

Dispatches: The Truth About Traveller Crime

Type of case	Broadcast Standards
Outcome	Not in Breach
Service	Channel 4
Date & time	16 April 2020, 21:00
Category	Harm Material misleadingness Race discrimination/offence
Summary	<p>Ofcom considered that overall the programme did not misrepresent factual matters when discussing the issue of crime and the Gypsy and Traveller community. We also considered that while the programme contained potentially harmful and offensive material, this was appropriately justified by the context and Channel 4 had provided adequate protection to members of the public against the potentially harmful or offensive material in the programme as a whole, for example by making clear to the audience that it was not the programme's thesis that all Gypsies and Travellers were involved in criminal activity or anti-social behaviour, or that the presence of a Gypsy and Traveller site in a local area necessarily led to increased crime rates.</p>

Introduction

On 16 April 2020, Channel 4 broadcast *Dispatches: The Truth About Traveller Crime*, a documentary programme about "Travellers and crime". Ofcom received approximately 900 complaints about the

programme, as well as an additional 7,391 complaints submitted by the organisation Friends, Families and Travellers (FFT)¹.

Complainants argued that the programme contained harmful and offensive material that was discriminatory against the Gypsy and Traveller communities². A small number of the complaints raised concerns that members of the Gypsy and Traveller communities, including children, had been or would be harmed as a direct result of the programme being broadcast, in the form of facing racial discrimination or abuse. Examples of complaints of this nature included:

- “I have children in school that will get bullied because of this. I have [an] honest hardworking family that will lose business because of this”;
- “This programme has showed all the bullies that it’s okay to have this attitude towards my children...My thirteen year old has been in tears at the thought of going back to school after seeing this documentary”; and
- “...because of this program [sic] my children are already getting bullied, my child is only 4 and she is already being discriminated against”.

Other complaints referred to the risk that the programme would lead to increases in “hate speech” and “suicides” as a result of the programme. One referred to a statement from the Gypsy Roma Traveller Police Association³ which said that it had “already seen an increase in the prejudice our community faces as a result [of the programme]”⁴.

In summary, the material concerns about the programme raised by these complainants included that:

- the programme presented a solely negative view of the Gypsy and Traveller communities;
- the programme suggested that all crimes recorded in the vicinity of Gypsy and Traveller sites were committed by Gypsies and Travellers;
- the programme stated that Gypsy and Traveller sites are “no go” areas for the police and, as a result, unfairly suggested the same laws do not apply to the Gypsy and Traveller communities as to other members of the public;
- the programme gave a misleading impression that there was a causal link between Gypsy and Traveller sites and high crime rates, in particular as a result of the way that the programme presented conclusions that were drawn from the statistical analysis; and

¹ Friends, Families and Travellers is a national charity which works on behalf of Gypsy, Traveller and Roma communities.

² Ofcom understands that the term “Gypsy and Traveller communities” may include a number of different and distinct ethnic groups. The programme focused on research data about “*Gypsy and Traveller sites*” in England, so we have used the term “Gypsy and Traveller” throughout this Decision for consistency with the language used in the programme. However, we have taken into account that the potential for offence and harm may also affect other ethnic groups associated with these communities, such as Roma.

³ The [Gypsy Roma Traveller Police Association](#) supports Gypsy, Roma and Traveller Police Officers and works with other organisations to improve the relationships between Gypsy, Roma and Traveller Communities and the Police.

⁴ See: ‘[Channel 4 Dispatches – GRTPA Response](#)’, Gypsy Roma Traveller Police Association website, 30 April 2020. *Issue 433 of Ofcom’s Broadcast and On Demand Bulletin 1 September 2021*

- the programme has caused offence as well as harm to relations between the Gypsy and Traveller communities and the settled community.

Ofcom carefully assessed the programme in full.

Ofcom's Decision is that:

- In relation to Rule 2.2 of the Ofcom Broadcasting Code ("the Code"), the programme did not misrepresent factual matters. Specifically, we considered that overall the programme:
 - did not suggest that all crimes in the vicinity of Gypsy and Traveller sites were committed by Gypsies and Travellers;
 - did not suggest that Gypsy and Traveller sites were "no go areas" for the police; and
 - did not misrepresent factual matters by suggesting overall that there is a causal link between Gypsy and Traveller sites and high crime rates, as the programme included sufficient material which served to contextualise the conclusions that were drawn from the statistical analysis.
- In relation to Rules 2.1 and 2.3 of the Code, we considered that while the programme contained potentially harmful and offensive material, this was appropriately justified by the context and Channel 4 had provided adequate protection to members of the public against the potentially harmful or offensive material in the programme as a whole.

Programme Summary

The programme began with the following voiceover by the presenter:

"In recent times, Travellers have been at the centre of a number of headline grabbing crimes".

This was followed by a short montage of archive footage of television news reports about several high-profile cases where people from the Gypsy and Traveller community had been accused (and in some cases convicted) of crimes including murder, making threats and modern slavery offences.

The presenter then introduced the programme:

"...In this film, Dispatches is going to confront an uncomfortable question... What is the truth about Travellers and crime?... Across England, people are living in fear near certain Traveller sites... Police on the frontline say they fear being called racist if they speak out... For the first time, we can reveal what the statistics say about crime around numerous Traveller sites... And we ask, isn't it time for the authorities to talk openly about this problem?"

The programme began by looking at crime and anti-social behaviour (both alleged and convicted) being committed near a Gypsy and Traveller site in Leicestershire. The presenter said:

“In recent years several residents [of the site] have been convicted of serious crimes, including aggravated burglary, fraud, vehicle theft and robbery”.

