reputation as so disposable?”*
- Another BBC executive, not in news, felt it would not matter to MOTD fans that Mr Lineker expressed views. *“The football fans who watch Match of the Day...do they care what Gary’s views are on immigration? They’ve probably got...and this is an oversimplification, they’ve probably got the opposite views to Gary.”*
- It is worth noting that within the BBC newsroom, some younger members of staff are frustrated that they are constrained from posting on subjects important to them, very often matters related to ‘lived experience’ or matters of identity.
- They as often express a frustration that other parts of BBC’s wider family do not have these constraints, and, as we see time and time again, the complaint that some high-profile talent *‘get away with things we could not.’*

Application of ‘off-air’ impartiality guidance to non-journalists

- As part of the BBC’s impartiality initiative, BBC executives followed up with agents and talent to explain the new guidance and seek their compliance with it – even though it was not totally clear who was in scope. One senior BBC executive commented. *“I was not aware of any list, whether*

it was to do with duration of contracts or audience numbers. So I made up my own criteria...”

- Indeed, many presenters, including comedians and performers went through a version of the BBC’s new impartiality training. *“They were bemused by it. One famous personality was more critical of the grammar than the substantial points...”*
- One prominent talent figure I spoke to said they did not accept the BBC had the right to impose new curtailments on their political impartiality and that through their long career it had never been suggested to them they were prohibited from expressing political opinions, until recently in the context of social media.
- Some believe there is a long history of compliance among BBC stars. Most say, as stated elsewhere, the subject simply did not arise, partly because there were few outlets before social media. Of course, non-news presenters could easily have expressed political views via interviews to newspapers or talk shows. And yet few people can recollect any of the major non-news presenters of BBC on 80s, 90s or 00s engaging in political issues.
- Established talent and BBC executives with careers spanning back before the dawn of social media say they were never instructed nor gave instructions on the matter. While it was made clear the talent had to obey editorial guidelines, could not bring BBC into disrepute and had to comply with constraints on commercial activities, they were never told they could not express views on political matters.
- Again, we come back to the fact that the BBC’s initiative to set formal guidance for political comments by non-news staff has only arisen in the age of social media.
- One must observe such criteria technically relies on public perception. BBC executives may feel they know what public perception is but, other than running regular tracking studies, it is not an objective criterion.
- In any case, talent can and have argued just because members of the public associate them with the BBC does not mean they should have their freedom of expression curtailed. Moreover, it is questionable that even if a presenter is primarily associated with the BBC that the public really think they speak for the corporation.
- That all said, as we will explore in the public research section there are presenters on major programmes that the public feel should have some additional responsibility for how they conduct themselves on social media. They consider these people to have power or influence which they should use responsibly.
- We will deal later with what kind of guidance might be proportionate. But we first need to alight upon objective criteria for which high-profile presenters might fall into the scope.
- One approach is to reverse the criteria. Rather than define who in the eyes of the public are faces of the BBC, might it be better to begin with what

roles are performed, and on which BBC's programme brands these high-profile presenters work thus providing a more transparent, objective and justifiable basis for definition.

Universality and BBC's enduring brands – The Flagship Brands

- Reviewing BBC's comprehensive commitment to the mission of universality across all its output leads me to consider the BBC's individual TV and Radio programme brands.
- Over time the BBC has arguably connected with the British public more consistently and more deeply with its programme brands than through its presenters.
- No doubt there is a pantheon of presenters who loom large in the memory of BBC's proud history: John Noakes, Joan Bakewell, Richard Dimbleby, David Attenborough, Valerie Singleton, Michael Parkinson, Terry Wogan, Tony Blackburn, Sue Lawley, Jill Craigie, David Jacobs, David Frost, Angela Rippon, Robin Day, Michael Fish, Floella Benjamin, Tony Hart, Graham Norton, Brian Cant. The list goes on.
- Notwithstanding the eminence of such figures, what has endured with the British public are the BBC programme brands. Anecdotally, as someone who competed with the BBC over three decades I often found myself envious at the range and quality of the enduring brands it has created, nourished, revived and expanded.
- More than any commercial broadcaster I have worked for or can think of, the BBC has assembled an unmatched array of brands that stand the test of time, are cherished by the British people and have often become stronger with age.
- Each of these shows might rightly be characterised as a *Flagship* of BBC's vast output armada. To present one of these shows is an honour and an incredible opportunity for a presenter to advance their career and build a powerful personal brand. With that power comes responsibility.
- Many have come before; many will follow. To borrow a worn cliché, when someone is offered the opportunity to be the main presenter on one of these *Flagship Brands*, the BBC are handing over 'the Ming Vase' to the eager hands of the newcomer.
- **These flagship brands belong to everyone, as much as the BBC itself.** They are part of everyday life and are not designed for one part of the population. They have been around for decades, are still some of the most watched programmes in the country, often consumed simultaneously by millions of people. **They are social glue.** They continue to bring the country together in a shared experience. Ming vases, crown jewels, part of the furniture.... whatever the cliché, they mean something and belong to us all.

- Consequently, I find it reasonable for the BBC to place certain proportionate guidance on the conduct of anyone whom it offers the opportunity to present one of the Flagship Brands - beyond the standard contractual requirements to avoid bringing BBC into disrepute.
- In some ways, this makes life more difficult for the BBC, but as one BBC board member said, *“The BBC has decided that it wants to have standards that are different from other broadcasters and that creates problems, but they’ve taken the view that’s a price worth paying.”*
- The BBC may, in my view, reasonably expect main presenters of these flagship brands to not engage in party politics, be campaigners for activist organisations or be controversial on the most divisive issues.
- In fact, if non-news presenters are increasingly hired as ‘personal brands’ as opposed to their technical ability to present a particular type of programme, and they are engaged through personal service companies to supply these personal brands to the service of a particular show, it seems reasonable for the BBC to confirm the continued performance of these personal brands. And if an element of the personal brand is ‘the presenter must be someone who does not alienate sections of the public with controversial or political views...’ it seems such can be specified as part of a continuing performance of the contract. The role of ‘talent brands’ will be considered later.
- There is a genuine risk that if one of the BBC Flagship Brands is presented by someone who becomes politically active, campaigning for one side of the political spectrum, perhaps posting attacks on those they disagree with, members of the general licence-fee paying public might well think the programme they have long adored is now fronted by someone ‘who just doesn’t like people like me.’
- This does not argue for a blanket prohibition on such presenters ever expressing views on matters important to them or being bound by the same level of control for those in journalism. But it does argue the BBC may be right to assert that party political impartiality does not stop at journalism.
- In any case, it seems to me that starting from an objectively verifiable basis is a must. Certain roles and Flagship Brands of the BBC must maintain their universal appeal. To protect that, the BBC may require certain agreements on the personal conduct and political activities of main presenters. These people are hired as ‘personal brand talent’ figures and might agree the performance of such for the duration of their contract for specific shows.

