

SESSION FIFTEEN OF THE ALL PARTY PARLIAMENTARY GROUP
Pandemic Response and Recovery
Monday 15 May 2023, 5.00-6.00pm, Room Q

MINUTES

In Attendance: Esther McVey MP (Chair), Graham Stringer MP (Co-Chair), Philip Davies MP, Chris Green MP, Lord Strathcarron, Baroness Foster, Lord Lilley, Earl of Leicester.

Apologies: Sir Iain Duncan Smith MP Sir Graham Brady MP, Miriam Cates MP, Henry Smith MP, Greg Smith MP, Rt Hon Sammy Wilson MP, Dawn Butler MP, Ian Paisley MP, Paul Girvan MP, Lord Moylan, Lord Robathan, Baroness Fox of Buckley, Baroness Noakes, Baroness Morrissey.

1. The Chair welcomed the APPG members to the meeting to discuss the impact of the Ofcom guidance notes to broadcasters on coronavirus as the broader, emerging issues with Ofcom's regulatory functions and principles.

2. The Chair introduced the speakers, Toby Young, author, journalist, broadcaster, General Secretary of the Free Speech Union and General Editor of The Daily Sceptic and Laura Dodsworth, author of *A State of Fear: How the Government Weaponised Fear during the Covid-19 Pandemic*:

Laura Dodsworth gave an overview of a complaint she and Toby Young made to Ofcom about a joint report by the Behavioural Insights Team (BIT) and Sky. *'The power of TV: Nudging viewers to decarbonise their lifestyles'* report is an example of collaboration between broadcasters and the government, whether coronavirus or Net Zero, quoting from the report 'Behaviour change via broadcasting and traditional media has historically been aimed at improving public health, boosting gender equality, and reducing violence. Imagine the potential for emissions reductions if the same methods were used to encourage sustainable behaviours!' to explain their concern that this breached the Broadcasting Code 2.11 "Broadcasters must not use techniques which exploit the possibility of conveying a message to viewers or listeners, or of otherwise influencing their minds without them being aware, or fully aware, of what has occurred."

Going back to the pandemic, Ms Dodsworth cited a number of examples when storylines in soap operas were seemingly used to nudge the public into certain behaviours, such as ethnic minorities into getting the Covid vaccine, and listed examples the Sky report gives to influence children and create an intergenerational spill-over effect.

Pointing out that such recommendations are likely to impact the impartiality Ofcom is there to uphold, she went on to say their complaint was not upheld because their responsibility is post transmission but also the issue was considered "broadly settled" and "scientifically established", despite evidence to the contrary, so impartiality does not apply. Laura asked on what basis does Ofcom make that judgement and is there a risk broadcasters will create self perpetuating feedback loops.

In conclusion, Ms Dodsworth questioned whether Ofcom was in a position to regulate this

sort of behavioural science approach to broadcasting and called for further investigation into behavioural science, as the population has never been consulted.

Toby Young spoke about how debate was shut down during the pandemic and the effect of the Ofcom Coronavirus guidance notes to broadcasters, noting that five separate pieces of guidance were issued, the second, going a lot further, was kept confidential. He added that it seemed to indicate Ofcom can be enlisted to help the government pursue a particular agenda and be used to try and suppress criticism, asking how much further a government might attempt to use Ofcom's censorious powers to enforce their line.

He questioned how independent Ofcom now is and more widely how the nebulous concept of harm, in light of the coronavirus guidance and the Online Safety Bill, is being used to justify censoring the broadcast media. This is often based on the assumption that the science or debate was settled, which is not how science operates. He explained it is not helped by the lack of clarity on what is harmful, meaning it is open to Ofcom's interpretation and judgement. Ofcom showed it meant business by reprimanding some broadcasters for, in its view causing the public harm, giving the FSU's complaint as an example, and not others where harm might have been caused. In conclusion he made the point that government covid policy caused collateral damage, some of which we might have avoided if Ofcom hadn't suppressed the debates so vital to a democracy. Finally, he argued that Ofcom's approach, which seems to be that undermining certain government advice will cause people harm, might breach the 2003 Acts of Parliament that created Ofcom and set out its terms of reference.

3. The Chair opened the meeting up to Members' questions. Was the media using subliminal nudges across the board to get compliance rather than presenting evidence and argument in current affairs programmes. Discussion also touched on whether Ofcom should challenge the notion of settled science and allow viewers to make up their own minds, based on evidence and debate, rather than endorse broadcasters that claim the science is settled and nudge viewers towards reaching the "right" conclusion. Members agreed that while Ofcom can be a force for good, on certain controversial subjects Ofcom has policed and suppressed debate and a number of actions were discussed to challenge the situation, such as regulating the use of behavioural science.

4. The Chair thanked all who attended and confirmed the date of the next meeting, 5.30pm, Monday 19 June 2023 and brought the meeting to a close.