CCTV footage was shown of a gang using gas canisters to blow up and rob a cash machine. The presenter said:

“One of the masked gang in this footage lived on the site. The gang – all Travellers...robbed 23 cash machines across the country, stealing more than £1.5 million pounds”.

The presenter continued:

“Residents living near [the site] say life has become intolerable...Issues around crime from a specific community is obviously always going to be very difficult and sensitive to talk about, but people here are saying they’ve had enough and that the issue now needs to be tackled head on”.

The presenter reported having spoken to several residents who were “too scared” to talk openly and showed interviews with two residents (disguised) about their experiences of behaviour they believed was linked to the Gypsy and Traveller site. The presenter later said:

“We contacted families who live on [the site]. No one wanted to talk publicly. They agreed there are issues with crime and anti-social behaviour, but stressed a minority were responsible for tarnishing the reputation of the site. Of course, not all crime around [the area] is linked to [the site]. But, it seems that many locals know there is a problem – one they seem afraid to talk about”.

One of the local residents said:

“Everybody’s very scared, me included, talking. It sounds quite racist, but there is a lot of evidence to say that we have got issues there. It’s not all travellers, it’s like everywhere and everything, good and bad”.

The presenter said:

“We’ve been told that violence on [the site] has reached alarming levels in the last two years...Some of the locals feel that the police have allowed the site to become a lawless, no go place”.

The presenter said that the programme had contacted Leicestershire Police which said that:

“Any report of violence is taken very seriously and the appropriate police action will be taken. Our officers deal with reports of crime without fear or favour. Officers visit [the site] regularly. Overall crime rates in the immediate area surrounding the site have fallen over the last couple of years”.

The presenter later said that the programme had found that the problems in Leicestershire were being “echoed” across other parts of England. She said:

“The MP for South West Bedfordshire is very clear – on his patch some Travellers are terrorising his constituents”.

Mr Andrew Selous, MP for South West Bedfordshire said:

“I have constituents who are moving out of my constituency because they don’t feel safe...[these issues] are happening across the country. I happen to have a very high concentration of Traveller sites in my constituency, so they’re perhaps slightly more acute”.

The presenter said:

“During our investigation, we’ve discovered that rural areas are especially affected by Traveller crime. Farmers say they’re on the frontline of a rural crime wave, and much is down to one specific illegal activity...The blood sport of hare coursing – banned by law since 2005...”.

Footage of an interview with an anonymous farmer was also included, in which he said: “... I’ve probably been threatened to be, you know, be killed, four, five, six times in the last three or four months”.

The programme included footage of Cambridgeshire Police investigating hare coursing, which it said is “popular among some Travellers”. The police officer said:

“Farmers, gamekeepers and even the police have been fired at with slingshots, had their windows of their vehicles broken, smashed. It’s probably 95% Travellers that commit these offences. We do occasionally see non-travellers doing it”.

The programme then showed a police vehicle pursuing burglary suspects from the local Gypsy and Traveller community.

The presenter then said:

“So far our investigation has uncovered reports of high crime levels around several Traveller sites. But, in these areas where locals claim crime is a problem, do crime statistics back them up? To find out, we identified the postcodes of 30 Traveller and Gypsy sites, where issues with crime and anti-social behaviour have been reported. Then we examined the recorded crime figures for a one-mile radius around these postcodes over a 12-month period. Around 70% of sites, we found the crime rate was above the national average. And, around 47% of sites, it was at least a third above. And, when we calculated the average crime rate around all 30 sites, it was almost one and half times the national

average. In other words, what the figures suggested is that crime was a serious problem around a significant number of Traveller and Gypsy sites. We showed the results of our investigation to leading criminologist Professor Liz Yardley”.

As the presenter described these results, the following statistics were highlighted in on-screen text: *“70% sites above national average”*; *“47% sites third above national average”*; and *“All sites one & half times national average”*.

The programme then included footage of an interview with Professor Yardley:

Professor Yardley: *“The findings suggest that there is an association between the presence of a Traveller site and a crime rate increase or a higher crime rate. But, it’s not just the presence of a Traveller site that will affect the crime rate, there are other factors as well. So, there are things like population stability, population composition, poverty, deprivation”.*

Presenter: *“But, surely those factors you mention are almost unanimously applicable to Travelling communities?”*

Professor Yardley: *“Yes, I’d agree that those, those factors do tend to be associated with Gypsy and Traveller communities. Those are the things that are driving the crime rate much more significantly than any particular ethnic group or their cultural practices”.*

The presenter then went on to say:

“In our investigation, we’ve come across several reports of violent attacks around Traveller sites...”

Mobile phone footage showed a passenger in a car calling for the police via the 999 emergency phone line, as shots were heard. The car passenger said:

“Can we get the police?...We just got shot at in our car two times...”.

The presenter then said:

“...like this assault on an unsuspecting vehicle entering a site in Hertfordshire”.

The passenger in the car was then heard saying to the 999 emergency phone line:

“...they’re chasing us...Can we get them faster please, they’re hitting our car!”

The presenter said:

“While arrests were made, no one was prosecuted”.

The presenter continued:

“During our investigation, we’ve heard a common complaint – that some Traveller sites have become lawless places, where crime and anti-social behaviour go unpunished. And, the feeling is that the police are failing to investigate properly. Surrey has a number of Traveller and Gypsy sites, and it’s one county where some locals are angry with the police”.

Footage of an interview with “David”, a local resident, was shown. He spoke about having a brick thrown at his car as he drove past a site in Surrey. The presenter said that other motorists reported that they had had bricks thrown at them on the same night, but that the two victims they spoke with said that they had not heard back from the police after reporting the incidents. The presenter said that the programme had contacted Surrey Police, who said that:

“A number of motorists were targeted by youths hiding in bushes... at the time patrols were stepped up to prevent further offences from taking place. However none of the drivers who reported the incidents could provide a detailed description of those responsible and the investigation was closed. Should any additional information come to light the investigation will be reopened”.