Section Two Summary

In considering whether *any* guidance restricting political opinion should apply outside news, one should reflect on the critical importance of these two key principles which support BBC's reputation among licence-fee payers, influence its future funding and are at the root of the BBC policies guiding personal social media commentary.

- It is critical to the BBC's future that it demonstrates its commitment to serving the whole country across all output with high quality, impartial content, created in an organisational culture which evinces those aims internally and externally.
- The BBC's commitment to impartiality extends to placing strict constraints on the public utterances of those who work across all aspects of journalism, in order to avoid 'perceived bias.' While not within the scope of this review, I agree with that policy.
- However, I do not believe those same strict prohibitions on journalists extend automatically to non-news freelancers from whom the risk of perceived bias seems less acute. As the current policy makes it clear it does not apply to, '*actors, dramatists, comedians, musicians and pundits...*'
- Moreover, prior to 2022 there were explicitly no constraints on *anyone* outside journalism, even BBC staff. The current guidance is a new feature and reflects the rise of social media.
- The degree to which it is necessary and legitimate for prohibitions on free speech to apply to those outside journalism needs to have its own, separate justification and design.
- Such justification may be rooted in how detrimental overt political engagement of its main presenters could be to the BBC's reputation for universality. The BBC belongs to and must serve the whole country. *Outside news, the principle of impartiality is the servant of universality.* If more than half the licence-fee paying public had reason to form the view that many of the most popular and iconic shows were presented by influential personalities who campaigned in party politics against 'their kind' and felt they were no longer 'for them,' it may, eventually, undermine the public consensus for the BBC funding model.
- There is a genuine risk that if one of the BBC Flagship Brands is presented by someone who becomes politically active, campaigning for one side of the political spectrum, perhaps posting attacks on those they disagree with, members of the general licence-fee paying public might well think the programme they have long adored is now fronted by someone 'who just doesn't like people like me'
- Consequently, the BBC's avowed mission to universality may itself be a compelling reason to seek some constraints on presenters from engaging in party politics. But this does not automatically extend into a blanket prohibition on expressing views on all issues which become political.

- A reasonable criterion for a high-profile presenter who comes into scope might be those who are offered the incredible opportunity to present one of BBC Flagship Brands. I find it reasonable for the BBC to set certain guidance for conduct on social media for those handed 'the Ming Vases' of some of the BBC's most cherished brands.

SECTION THREE

On-air Freelancers: The evolution of BBC's relationship with talent

- I spoke directly with a number of agents, including those who represent most of the high-profile non-news presenters on the BBC. In addition, I spoke to other agency executives at talent agencies which in aggregate represent almost all of the top presenting talent in the UK. I was able to gauge a representative and fairly consistent view about how agents are managing top talent and where they see issues, and garner some productive thoughts about ways forward.
- I also had the opportunity to speak directly to many of the key talent figures in UK presenting including those 'in scope'. There is great affection for the BBC and their day-to-day BBC managers among this cohort.
- I spoke at length to the frontline BBC commissioning and production executives responsible for dealing with talent and their agents on a day-to-day basis.
- All the above on the agency/talent side consistently held the view that BBC had 'got it wrong' over the Gary Lineker incident for a number of common reasons. First they commented they did not understand why it blew up so quickly and so fiercely. They say it should have been handled quietly, behind closed doors. Some did recognise that was hardly possible given the astonishing press reaction.
- Second, they unanimously felt that BBC was wrong to try to prevent non-news presenters from expressing their views on social media. One of the major agents spoke for many, *"If you're not a news reader in my eyes, you should be able to discuss whatever you want to. If it's something very close to your heart...and I think with Gary he has spoken before in those kind of subjects."*
- A few made comments along the line that the BBC wants to have its cake and eat it: have talent on arm's length freelance contracts for specific engagements but then control them like full-time employees.

Portfolio careers

- Almost all major talent have cultivated a portfolio of leading presenter roles with various broadcasters. Even those performing the highest profile, most iconic jobs for the BBC also work for competitors.
- This trend has been pursued on both sides of the relationship. Agents do not want their clients to be wholly beholden to one employer. As one agent said, *"I want to build my clients an independent eco-system. They cannot rely on individual commissioners. Hardly anyone is doing 'exclusive' broadcaster deals anymore."*
- Another major agent was clear, *"I would never go back to exclusive deals even with my biggest stars. There are opportunities now for things you would*

never have thought of a few years ago....the networks aren't paying the kind of money to just have people exclusive. There's no value in it anymore."

- This view is matched within the BBC itself. *"There are hardly any overarching deals anymore, the kind where BBC contracts someone to the broadcaster then deploys them into a number of shows and specials."*
- Contracts are now all for individual 'limited engagements' even if some are of multi-year duration.
- Agents and talent make it clear to me that as much as they love the BBC they do not consider themselves to be 'part of it.' They do specific assignments for the BBC. Period. *"You know back in the day, it was very much you know, 'you're one of our stars whether you're at ITV or BBC and you stay with us. Network heads would get very upset if someone went from BBC to ITV. Nobody can get upset now."*

Personal brand management

- The BBC has a major challenge to attract a new generation of viewers and listeners among a social group already disinclined to consume traditional mainstream media. To do so, it must create innovative new formats but also attract talent that reach the audiences others cannot.
- That leads inevitably to a talent base of fully formed, authentic individuals whose popularity is built on a hinterland of public engagement on social media, who stand for things, who speak frequently from the heart without fear or favour to authority.
- The BBC needs to be able attract the best among this talent and identify a way that allows both sides a balance between free expression and reputation management for the BBC.
- Alongside the development of portfolio careers, agents are advising their clients to develop their personal brand. As another agent said, *"I think it massively differs in terms of what your role is, because every person is essentially a hired brand that you know. It's very unlikely that anybody gets a job because of pure competency."*
- *"My client XXXXX is playing XXXXX. That isn't the real XXXX on TV. It's a brand they are performing."*
- *"Pay is based on not how good you are at presenting or hosting, or anything else. It's about the values you bring to that show."*
- This was amplified by a BBC executive who said. *"One minute we are hiring talent and telling them to bring their whole selves to the job. But then we tell them to stop doing certain things on social media."*
- Even in Children's TV, young talent who have significant social profiles are being hired to present BBC shows.
- The place where these personal brands are nurtured has often been social media. Presenters can grow large followings which illustrate their popularity and maintain their salience in between series broadcasts. In some cases, presenters cultivate followers through engagement in banter,

being somewhat provocative and demonstrating themselves to be authentic, relatable human beings.

- Some have issues they want to talk about which are very personal to them and that their followers expect them to talk about. One prominent presenter says. *“I want to be able to talk about my issues.... racism, transphobia, misogyny...I don’t think it fair for me to use my position to say vote for these people or them... but I should be able to talk about human rights...”*
- Many executives believe that audiences do not associate non-news presenters with the broadcaster on which they appear. One Channel Four executive said, *“yes you have a handful of talent who are sort of talismanic.... but our audience are sophisticated enough to understand that [a cooking presenter] can have a strong political opinion about something and that doesn’t reflect the editorial inclination of our channel.”*

Respect for the BBC. “There are limits to free speech.”

- As much as there was consensus among agents, talent and BBC non-news executives for the view that the BBC should not and need not restrict the rights to express views on political issues, the overwhelming majority of those I spoke to agreed that it was not appropriate for a high-profile BBC presenter to use their ‘BBC platform’ and be overtly party political – however that was defined. Again, the comment was *“it seems wrong if they start campaigning to vote one way or another...”*
- There was one significant agent who did feel that the BBC should not stop any presenter from saying anything they wanted about politics and that to stop them was the BBC acting *“like Big Brother.”* But the other agents agreed there were limits.
- For the most part, agents and talent seemed to believe there were some limits to what they should say publicly or on social media. Most agreed that direct advocacy to vote for a particular party or campaign for ‘Tories Out’ did not sit well with working for a public broadcaster.
- Also, while almost everyone asserted that the BBC should not be totally constraining their freedom of expression, I found no evidence of a swelling reservoir of pent-up political activism, primed to burst through the dam of social media guidance. From what I have heard I have no reason to expect a massive outpouring of political comment if guidelines allowed more freedom of expression.
- That said, if guidelines become clearer and permissions are better understood, that might act as a catalyst for more opinion sharing by high-profile presenters. An unintended outcome that should be prepared for if not expected.
- In all cases the agents believed that whatever the BBC wants to achieve, it should be negotiated directly with talent agents and put into contracts rather than relying on reference to guidance and guideline handbooks.

Section Three Summary

BBC relationships with on-air talent have evolved dramatically in the last decade and have altered the extent to which the BBC's on-air talent are intrinsically linked with or indeed represent the corporation and its reputation

- The traditional idea that BBC is fronted by a cohort of BBC personalities who manifest the corporation's essence to the public simply no longer applies. Almost all major talent have cultivated a portfolio of broadcast relationships and bring their own individual brand reputations to their roles on BBC programmes. Indeed these brand personalities are forces the BBC actively wishes to capitalise upon in output and promotion.
- If the BBC is to justify the licence fee and fulfil its mission of universality, it has to deliver highly popular, top-quality content that the public choose to consume in their millions, against an array of formidable global and local competitors. It must be able to compete for the best talent, despite commercial disadvantages. That means working with freelancers across a range of contract arrangements.
- In particular, the BBC, like other traditional media, has an acute need to attract younger viewers and listeners. To reach them, the BBC must attract talent who are part of a generation that live out their views and identity on social media. It also means attracting talent who come 'fully formed' with a fan base, a constituency, and a hinterland of points of view. The BBC asks that talent 'bring their whole selves to work,' but then insists on restricting their freedom of expression.
- The BBC may put itself at disadvantage in striving to attract the best talent if it insists on controlling ability to publicly engage in issues important to them. None of the BBC's competitors, some of whom are much stronger financially, have such limitations.
- The talent community understands and accepts there are certain roles on BBC 'flagship' brands that bring with them some expectations on their behaviour in public. Contracts have long contained 'disrepute clauses' and limits on commercial activities.
- There is no-long established BBC code of 'off-air' political impartiality that applies outside news. Constraints on the public political utterances of non-news talent are a very recent phenomenon and arose in the wake of social media, when for the first time in 2022 freelancers were given guidance on impartiality and explicitly directed not to take sides on party political issues or political controversies.

SECTION FOUR

Freedom of expression and civility in public discourse.

- The extent to which the BBC can seek to restrict the freedom of expression of its freelance non-news presenters, particularly in matters of political opinion, should be carefully balanced with and not exceed what it genuinely needs to protect its reputation for impartiality and universality.
- Social media has magnified the worldwide trend for citizens to engage publicly in critical issues. These are often matters of ‘lived experience’, intensely important to the individual: racial equality, gender identity, nationalism, migration, environmentalism...just some of the subjects which are considered fundamental and humanitarian rights, under pressure across the world. More people than ever feel it is their right and even social duty to speak out and engage on issues publicly and principally on social media.
- The desire to express views publicly is more profound among a younger generation, already less engaged with BBC or ‘mainstream media.’ Great care and consideration need to be given to placing constraints, both from a moral and legal perspective, to balance the BBC’s need to reach this generation.
- *Freedom of Expression* is itself an important principle for the BBC. The Royal Charter article 6 (1) includes the provision “*It should offer a range and depth of analysis and content not widely available from other United Kingdom news providers, using the highest calibre presenters and journalists, and championing freedom of expression, so that all audiences can engage fully with major local, regional, national, United Kingdom and global issues and participate in the democratic process, at all levels, as active and informed citizens.*”
- This is amplified in BBC Editorial Standards Section 1.2 which states “*We have a right to **freedom of expression**...This freedom is at the heart of the BBC’s **independence**. Our audiences have a right to receive creative material, information and ideas without interference. But our audiences also expect us to balance our right to freedom of expression with our responsibilities to our audiences and to our contributors, subject to restrictions in law.*”
- The point is picked up again in Section 1.3 on The Public Interest which states, “*There is no single definition of public interest, but it includes freedom of expression....*”

Demanding the right to free speech.