The programme then spoke about the fact that “entering certain Traveller sites poses serious challenges for the police”. There was then the following interview between the presenter and an anonymous police whistleblower, described as an “experienced frontline officer”:

Whistleblower: *“Because [certain sites and groups of Gypsies and Travellers] are such a closed community and there’s usually a fair few in numbers, if we go in there it is going to be carnage. And the old days of having huge resources at instant request is going or gone, quite frankly. If we haven’t got the tools to deal with it and the personnel to deal with it, that’s going to be taken advantage of, isn’t it?”*

Presenter: *“Doesn’t that just mean that people from the Travelling community can commit crime knowing full well that they’ll get away with it?”*

Whistleblower: *“Unfortunately, yes. It comes down to that”.*

Presenter: *“We’ve spoken to some residents in different areas of the UK who think that there’s a two-tier legal system in which they have to follow one set of laws and the Travelling community follow a different set and that the police don’t enforce those laws on the Travelling community”.*

Whistleblower: *“I can completely empathise with that. And you’ll find that the police officers are just as, shall we say, frustrated”.*

Then the presenter said:

“What happens when the police fail to intervene became horribly clear to the residents of Cromer in Norfolk one bank holiday weekend three years ago. Around 100 Travellers in 23 caravans pitched up in the unsuspecting seaside town. What followed was a sudden and shocking crime wave”.

The programme then included an interview with the owner of a restaurant in Cromer, who said that during that bank holiday weekend, around 40 Travellers entered his restaurant and *“started helping themselves to champagnes, wines and beers and everything else”*. He went on to say that his wife was injured while he and his family tried to remove the group.

Then the presenter said:

“...A staggering 53 calls were logged by police detailing 37 crimes, including shoplifting, vandalism, assault and rape. But just as alarming to the locals was the failure of the police to do anything...Norfolk Police have since admitted they got their response wrong...”.

The presenter said that the programme had contacted Norfolk Police which said that:

“Following the disorder that weekend we commissioned criminal investigations, securing arrests and exhausting all lines of enquiry. A review into the Force’s response was also commissioned identifying recommendations which we took forward”.

Then the presenter said:

“Besides Cambridgeshire Police, none of the forces we approached would talk on the record about their experiences of policing the Travelling community. So, what could explain this reluctance? A number of serving and former officers told us the same thing – that the police fear being labelled racist if they talk publicly about the high levels of crime they see being committed by Travellers”.

An anonymous police whistleblower commented:

“I think there’s a lot of political correctness. When we see that there is a specific part of the community in quite large numbers committing crimes, and we’re almost not allowed to mention it, that can be quite frustrating...If you want an open police service and media it’s important to report facts. There are specific operations directed at travellers. But that isn’t outwardly publicised, because the last thing the Police want is more criticism – yet again – by people who feel that, well, this is just an open attack on a minority group that is unwarranted...I can totally understand [people with concerns about Travellers and crime and linking the two] but unfortunately they’re just not aware of the – the size of the problem, because I think it’s just not being widely reported”.

Further interview footage of Mr Selous, MP for South West Bedfordshire was included in the programme. The presenter asked:

“You called some areas of your constituency ungovernable, what do you mean by that?”

Mr Selous MP responded:

“Well, I think the phrase that I used was ungoverned space, which was actually a term used of Afghanistan during the Taliban era. And, the previous Chief Constable of Bedfordshire was not very happy with me using that phrase, but I stand by it, because Traveller sites can be out of sight, out of mind...”

The presenter said:

“So, it seems that the serious level of crime associated with some Traveller sites is a taboo subject for the authorities...And, perhaps less surprisingly, most organisations working with the Travelling community did not want to talk to us either”.

The presenter then spoke with Mr Paddy Doherty⁵, who was introduced as *“one of Britain’s best-known Irish Travellers”*, about his views.

The presenter said:

“Paddy didn’t shy away from admitting that some Traveller sites suffer from high levels of crime. He feels angry with what he says is a minority, who tarnish the reputations of Travellers amongst the settled population – whom he calls ‘country people’”.

Mr Doherty said:

“The country community. Well, you can’t blame them. If, the country people has been wrecked by the Travellers well, you can’t blame the country people, can you, and you can’t blame the police, can you? But, it’s not all the Travellers on that site, it’s only maybe two or three families, and that’s why they should be put off that site....there’s 20 families on there, but there’s two [sic] families what’s torching all the country, the corner shops, robbing them, baiting them, slapping them about, doing what they’re going to do. And that paints the other 17 like the other three, do you know what I mean?”

⁵ Mr Doherty is an Irish Traveller and TV personality who originally featured in the Channel 4 documentary *My Big Fat Gypsy Wedding* in 2010 and went on to win the 2011 series of *Celebrity Big Brother* broadcast on Channel 5.

The presenter went on to say, *“Paddy says there is a responsibility on members of his community to police their own sites. That’s what he says he’s done on his own patch”*. Mr Doherty then said:

“Before I came in here this site was...the rough as the roughest. There’s trailers smashed up, there’s cars, smashed vans in it, everything children was running wild, robbing all the shops, doing everything. I’m not ashamed to tell you that. I came on, I didn’t do it overnight, it took quite a while. Done it, done it. Now look, this site runs itself”.

The presenter then explained that, in Bedfordshire, *“locals”* complained that Central Bedfordshire Council had: *“...allowed Traveller sites to expand out of control, despite serious problems with crime, documented by the police”*.