- The majority of people I spoke to felt the rising demand for freedom of expression was unstoppable and that for the BBC to hold a position on a strict prohibition on freedom to take sides on political issues was, at least in the long term, unsustainable.

- One senior BBC executive said, *“Social media has made things different from just four years ago. People believe they have an innate right to be heard. This is only gaining momentum. We need to move towards more freedom of expression.”*
- A former Director-General said *“You can’t go back to the way it was before. People say ‘I am entitled to have a voice.’”*
- This is not a unanimous view. Another former DG said, *“...may I urge you not to recommend guidelines which would create a more permissive regime for presenters than for those working in news...”*
- A BBC executive said in confidence, *“My personal view is that people who are outside of news and current affairs or senior leadership should not be governed and I know the guidelines...”*
- Following my interview with the Chief Executive of Ofcom, and Content Partner Adam Baxter, the regulator has sent a written submission including the statement, *“We think it should be made clear, on the face of any new guidance, that contributors’ **freedom of expression is important** and will be weighed in the balance when the BBC makes decisions about contributors’ adherence to the Guidance in future.”*
- One presenter put it on personal terms and said, *“It’s not fair for me to use my position to say ‘if you vote for this position you are a terrible human being.’ But I have to be able to talk about my issues: racism, transphobia, misogyny...”*
- That said, it is problematic to just allow greater freedom of expression so long as it was sourced from ‘lived experience.’ As one young black woman told me. *“There are a few things I feel passionate about. Don’t tell me that because I am black I am only allowed to talk about black issues...”*
- It is also difficult to make policy that holds there are some subjects so controversial, so divisive, they should be forbidden e.g. gender identity. For some people the most divisive topic are the most important to them and the idea the BBC would declare any topic ‘taboo’ fundamentally seems a prima face contradiction of freedom of expression.
- Agents representing the top UK talent are unanimous in saying their clients will not allow themselves to be completely restrained.
- And top talent I have spoken to almost all say there are indeed some issues they want to use their fame and platform to support, ranging from racism, climate change, violence against women, social inequality.
- BBC executives, working on the front line, report having difficult situations with staff at certain times. Telling a young member of staff they cannot post hashtags like #BlackLivesMatter or #Notmyking is very challenging, but it is a line that the BBC can and does hold and explain within journalism. Convincing staff the same principle holds for non-news figures is harder still.
- With a few exceptions, most of the people I have spoken to assert that holding presenters to a complete prohibition in expressing views on political matters is not sustainable. A BBC communications expert said, *“I*

think our guidance is in some way swimming against the tide. I think we are going against the grain of where the world is shifting..” The question arises, where do you fairly draw the line?

The spectrum of political intensity

- The current policy already provides some latitude (though not defined) for presenters in scope (compared to journalists) to express opinions about policy matters, “...*take care when addressing public policy matters..*” But the preceding phrase implies they should not express opinions once such matters become politically contentious, “*We expect these individuals to avoid taking sides on party political issues or political controversies.*”
- One might observe that any issue be it humanitarian or social is or will inevitably become a party-political issue: immigration, free school dinners during holidays, gender identity, violence against women, support for NHS workers all inevitably become politically contentious. Even humanitarian matters which seem beyond contention have elements which are politically contended: anti-racism is a surely an unarguable cause but it can lead to contentious debates about policing policies; climate change is accepted science yet there are very contentious political debates around energy strategies, net zero targets, the role of nuclear power. Biodiversity and animal welfare are good causes, but also the subject of fierce debates between e.g. environmental activists and the Countryside Alliance.
- So, if the guidance is to take care on policy matters, but avoid taking sides once they are political, individuals may feel a very limited ability to engage in a truly meaningful way beyond bland, incontestable pronouncements.
- Consequently, if presenters are to be granted *meaningful* freedom of expression on issues important to them, it seems to me that this has to extend to issues which are matters of political contention.
- I have found it helpful to consider ‘a spectrum of political intensity’ in certain discussions. At one end of the spectrum are incontestable statements supporting common good e.g “we must feel sympathy for refugees fleeing evil regimes.” Such may indeed ‘take care’, express the right sentiment but to some seem so banal their utterance may hardly seem worth the air used to voice them.
- On the other hand is the full weaponising of issues against a party, government or individual politician. ‘*This government, formed by a morally corrupt party has used vulnerable refugees as pawns in a desperate political gambit to pander to the worst, racist xenophobic elements in society, through a policy crafted by a manipulative cabinet minister who sees the opportunity to surf the wave of xenophobia all the way to Number 10....*’ Both versions are caricaturised to extremes to make the point.
- It does not seem to me that the freedom to engage in issues that are politically contentious also requires the full visceral engagement of tribal party politics nor the common practice of attacking the character of those

on the opposing sides of debates. It should be possible to tackle the substance of issues themselves with the full force of logic and reason without descending into the snake-pit of social media at its worst.

- For BBC presenters to attack the character of politicians and the parties they represent can be seen by viewers who agree with and support those same parties as an implied attack on themselves: *Presenter A says politician X is morally corrupt; viewer Y supports politician X, therefore Presenter A is saying viewer Y is also morally corrupt.*
- It seems to me the demand for Freedom of Expression on political issues might be sufficiently met without the full licence to engage intensely in party politics for certain roles and responsibilities.
- It therefore seems to me acceptable and a possible option for the BBC to make a condition of hiring presenters for certain high-profile roles that they do not engage in party politics but acknowledge their ability to express their views on issues even if they are politically contentious. In other words, demand proportionate constraints which allow free speech.

Drawing the line at Government policy

- We should consider where to ‘draw the line’ between statements about public policy (currently permitted so long as presenters ‘take care’) and government policy. Some express the view that those in scope should not go so far as to opine on an individual government policy.
- If one considers policy to mean an individual bill, regulation or budget priority, this seems in practice a far-reaching prohibition. The legislative process from a bill’s introduction to parliament until commencement, can be a long time – 410 days on average according to the Parliamentary Monitoring Group.
- Moreover, if an individual has long expressed deeply-felt views on a given issue, to say they must suspend commenting on them for as long as they remain matters of government policy, can be interpreted to be for many years. For example, the current government’s small boat policy was first introduced to Parliament on April 13, 2022 with the intention it remains in force for five years. Would this present a five-year ban on commenting for those in scope?
- It seems more practical and reasonable to accept that in-scope presenters are allowed to comment on individual policies so long as they take care – as the current guidance says - and such care is more explicitly defined.
- The other sense of government policy is the entire set of laws, regulations, guidelines and actions that constitute a governments agenda, originally laid out in elections manifestos, presented to Parliament in the King’s Speech or spelled out as in the recent case in the Prime Minister’s ‘Five Point Plan’
- If a presenter publicly attacked all or most of such elements of government policy in this sense, it may be viewed as tantamount to a party

political activity, even if the in-scope presenter is careful not to use language which explicitly condemns the government or party. We might deem this ‘campaigning by proxy’

- The BBC might reasonably draw a line at this point and deem ‘campaigning by proxy’ against ‘Government Policy’ as a whole to equate to party political campaigning

The country’s most divisive issues

- There are some issues which are so inherently divisive that particular attention needs be paid to them. In the audience research, these currently include issues like Gender Identity, Irish Unification, Immigration and Scottish Independence. To this we might add Brexit in the recent past. These individual issues are seen by some to present as much risk to BBC’s reputation for impartiality as all-out campaigning for one political party.
- We have considered but rejected the notion of somehow prohibiting a small number of such issues – declare them ‘too difficult’. But this would mean the BBC creating a ‘taboo list’ of certain subjects, which themselves may be the very most important for people to use the right to freedom of speech.

In the end it may be all the BBC can do to demand that presenters take the most extreme care when touching on certain highly divisive subjects and to spell out that taking care means always respecting diversity of opinion and showing respect to those who disagree, no matter how strongly held views are.

Civility in public discourse in the social media age

- It hardly needs saying, but the rise and prevalence of social media has had a dramatic impact on everyday life all over the world. According to the United Nations the global human population reached 8.0 billion in November 2022. An estimated 4.80m active “user identities” now exist, with 150 million new user identities over the past year.⁵
- Social media is not just another medium alongside TV, radio and online/digital. It integrates media, communications, information, social bonding and democratic engagement. It is an integrating, integral part of everyday life and fulfils a range of utilities for billions. Top uses are ‘keeping in touch’ (48.2%), ‘Filling spare time’ (36.8%) ‘Reading News Stories’ (34.5%) and ‘Finding content’ (29.2%)⁶
- Social media is now a place where citizens fiercely engage in politics and social issues. This enables global leaders, politicians and celebrities to

⁵ *Digital 2023, We Are Social/Datareportal*

⁶ *Digital 2022, We Are Social/Datareportal*

communicate directly to millions of people without the need for mass media. Millions of people now feel they have a voice, can engage and can be heard. Many have become 'Keyboard Warriors' constantly on line challenging, bantering, debating but also baiting and insulting those with whom they disagree. There is a cohort that have become skilled at manipulating social media to draw ill-considered responses from people in the public eye.

- The reality is that the world of social media has also created an environment which is far from that ideal. At worst, social media can be a global network that massively magnifies the most toxic excesses of human nature: fake news, insulting, defamatory accusations, bullying, promotion of self-harm and suicide; a plethora of the most malicious, hateful behaviour. Billions of people are a click away from a global cesspit.
- One BBC executive charged with a long experience of managing top talent said, "*...people expressing different things is a healthy thing in a democracy. But of course social media has massively changed the nature of that discourse and made it so much more toxic and poisonous in an instant*"
- According to one source, in the U.S. social media is perceived on balance to be negative and respond to the question "*What is the effect of social media on society?* Generally Positive = 25%; Not sure 25%, Generally negative 54% [Source Open Web, You Gov, June 2022]
- One agent I spoke to opined that the BBC is wrong to engage so much on social media. "*BBC promotes Twitter too much. It's a business!! The BBC is promoting it on-air every day. It is out of control. And now TikTok is coming into the mix. The BBC cannot encourage all these people to take part in social media...then expect to control it.*"
- Notwithstanding that understandable caution, the BBC has no choice but to fully engage in social media. It is an immensely powerful vehicle to promote its content, to disseminate its journalism as a bulwark against fake news and the growing trend of partisan 'quasi-news' channels.
- That probably means that in addition to its own channels the BBC should continue to encourage and support those who work for it to have their own personal channels – if they choose to – as many people find them more authentic than the corporate outlets.
- BBC might consider it has a role and an opportunity to act as an exemplar of good conduct on social media – and demand high standards from those who 'front' BBC's programmes.
- Indeed it may be seen as a natural extension of the BBC's long-admired mantra that "*Nation shall speak peace unto Nation,*" and set out a new ambition to exemplify the highest standard for civility in public discourse.

The rights of the employer and employee

- The BBC must of course comply with all legislation. The wording of essential guidance should ideally be included within the main body of all new contracts within scope.
- Some employers require their workforce to refrain from exhibiting such behaviour lest it reflects badly on the company. The advice I have read suggests that if an employer wishes to exert certain standards or even controls over non-workplace behaviour it has the right to do so but should lay those out clearly in company HR policy guide.
- The advice I have received indicates that it is lawful for employers to require standards of conduct outside the workplace from its staff and from those it contracts, but this has not been an extensive part of the review.

Section Four Summary

The extent to which the BBC can seek to prevent its non-news presenters expressing political opinions should be balanced with and not exceed what it genuinely needs to protect its reputation for impartiality and universality. Moreover, the BBC should promote, even champion the ethos of civility in public discourse.