The presenter said that the programme had obtained three years of police incident logs which detailed why Bedfordshire Police were called out to Traveller sites in the area, including accounts of domestic violence and stolen goods. She said:

“We looked at the recorded crimes around...Traveller sites [in Bedfordshire] and found the crime rate is several times above the national average. They are some of the notorious sites that surround...and several small villages. The area has one of the highest concentrations of caravans in the country”.

The presenter continued:

“Some of the villagers complain they’re outnumbered five to one by those in the Travelling community. They say they’re not prejudiced towards them, it’s just the high levels of crime and anti-social behaviour coming from the sites and they’re fed up with the Council who they say have failed to stop the expansion of these sites. [A Bedfordshire] local town councillor...[is] speaking to us in a personal capacity. He believes Central Bedfordshire Council has helped fuel high levels of crime and anti-social behaviour by neglecting to do its job”.

Footage of an interview with the Bedfordshire local town councillor was then shown. He said that he thought that Central Bedfordshire Council had supplied more sites to accommodate Gypsies and Travellers than it needed to⁶, and blamed this on the council and their *“failure to manage”*.

A statement from Central Bedfordshire Council was included in the programme, the Council said:

“...We have not failed to manage the development of Gypsy and Traveller sites...We cannot refuse planning permission solely because of

⁶ Under national planning guidance set out in the [Planning Policy for Traveller Sites](#), local authorities are required to calculate the number of pitches required to accommodate the needs of the local travelling community for five years. The local town councillor claimed in the programme that Central Bedfordshire Council had enough sites to accommodate Gypsies and Travellers for the next eighteen years, which was over three times the legal obligation.

possible crimes that may be committed by future residents, this would be unlawful”.

The presenter explained that it was possible to lodge an objection to planning applications to expand Gypsy and Traveller sites, but that this meant that your name and address would be listed on a public document and that some of the people who live near the sites *“say that makes objecting too dangerous”*.

The presenter said:

“In Bedfordshire, the local MP says some of his constituents are so scared that they ask him to lodge objections on their behalf”.

Mr Selous MP said:

“They all write to me and said will you put them in all for us, Andrew. And, this is the level of fear and intimidation that’s completely and utterly unacceptable, that a lot of my constituents are facing”.

The presenter said:

“If Bedfordshire has too many authorised sites, those who speak for the Travelling community say the real problem, nationally, is actually the opposite. Since 2014, rules have made it harder to qualify for Gypsy and Traveller status, and the number of sites granted by many councils has declined”.

Kate Green MP, who was the Co-Chair of the All-Party Parliamentary Group (“APPG”) for Gypsies, Travellers and Roma at the time of the broadcast, was shown explaining that there were not enough authorised sites and that the position was becoming worse:

“We don’t have enough authorised sites, and the position has become worse over recent decades, going back to the 1990s. That inevitably leads to unauthorised stopping, creating tensions between traveller and settled communities, creating quite poor and difficult circumstances often for Travellers who end up being moved on again and again, which is extremely damaging to their well-being”.

The presenter then said:

“So far, we’ve looked at theft, anti-social behaviour and acts of violence. But we’ve also come across another complaint, attempted extortion, Travellers buying up cheap land and then putting pressure on neighbours to pay them huge sums to sell up and leave...”.

The presenter interviewed various anonymous Worcestershire residents about their experiences of being *“blackmailed”* in this way.

The programme then included a lengthy case study detailing a number of allegations against an individual member of the Gypsy and Traveller community in the Worcestershire area. The individual was given the right to reply and the presenter said that he had “*denied all the allegations*”. This section of the programme included CCTV footage and news coverage of the man and members of his family on holiday overseas allegedly engaging in shoplifting and anti-social behaviour.

The presenter then said:

“So far in our analysis of recorded crime statistics, Dispatches has looked at Traveller and Gypsy sites, where locals reported issues with crime, and we found that around most of those sites, the crime rate was above the national average. But we wanted more of a national picture. So, we took a random sample of 237 Traveller and Gypsy sites from across England. And what did we find? Well, our analysis suggested that crime is a problem around a significant minority of those sites. We found that around a narrow majority of sites, in 56% of cases, the crime rate was below the national average and around 30% of sites the crime rate was at least a third lower than the national average. But, on the other hand, we also found that around 27% of sites the crime rate was at least a third above the national average. In simple terms, serious crime problems were associated with over a quarter of sites”.

As the presenter described these results, the following statistics were highlighted in on-screen text: “*56% sites below national average*”; “*30% sites third below national average*”; and “*27% sites third above national average*”.

Further footage of the interview with Professor Yardley was shown:

Professor Yardley: *“I think where you’ve got areas where the recorded crime rate is significantly higher, to the extent that you’ve just described, then that does suggest that something is going seriously wrong in these areas”.*

Presenter: *“And, can we link those to the Traveller sites?”*

Professor Yardley: *“I think we can start off from the position that there’s an association between the presence of a Traveller site and these high crime rates, that’s the point that we need to go in and say what is actually going on in, in these local communities”.*

The presenter then said:

“So, what might explain high crime rates around a significant minority of Traveller and Gypsy sites across England? Well, more research needs to be done, and multiple factors usually account for crime. But it is often linked to poverty, and Travellers and Gypsies suffer the worst outcomes in terms of health, education and employment and discrimination”.

Further interview footage of Mr Doherty was then included in the programme. Mr Doherty said that: *“Drugs [have] destroyed Travellers”* and argued that drug-dealing and drug abuse had increased violence amongst younger generations of Travellers.

The presenter then said:

“There are also cultural factors, specific to the Travelling community to consider. Lack of education increases the risks of crime. Large numbers of Travellers remove their children from school, sometimes as young as 11 or 12 years old, and these children often receive no formal secondary education”.