- Social media has magnified the worldwide trend for citizens to engage publicly in critical issues. These are often matters of ‘lived experience’, intensely important to the individual: racial equality, gender identity, nationalism, migration, environmentalism...just some of the subjects which are considered fundamental and humanitarian rights, under pressure across the world. More people than ever feel it is their right and even social duty to speak out and engage on issues publicly and principally on social media.
- The desire to express views publicly is more profound among a younger generation, already less engaged with BBC or ‘mainstream media.’ Great care and consideration needs to be given to placing constraints, both from a moral and legal perspective, to balance the BBC’s need to reach this generation. The general view is there is an unstoppable wave of freedom of expression the BBC cannot resist.
- A blanket prohibition on BBC high-profile presenters’ freedom to express opinions on political issues may be convenient for some but is an extreme measure and to many including myself, not self-evidently proportionate for non-news presenters.
- Consequently, if presenters are to be granted meaningful freedom of expression on issues important to them, it seems to me that has to extend to issues which are matters of political contention.
- That said, it does not seem to me that the freedom to engage in issues that are politically contentious also requires the full visceral engagement of party politics and the common practice of attacking politicians, parties or the character of those on the opposing sides of debates. It should be possible to tackle the substance of issues with the full force of logic and reason without descending into the snake-pit of social media at its worst. It seems to me the demand for freedom of expression on political issues can be sufficiently met without the full licence to engage in party politics for certain roles and responsibilities.
- It therefore seems an acceptable option that the BBC to strike a better balance and make a condition of hiring presenters for certain high-profile roles they do not engage in party politics, but acknowledge their ability to express their views on issues even if they are politically contentious. In other words demand proportionate constraints which allow free speech.
- BBC has to engage in social media. That means it has to be present with its own, controlled social media sites.
- But it also means it should encourage staff and contributors to engage with social media and use it to promote BBC content, journalism and information.

- The BBC, its brands, its staff, its presenters should be exemplars of trust, information and decent behaviour in social media.
- There should be a conscious and genuine mission to promote civility of public discourse, a value that stands alongside BBC values of impartiality, universality and quality.
- This is no small ambition. With 20,000 employees and 50,00 freelancers including 1,000 on-air freelancers a mission to promote civility of public discourse may seem like herding a million cats.
- And yet, the BBC should strive to do exactly that. If not the BBC, who else?

SECTION FIVE

Research into public opinion and perception

- Many of the people I spoke to invoked, with some authority, what the general public makes of all this. *“People at home don’t care what a football presenter says about immigration...”* or *“No one thinks Gary Lineker speaks for the BBC...”* Alternatively, *“Licence-Fee payers don’t like highly paid presenters...paid by them...spouting off about politics...”* And so on...
- Until this review, the BBC did not have an objective understanding of whether the general public believed BBC non-news presenters have to observe political impartiality off air or had formed any views on the subject. The BBC conducts extensive research into public perceptions of impartiality and perceived bias in its output and in news and current affairs. But it had not conducted specific research into public opinion about impartiality of those high-profile figures working for the BBC outside of journalism.
- Consequently, I requested that the BBC conduct research among the general public. I worked with the BBC Audience Research Department and, working to guidelines, objectives and critical questions I wanted to explore, the BBC commissioned Jigsaw Research to design and construct a comprehensive research programme.
- This was a substantial and thorough piece of research. The studies were fielded in May 2023 and consisted of a combination of quantitative and qualitative research. The quantitative study was an 15 minute online questionnaire conducted among a representative sample of 3198 respondents. The methodology of the qualitative part was 8 online focus groups across the country in Liverpool, Lincolnshire, Belfast, Edinburgh, London, Glasgow, Cardiff and Surrey. The groups were recruited to be reflective of the UK population, according to social group, age, political leanings, ethnicity, gender and sexual orientation. Each group lasted 90 minutes and consisted of in-depth moderated discussions, prompted by reviewing a range of social media posts from prominent BBC presenters.
- The research explored a range of relevant questions including:
 - *Do audiences think that non-news presenters should be free to express their views on social issues while not on air?*
 - *Do audiences think non-news presenters should be able to endorse or criticise political parties?*
 - *Do audiences think BBC non-news presenters should be held to the same standards of impartiality as BBC News journalists?*
 - *Does it matter to audiences what opinions are expressed by non-news presenters?*
 - *What is the impact of a non-news presenter sharing their opinions on social media on audience perceptions of BBC and its impartiality?*

What follows first is the summary of findings and conclusions drawn from the research by Jigsaw Research, followed by my own observations.

Social Media Review – Audience Research Summary

Jigsaw Research undertook audience research exploring whether the public feels BBC non-news presenters should be able to express their views freely about political/social issues on their personal social media accounts.

The research highlighted that this is a subject where public opinion is nuanced.

Spontaneous reactions to posts often focused first on the views being expressed

In the research participant reactions to social media posts often first and foremost focused on the views being expressed, how they felt about the view and whether they agreed or disagreed with what was being said. Beyond reacting to the view expressed, there were a number of other factors shaping initial reactions: the relative sensitivity of the topic (posts perceived to be political and some social issues could activate participant sensitivities), how the audience felt about the individual posting on social media, and the way the view was expressed (for instance, using emotive language or a strong emotional tone).

Participants typically read social media posts as the personal views of high-profile figures, and did not typically associate them directly with any organisations

The research indicated that when audience members see posts from the personal social media accounts of BBC non-news presenters, they largely see them in the context of high-profile individuals expressing their own opinions on their own social media accounts. When looking at such posts, participants rarely referenced the BBC spontaneously, and did not typically link posts to the BBC (unless recalling recent media coverage) or raise questions about its impartiality.

There was support in principle for freedom of expression for BBC non-news presenters on their own personal social media accounts

When participants reflected on the issue, freedom of expression appeared to be the priority principle in the context of personal social media. Being opinionated on social media was generally an expected and accepted norm, and one of the core roles that social media was seen as playing in people's lives and wider society. There was therefore a general expectation that people would freely express their views and opinions in this context and that this space for opinion would be relatively unconstrained compared with other media contexts such as on-air broadcast output.

It was also considered a matter of personal choice whether a user engaged with a particular 'author' (individual posting on social media) and their views, which served to create further permission for freedom of expression in this context.

On reflection, participants generally did not expect BBC non-news presenters to adhere to the same standards of off-air impartiality as BBC News presenters

Participants felt it was important that BBC News journalists did not express personal opinions in general and particularly about political and social issues in any media context, including on their personal social media accounts. When it came to BBC non-

news presenters, on reflection, participants did not generally think this applied categorically to these presenters when not on air or not under the BBC brand.

However, this support for freedom of expression was not unconditional

Other considerations beyond freedom of expression were also felt to be important in this context, and this included impartiality. Support for freedom of expression for BBC non-news presenters on social media was therefore not unconditional. Balancing the importance of impartiality and freedom of expression varied and depended upon a number of factors including: the individual participant's own world view; the sensitivity and divisiveness of the topic; and the way a view was expressed; the perceived profile of the author; and their perceived expertise and knowledge on the topic. Where presenters were closely associated with the BBC, concerns over posts could also be heightened.

Reactions to social media posts were filtered through the individual's own beliefs

Judgements about both the acceptability and credibility of views expressed on social media were often based upon whether the participant agreed or disagreed with the view itself.

If they agreed with the view, they were more likely to support (and in some cases, commend) its unrestricted expression and identify a reason to believe the credibility of the author.

If they disagreed with a view, some still felt freedom of expression was an important principle in the context of personal social media. But others could challenge this, and call for a form of governance, whether via the author self-regulating or by the social media platform or by the BBC if the author was closely associated with the brand, including prioritising adherence to impartiality.

Impartiality was considered more important for posts about politics or divisive social issues

Some topics tapped into divergent views and could activate audience sensitivities accordingly. Overtly political posts were the most controversial, particularly if they included explicit calls to action, and/or if the posts were around the time of elections or public votes. In this context, impartiality was generally viewed as being more important than freedom of expression. Divisive and politicised social issues were also areas where support for freedom of expression for non-news presenters on social media lessened.

The way views were conveyed could prompt participants to raise concerns regarding its unrestricted expression

How the view was expressed was also an important factor in the context of such posts. Posts with a strongly emotional tone (typically negative) in particular could be seen as relatively provocative, coming across as strongly partisan and 'tribal', or imposing the author's political views on others, or exhorting them to act politically in a certain way.

Being high profile was seen to come with greater responsibilities owing to reach and influence

Participants could perceive high-profile non-news presenters as having the potential power and influence to affect public opinion, owing to their reach and profile. This was seen to entail greater general responsibilities when it came to posting on social media. These responsibilities were often, but not always, independent of any perceived relationship with the BBC.

Perceived responsibilities included: not expressing abhorrent views, personal attacks or inciting unlawful behaviour; taking care in what is said and how, particularly on politics and divisive issues; avoiding disseminating inaccurate information; and not directing people to act in a certain way.

Perceived expertise granted more permission from participants to express views on topics

Although in general, participants felt no one should be restricted to expressing views only about topics they are knowledgeable about, impartiality was seen as more important if BBC non-news presenters expressed opinions on issues they aren't expert in, especially if participants disagreed with the view. In these cases, an author's credibility was more likely to be challenged.

Overall, perceived knowledge, expertise and/or passion about a topic could imbue the author with greater authority and credibility from the participants' perspective and provide more permission for non-news presenters to express their views on social media.

Some reputational risks for perceptions of the BBC and its impartiality did emerge

Few participants spontaneously made explicit links between posts from BBC non-news presenters and the BBC, and so many of the social media posts in themselves did not appear to have much impact on the BBC's reputation. However, there were some exceptions to this and some participants expressed concerns about the BBC's impartiality when non-news presenters more closely associated with the BBC posted on political or socially divisive issues.

Concerns about impartiality were more likely if a participant already perceived bias at the BBC. In these instances, such posts by non-news presenters or the BBC's reaction to them could be interpreted within this light and had the potential to confirm or reactivate perceptions of bias.

Overall when reflecting on this subject, there was support in principle for freedom of expression for high-profile non-news presenters when on their own social media accounts, and views expressed there by these individuals were not typically spontaneously thought to reflect on the BBC. However, political and more divisive social issues were areas where impartiality was considered to be more important, and where participants were therefore more sensitive, especially if they disagreed with the view expressed. And in general, participants felt being high-profile came with greater responsibilities when sharing views on social media given the potential influence these individuals might have on public opinion. As such, areas of tension between freedom of expression and calls for some form of governance did emerge. Where presenters were

closely associated with the BBC, concerns over posts could then be heightened and be more likely to bring reputational risks for the BBC.

Section Five Summary

In the eyes of the public, BBC presenters are believed to have some influence, at least partly due to their status on the BBC, and should meet high standards of behaviour on social media and balance impartiality with their right to freedom of expression, especially in relation to party politics and social issues.

- Audiences believe that non-news presenters should have to strike a balance between impartiality and freedom of expression. Overall, most supported the principle of freedom of expression for these presenters on social media, but the balance of what is more important (impartiality vs free expression) shifts depending on the topic.
- Audiences generally do not want to see BBC Non-News presenters actively engaging in party politics, encouraging people how to vote. Audiences are more concerned if BBC non-news presenters endorse or attack political parties or engage in the most divisive issues.
- Audiences do think non-news presenters should be held to high standards of behaviour on social media, especially in light of their profile.
- Audiences believe presenters should be very sensitive about divisive issues and always behave responsibly on social media.
- The research makes it clear that the public do not expect BBC presenters to use angry, belligerent, abusive language on social media. They believe influential BBC presenters should act with consideration.
- Research suggests the public do not generally think that famous BBC personalities represent the views of the BBC itself.

SECTION SIX

The political perspective

Political dependence and independence

- The attitude of Parliament and government matters to the BBC. At its simplest level, these are the stakeholders who directly determine the long-term mission and funding model of the BBC. They are elected by citizens and on their behalf have the right to determine the nature of the BBC in the future. It would be naïve if not disingenuous to say the BBC can simply disregard the views of politicians who believe BBC presenters should not be allowed to engage in politics or that the principle of ‘off-air impartiality’ should extend well beyond journalists.
- It is also the case that the BBC should be allowed to maintain its day-to-day independence. The Royal Charter makes this clear in section 3, *“The BBC must be independent in all matters concerning the fulfilment of its Mission and the promotion of the Public Purposes, particularly as regards editorial and creative decisions, the times and manner in which its output and services are supplied, and in the management of its affairs.”*

Political reaction to the Lineker incident

- BBC public affairs also received strong verbal representations from members of both Houses.
- The recent event was conflated with the inquiry around the BBC Chair’s appointment and the allegation that BBC was under the control of Conservative-sympathetic leadership, yielding to government pressure.
- This – allegedly - precipitated unnecessarily hasty actions which ultimately left staff and public with the impression the BBC was weak with politicians and talent.
- A number of those I spoke to held the view that BBC management had come under political pressure to act quickly in the Lineker matter, either directly or through the auspices of BBC board members with Conservative Party affiliations.

Political perspective to non-news presenters’ social media use

- There seems to be a current right/left, government/opposition split on the matter in scope, although we did not ‘poll’ a representative sample of politicians. This would match the split among the general public as seen in the research. It seems Conservatives are more likely to hold that all BBC non-news presenters should be held to strict impartiality off-air and stay out of politics while left/opposition politicians argue that such non-news presenters should be free to say whatever they please.