Footage of an interview with Ms Pauline Anderson, Director of Learning and Skills at Derby City Council and Chair of the Traveller Movement⁷, was shown. Ms Anderson said:

“We do have quite a large English Gypsy community, small Irish Traveller community”.

The presenter said:

“She’s [Ms Anderson] also an Irish Traveller and a Trustee of a leading organisation which campaigns for Travellers’ rights”.

Ms Anderson said:

“We have to accept that young Traveller men are disproportionately represented in the prison population, like the young African Caribbean men, for example. 75% of them do not have a basic level of literacy and numeracy skills, and personally, my view would be that if they hadn’t left school, they would have been safer and would have been less likely to go to prison. On the other side, for those Gypsies and Travellers who are at school, one of the biggest barriers is the general acceptance of bullying and racist name-calling, particularly in secondary schools”.

The presenter said:

“Many advocates of the Travelling community dismiss the argument that cultural factors contribute to criminality. To say so is racist, they claim”.

Further footage of an interview with Kate Green MP of the APPG for Gypsies, Travellers and Roma was shown:

Ms Green: *“Characterising criminal behaviour by the racial or cultural background of perpetrators is unhelpful, discriminatory to a whole community, stigmatising to a whole community”.*

⁷ The Traveller Movement is a charity based in the United Kingdom that challenges discrimination against the Gypsy, Roma and Traveller community.

Presenter: *“So, you think it’s right that police can’t address it publicly in the way that they feel is necessary?”*

Ms Green: *“That points to me to a failure of training and leadership in their force and I strongly urge senior officers to look at what is going wrong there and to address it”.*

The presenter said:

“But police officers on the frontline say it’s precisely this attitude that’s part of the problem. In our investigation, we’ve uncovered a pattern of high crime levels associated with a large number of Traveller sites. And several police officers have told us they’re seeing the same pattern. They argue it must not be taboo to talk openly about this”.

Footage of an interview with an anonymous police whistleblower was shown. He said:

“So, we need to keep this balanced. It’s not as simple by saying that all the Travelling fraternity are criminals, there’s nothing further from the truth on that. But ultimately, it’s very clear that there is a disproportionate level of crime committed by Travellers. If we could just get the truth out there, stop sweeping the problem under the carpet, perhaps we can solve it”.

Further interview footage of Mr Selous MP was included in the programme. The presenter asked:

“Is there a risk of talking out about this and further stigmatising the community?”.

Mr Selous MP responded:

“I think the risk is the other way round, it’s actually not talking about it, if we’re going to live peaceably and happily and have cohesive communities”.

At the end of the programme, the presenter said:

“Travellers are often victims of crime too. But our investigation has shown that certain Traveller sites are striking fear into communities. Travellers and crime is an issue steeped in fear. Victims are afraid of talking openly, much like the authorities who are supposed to protect them”.

The programme ended.

Assessment

Ofcom considered the programme raised potential issues which warranted investigation under the following rules of the Code:

- Rule 2.1: “Generally accepted standards must be applied to the contents of television...services...so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material”.
- Rule 2.2: “Factual programmes or items or portrayals of factual matters must not materially mislead the audience”.
- Rule 2.3⁸: “In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context.... Such material may include, but is not limited to, offensive language, violence, sex, sexual violence, humiliation, distress, violation of human dignity, discriminatory treatment or language (for example on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, and marriage and civil partnership). Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

Ofcom requested comments from Channel 4 on how the programme complied with Rules 2.1, 2.2 and 2.3.

Response

Channel 4 said that it “firmly believe[d]” that the broadcast of this programme complied with the Code. It said that it stood by its journalism and its right to air “uncomfortable views” and give a voice to under-represented views, including in this case residents who felt that their voices were being ignored. Channel 4 said that it believed the matters broadcast were of important public interest and within the bounds of freedom of expression, meriting strong protection under Article 10 of the European Convention on Human Rights (“ECHR”).

Channel 4 said that the European Court of Human Rights has emphasised the importance of journalistic latitude and editorial discretion in the application of freedom of expression. There would therefore be a “particularly high hurdle” to be crossed if Ofcom were to find a programme of an investigative journalistic nature in breach of the Code. Channel 4 said that this would particularly be the case where the programme concerned issues of crime and policing and the public’s concern about those matters. Channel 4 concluded that any examination of its compliance with the Code should be carried out with due regard to its special and unique statutory remit which provides that Channel 4 should support and stimulate well-informed debate on a wide range of issues, as well as the context and audience expectations.

Rule 2.1

Channel 4 argued that specific contextual factors prevented there being a “reasonable likelihood” that the programme may have caused members of the public potential or actual harm.

Channel 4 said that this programme was broadcast at 9pm midweek, which it said was at a time when audiences expect to see stronger content, as well as being after the watershed, which would have

⁸ This was the version of Rule 2.3 in place when the programme was broadcast.

provided protection to children. It added that the programme was preceded by the following warning immediately prior to the broadcast “*Dispatches tackles some uncomfortable facts...this programme contains strong language which some viewers may find offensive*”, which it said provided “adequate protection” for viewers from any potentially offensive material.

Channel 4 went on to say that the audience of *Dispatches*, a “well-established investigative documentary series”, would also likely have expected more challenging material in an evening current affairs programme, which raised “contentious socioeconomic issues and issues of crime in a specific context”. It said that the *Dispatches* audience has previously been exposed to other “uncomfortable topics”⁹ and therefore the episode in question “was likely to have been in line with audience expectations for the Programme”.

Channel 4 went on to discuss the editorial content of the programme and the degree of harm likely to be caused. Channel 4 said that while any examination of criminality in relation to a particular community necessarily involves the inclusion of “negative material”, this does not mean that an editorial choice to focus on that topic in the context of a particular community would be impermissible under the Code. Channel 4 said that it was entitled to examine this subject and set out its findings, and that it did not automatically follow that it was “making a judgement on the whole community or the full gamut of their lives and activities”. Channel 4 went on to say that the programme examined crime in a “carefully presented context with varied viewpoints”, that the tone of the programme was “not sensational” and that the various views were presented in the programme “seriously and in a responsible manner”.

Channel 4 said that the topic for discussion in the programme was set out and contextualised for the audience and “clearly served the public interest”. Channel 4 said that it reported accurate information which informed viewers of:

- a) the experiences of people across England who told Channel 4 they were “living in fear of crime and anti-social behaviour they reported as coming from nearby Travellers’ sites and who say they are fed up”;
- b) the outcome of an analysis of the “relationship between crime statistics and the presence of Traveller sites”, to see what further context this might provide to the experiences of the people who featured in the programme; and
- c) a subject which the authorities say is “taboo for them to talk publicly about...because they fear being labelled racist”.

Channel 4 went on to provide representations on these points more closely in turn:

People’s experiences of crime

- a) Channel 4 said that the “evidence provided by victims” gave an insight into the impact of such crimes on their day to day lives and that many people it spoke to were “scared to speak openly as they feared for their safety and even their lives”. Channel 4 said it was entitled to report the

⁹ In its representations, Channel 4 cited examples such as *Who Speaks for Britain’s Muslims?* (an investigation into a “controversial Muslim advocacy group”) and *Britain’s Hidden Child Abuse* (an investigation into child sex abuse in an Orthodox Jewish community in the UK).

claims that it had been told first-hand by people and that it acted “fairly and responsibly” by putting the allegations to the relevant police constabularies and including their responses in the programme. It said that the examples were portrayed fairly and accurately and how viewers chose to interpret what they were seeing was “left up to them”.

Channel 4 said it was also important to note that although the programme included examples where victims believed that crimes were committed by Gypsies and Travellers and examples where Gypsies and Travellers were shown to have committed crimes, the programme also made “very clear” that only a minority of the communities were involved. Channel 4 said that one contributor stated, for example, that it’s “...[not] that all Travelling fraternity are criminals...there’s nothing further from the truth on that” and the commentary reiterated that, “Travellers are often victims of crime too”.

Channel 4 highlighted that, when considering whether a programme contains potentially harmful content, Ofcom takes into account a number of factors, such as whether the claims were made by a speaker who is portrayed as having authority. It went on to say that the presenter was one of the main editorial voices of the programme and that she “probed the question “*What is the truth about Travellers and crime?*” rather than pre-judging the answers”.

Channel 4 said that in order to show a range of views to the audience, the presenter also stated that, “*Many advocates of the Travelling community dismiss the argument that cultural factors contribute to criminality*” and that they say “*to say so is racist*”.

Channel 4 said that it also included the views of Kate Green MP, who was the then co-chair of the APPG for Gypsies, Travellers and Roma, who said in the programme that “*characterising criminal behaviour, either racial or cultural background of perpetrators is unhelpful, discriminatory to a whole community, stigmatising to a whole community*”. Channel 4 said that this view was supported by “leading criminologist” Professor Elizabeth Yardley, who was shown in the programme saying:

“But it’s not just the presence of a Traveller site that will affect the crime rate, there are other factors as well. So there are things like population stability, population composition, poverty, deprivation...those factors do tend to be associated with Gypsy and Traveller communities. Those are the things that are driving the crime rate much more significantly than any particular ethnic group or their cultural practices”.

Channel 4 added that Paddy Doherty, who Channel 4 described as a “well-known Traveller...who would be viewed by the audience as an authoritative figure speaking about his lived experience”, said in his interview featured in the programme that he “*feels angry with what he says is a minority, who tarnish the reputations of Travellers amongst the settled population...*”. He also said that:

“it’s not all the Travellers on that site, it’s only maybe two or three families...there’s 20 families on there, but there’s two families what’s torching all the country, the corner shops, robbing them, baiting them,

slapping them about, doing what they're going to do. And that paints the other 17 like the other 3, do you know what I mean?"

Channel 4 said that this view was also reinforced by families who live on the Gypsy and Traveller site in Leicestershire featured in the programme who agreed that: *"there are issues with crime and anti-social behaviour, but stressed a minority were responsible for tarnishing the reputation of the site"*, which Channel 4 said it reflected in the programme. Channel 4 said it should also be noted that Pauline Anderson OBE, Chair of Trustees of The Traveller Movement, who featured in the programme, *"is an Irish Traveller who now lives a settled life"*, and is Director of Learning and Skills at Derby City Council. Channel 4 said that her presence in the programme demonstrated to viewers a *"positive Traveller role model"*. The views she expressed, which were *"authoritative by virtue of both her professional and her lived experience"*, assisted viewers to *"put into a proper context the negative portrayal of a minority of Travellers"* in relation to the issues explored in the programme.

Channel 4 also said that the local town councillor in Bedfordshire, who spoke to the production team in a *"personal capacity"*, brought a different perspective to the programme. He highlighted the planning and management issues experienced by Central Bedfordshire Council and outlined his view that the Council had provided more sites for Travellers than was necessary, now having *"enough sites to accommodate Gypsies and Travellers for the next 18 years"*. Channel 4 also highlighted the contribution made to the programme by Kate Green MP, who said *"the opposite"*, that a lack of authorised Gypsy and Traveller sites had led to *"unauthorised stopping, creating tensions between Traveller and settled communities..."*.

Channel 4 said that the inclusion of these differing perspectives in the programme *"demonstrates that editorial choices were made to report concerns of the Traveller and Gypsy communities as well as views critical of some authorities' approach to them"* and to make clear to the audience that these are *"much debated issues"*.