- One politician said, *“If I were writing this, I would come down on the side of as much freedom of expression as possible.”*
- Most politicians we spoke to assume that the majority of BBC presenters lean towards ‘liberal’ opinions, although there is no factual basis we know to support that perception.
- Politicians on all sides felt Mr Lineker’s comment comparing the Home Secretary’s rhetoric to *language not dissimilar to that used by Germany in the 30’s* was itself extreme language.
- My impression is that most politicians do see a difference between a presenter expressing a considered opinion on an individual issue and engaging directly in party politics by attacking a party, individual politician, or overtly campaigning for a political party.
- That said, one Conservative MP felt that it was problematic for high-profile presenters to opine even on a single issue. *“The BBC may need to sacrifice individuals who want to continue to be single-issue campaigners as well, because in today’s world, single-issue campaigning normally means campaigning against the government of the day.”*
- Of course, politicians may object when a famous and admired BBC personality criticises their party policies, but so long as they are not subject to a character attack, any politician should be more than able to defend the merits of their position on an individual issue.
- Politicians on all sides will from time to time attack the BBC’s political coverage for perceived bias. BBC must retain its independence in editorial, operational and organisational matters. Its reputation for independence is harmed whenever its day-to-day decisions are perceived to be influenced by politics.

Section Six Summary

The BBC has to take account of the views of elected representatives.

Ultimately, Parliament will decide on the future of the BBC, determine its mission and approve its Royal Charter. This is a critical shareholder group for the BBC

- The BBC needs to alight on a social media guidance policy that itself is politically impartial, one it can explain and defend to politicians, even if not unanimously supported.
- It then needs to apply it so consistently that no politician can effectively accuse the BBC of its own failure of impartiality of implementation.
- The BBC should be able to explain and defend a policy which deters Flagship Presenters engaging in party politics but allows them to express considered opinion on political issues.
- Thereafter, the BBC needs to be robust in implementing the policy with presenters.

- The BBC must be able to be robust in preserving day-to-day independence in its editorial and operational decision making and be 'on the front foot' defending its position with politicians and a partisan press.

SECTION SEVEN

External benchmarking

- As part of the review, we wanted to assess similar practice and policy in comparable organisations including international public service broadcasters and any other organisations who might have similar issues we could learn from and even find ‘best practice.’
- Our methodology was to contact the European Broadcasters Union, some PSB’s directly, our colleagues in the other UK PSBs.
- I also attended part of a worldwide ‘Conference of Broadcaster Ombudsmen’ on June 1 in London to observe a panel discussion on the subject of impartiality compliance on social media and was able to speak to a number of the delegates personally.
- Many broadcasters have rules, codes or guidelines which require journalists to observe the same standards of impartiality in their personal use of social media as they must observe in their work for the broadcaster’s output.
- Many broadcasters also have a broader requirement covering non-journalists and staff members to not bring the reputation of the broadcaster into disrepute by any conduct including social media.

The UK

- In the UK, the other PSB’s have faced their own challenges with social media.
- ITN’s policies only cover journalism as it produces news on contract for ITV, Channel Four and Channel Five which it self-complies to meet Ofcom and legal standards. Its detailed compliance manual has long required that news staff maintain strict off-air impartiality.
- Channel Four commissioned former Google/Channel Four executive Peter Barron to review social media guidance. The review is confidential but the essence was to identify different categories of employee, and assess the level of reputational risk from each category.
- The resulting guidance is publicly available on the Channel Four website and focusses on guidance and good practice. It includes:
 - You should review the content of your personal social media account and delete anything that could reflect negatively on you in a professional capacity or on Channel Four
 - You are accountable for any breaches of policy and you could be personally liable for anything defamatory...
 - Any complaint arising from social media will be investigated as a disciplinary manner

You must not:

- Hold yourself out as representing Channel Four unless you have permission to do so
- Use your work email address to sign up for a personal account
- Disclose anything relating to Channel 4
- Make any comments that could be considered offensive, discriminatory, or otherwise inappropriate
- Make any comments in regard to Channel 4 or employees and individuals associated with Channel 4 that are knowingly or likely to be dishonest, false or misleading
- Behave in a way that could be deemed bullying. Harassment or victimisation
- Use you Channel 4 email address for any no-work activities

You must

- Treat others with respect
 - Ensure your social media is positive, honest and never unprofessional
 - Respect the rights and views of others
 - Ensure you have permission to use third-party content
 - Act consistently in line with all other Channel 4 policies
 - Make it clear in any personal social media account that any views are your own
 - If you are in and editorial or executive role, consider carefully whether your social media account could affect people’s perception of Channel 4’s impartiality.
- We found similar examples where media companies have set guidance or top tips for use of social media among employees. Like the Channel Four example, they tend to promote advice or caution rather than prohibitions: take care, do not tweet after alcohol; take a pause before posting an emotionally charged tweet; don’t tweet anything offensive; do not attack or humiliate your colleagues on social media; be aware of revealed or inferred bias from re-tweeting; don’t retweet anything you have not actually read and verified for yourself.
 - Most companies rely on the notion of disrepute as their line of defence against reputational damage arising from social media.
 - News broadcasters often have policies like the BBC that require those working in journalism to observe strict off-air impartiality for all the same reasons as the BBC.
 - When it comes to non-news talent, presenters or others, other companies again provide guidance on standards of behaviour online, cautions against bringing the company into disrepute.
 - But we did not find one example similar to the BBC’s case in hand. No one we know of among public service broadcasters or entertainment media companies seeks to have a policy that would prevent its non-news talent from taking sides on a political issue.

Section Seven Summary

The BBC may have the strictest regime of any public service broadcaster in demanding that off-air impartiality extends at all to non-news presenters.

- There are plenty of examples of news broadcasters and newspapers requiring a code of impartiality from its journalists, similar to the BBC. In the UK, ITN, ITV, Channel 4 and Sky News apply the same principle
- There are no examples of broadcasters we have found demanding an explicit prohibition on taking sides on party political issues or political controversies for non-news presenters
- European broadcasters often look to the BBC as a role model for upholding standards of impartiality
- There are no examples we have found of non-news presenters being suspended for expressing political opinions but significant examples of cancellation due to bringing broadcasters into disrepute due to racist remarks