Channel 4 said that *"it is possible simultaneously for there to be: (i) incidences of criminality associated with some Traveller sites; (ii) some Travellers being victims of crime; and (iii) some Travellers suffering disproportionately in terms of discrimination, and health, education and employment outcomes"*. Channel 4 argued that *"adequate protection"* was provided to members of the public from the inclusion of potentially harmful and/or unjustifiably offensive material *"by referencing all three points and enabling the audience to understand that it is possible for all of these things to be true at the same time and to put the discussion...of the possible association of Traveller sites and crime in its proper context"*.

Statistical analysis

- b) Channel 4 said that the production team *"gathered and analysed statistics to see what further context they could provide to the experiences documented in the programme"*. It said that the production team used the *"most official and best publicly available open source data"* through UKCrimeStats.com to enable the crime rate calculations to be carried out. They also contracted an *"independent, experienced criminologist"* to advise the production team on methodologies for gathering relevant crime statistics and *"advise on the analysis and interpretation of those statistics"* to be included in the programme. Channel 4 said that the

inclusion of the information about crime and crime statistics was done “fairly, accurately and with appropriate context”, and was presented with “a range of views which discussed the facts”. It went on to say that a “fair and accurate reflection of what the independent, experienced criminologist said in her interview was also included in the Programme”. Channel 4 said that it believed “suitable measures were taken to provide adequate facts, analysis and context to protect viewers in relation to the inclusion of the statistics”, which could be perceived as harmful and/or unjustifiably offensive.

Taboo subject for authorities

- c) Channel 4 said that the programme reported “*a common complaint – that some Traveller sites have become lawless places, where crime and anti-social behaviour go unpunished*”. Channel 4 said that this assertion was contextualised to make it clear that it was accurate reporting of the opinions of people it spoke to, as opposed to statements of fact.

Channel 4 said that the programme included two examples of a lack of police intervention, in relation to incidents in Norfolk and Leicestershire, which both included responses from Norfolk and Leicestershire Police respectively. Channel 4 said that, as a public service broadcaster, it has “the right, as well as a duty, to report the action or inaction by the police when crimes are reported, a subject which is very much of public interest”, and that in doing so it took into account the parameters of Rule 2.1 of the Code.

Channel 4 went on to say that it reported “*...a common claim in our own investigation – that the police are reluctant to go onto these sites*” and that it asked the question, “*So is this fair?*”. It said that in answer to this question the commentary said: “*In some cases yes...*”, which it said made clear it was not suggesting in this section that all Traveller sites are “no go areas” for the police. Channel 4 said that, in order to provide the audience with “further insight and information” in relation to that question, it spoke to a “highly experienced frontline police officer” who said that that “*people from the Travelling community can commit crime knowing full well that they’ll get away with it*”.

Channel 4 said that it also reported that “*besides Cambridgeshire Police, none of the forces we approached would talk on the record about their experiences of policing the Travelling community*” and that the programme asked, “*what could explain this reluctance?*”. Channel 4 said that it reported what a number of serving and former police officers told it “*that the police fear being labelled racist if they talk publicly about the high levels of crime they see being committed by Travellers*”.

Channel 4 said that these were opinions that the residents and police officers who spoke to the programme makers were “entitled” to have and that Channel 4 was entitled to report, which it did “fairly, accurately and in context”.

Channel 4 said that it stated in the programme that it had obtained three years of police incident logs which detailed why Bedfordshire Police were called out to Traveller sites in the area and included accounts of domestic violence and stolen goods. Channel 4 said that it was “entitled to report the crimes that have been committed as well as the facts detailed in the Bedfordshire police logs” and that these logs “reflect crimes committed on Traveller sites and

reflect some of the personal experiences of the contributors who spoke to [it] in a range of locations across England”.

Channel 4 went on to say that the programme reported on “first-hand accounts provided to the production team by people who had been directly affected by these incidents”. Channel 4 said it was “careful” in what was presented as “accurate reporting of opinions” held by the people it spoke to who felt “*that the police are failing to investigate properly*”.

Channel 4 said that “it is clear in the Programme that the same laws apply across the board to members of the public including members of the Traveller and Gypsy communities” and that the programme “examined the concerns of the contributors that laws which apply to everyone are not being investigated and enforced in a uniform way”. Channel 4 went on to say that, in order to ensure that the “opinions and first-hand experiences of victims and police of what was (or they believed to be) crime committed by Travellers were presented to viewers in their proper context”, it was also “careful to include in the Programme a variety of voices...emphasising that the criminal actions of a minority of the Traveller community were tarnishing the reputation of the majority, that some Travellers were victims of crime too, that factors other than culture or ethnicity were more likely to be relevant to crime rates and that trying to link cultural factors to criminality was racist”.

Channel 4 concluded that, for the reasons stated above, it believed that the programme “contained fair and accurate reporting on a matter of public interest” and that it therefore complied with the generally accepted standards under Rule 2.1 of the Code.

Rule 2.2

In relation to Rule 2.2, Channel 4 said that viewers were provided with “reliable and accurate material in relation to the representation of factual issues”. As such, there was “no need for Ofcom to consider whether the content was ‘materially’ misleading so as to cause harm or offence as the Programme was not, in fact, misleading at all”.

Presentation of Gypsy and Traveller links to crime

Channel 4 said that “at no point in the programme was it said that all crimes committed in the vicinity of Traveller sites were committed by Travellers”. In order to address the complaint that the programme suggested that all crimes recorded in the vicinity of Traveller and Gypsy sites were committed by Travellers and Gypsies, Channel 4 noted examples of some of the “numerous references in the Programme which make it clear that not all crimes recorded were committed by Travellers or Gypsies”, including the following (the emphasis in the examples was provided by Channel 4):

- “*Travellers are often victims of crime too*”.
- “*It’s not simple [sic] by saying that all Travelling fraternity are criminals...there’s nothing further from the truth on that*”.
- “*...families who live on the... [Leicestershire] site...agreed there are issues with crime and anti-social behaviour, but stressed a minority were responsible for tarnishing the reputation of the site*”.
- “*Of course, not all crime around [the area] is linked to [the site]*”.

- Channel 4 highlighted that Professor Yardley said: *“The findings suggest that there is an association between the presence of a Traveller site and a crime rate increase or a higher crime rate. But it’s not just the presence of a Traveller site that will affect the crime rate, there are other factors as well. So there are things like population stability, population composition, poverty, deprivation”*. The presenter then asked Professor Yardley, *“surely those factors you mention are almost unanimously applicable to Travelling communities?”* and she responded, *“Yes, I’d agree that those, those factors do tend to be associated with Gypsy and Traveller communities. Those are the things that are driving the crime rate much more significantly than any particular ethnic group or their cultural practices”*. Channel 4 said that there was “no implication” in what Professor Yardley said that the crime in these areas was exclusively committed by Travellers, and that in fact, “the point she made is that this is not the case”.
- Channel 4 said Professor Yardley also referred to the need to find out what is going on in these “local communities” i.e. the people living on the Gypsy and Traveller sites and in the surrounding one-mile radius. She said, *“I think where you’ve got areas where the recorded crime rate is significantly higher, to the extent that you’ve just described...then that does suggest that something is going seriously wrong in those areas”*. The presenter asked, *“And can we link those to the Traveller sites?”* Professor Yardley responded, *“I think we can start off from the position that there’s an association between the presence of a Traveller site and these high crime rates, that’s the point we need to go in and say what is actually going on – in these local communities...”*.

Channel 4 said that, as a result of the above, the “committing of crimes in the vicinity of Traveller and Gypsy sites was properly contextualised and not presented as typical of every Traveller (or even the majority of Travellers)” and therefore the programme did not breach Rule 2.2 by misleading the audience.

Data collection, analysis and verification

Channel 4 went on to explain its approach to data collection, analysis and verification in the programme.

Channel 4 referred to the reports of local residents and authorities and said that it concluded that “the evidence from members of the public, police, media reports and disproportionate representation of Travellers and Gypsies within the prison system collectively justified a statistical investigation and analysis”.

Channel 4 said that statistical analyses were “not presented as a conclusive answer” to the question presented by the programme *“What is the truth about Travellers and crime?”*.

Channel 4 said that it accepted that it is particularly important that the content of current affairs programmes can be “relied on” by viewers, as breaches of that trust have the potential to result in “material harm and offence”. Channel 4 said that in order to prevent the audience from being materially misled and being conscious of the fact that “as far as [it is] aware, statistics on this topic had never been analysed and broadcast before”, the programme makers went to “great lengths to ensure the methodology of their research and their analysis of data was sound”.

Channel 4 said that the production team contracted “an independent criminologist, Professor Elizabeth Yardley, the Director of the Centre for Applied Criminology at Birmingham City University” as

a consultant to advise on the “appropriate methodologies” for gathering and analysing statistics, review its analysis and interpretation of statistics, and provide her “expert opinion” on whether any conclusions could be drawn from those statistics to be included in the programme.

Channel 4 said that she was approached because of her “extensive experience and expertise and her independence” in relation to this subject.

Channel 4 said that for both the selected sample of 30 sites and the random national sample, the production team provided Professor Yardley with “tables showing the postcode for each site, the data provided by Ukcrimestats for each area, the crime rate calculations for each area, together with details of the subsequent analysis carried out by the team in relation to these crime rate calculations”. Channel 4 said that Professor Yardley provided a written report confirming that the statistical methodology used by the programme makers was “sound and reliable” and that “looking broadly across both samples...the analysis showed an association between Traveller sites and a higher rate of crime in some areas”¹⁰.

Channel 4 said that Professor Yardley confirmed in her report, and again in her interview¹¹, that the methods used in terms of the statistical analysis were transparent, consistent and reliable. In particular, she stated the following in her report:

“Reliability relates to the extent to which the analysis is consistent and transparent – in other words, would another researcher be able to come and analyse the same data using your methodology and obtain the same results? In my opinion, this is the case with the data I have considered. Others could easily replicate this analysis and obtain the same outcomes. The approach to data sampling and processing has been clearly communicated, with distinct stages in the collection and analysis identified and workings provided where relevant in the spreadsheets”.

Sampling and data gathering

Channel 4 said that it conducted statistical analysis “to examine what further light this could shed on the personal experiences and views reported in the Programme”. Channel 4 said that it was “in the public interest” to examine crime rates around a sample of 30 authorised and permanent sites, as well as a much larger and randomly selected national sample to provide “fair and appropriate context” to the results of the 30 site sample. It said Professor Yardley agreed this was a “reasonable and fair line of investigation”. Channel 4 said that it identified the 30 site sample based on evidence was provided to the production team by: “(i) residents living near [the Leicestershire site] and other Traveller sites; (ii) a number of serving and retired police officers; (iii) extensive reports in local, national and social media linking some Traveller and Gypsy sites across the country to crime; and (iv) disproportionate representation of Travellers and Gypsies within the prison system”. Channel 4 explained its methodology in terms of data gathering, including its use of ukcrimestats.com, a “leading source of

¹⁰ Ofcom requested and reviewed a copy of the unedited footage of the interview with Professor Yardley and the written report she produced.

¹¹ This section of the interview was not included in the programme.

local crime statistics online”, to compare crime rates to the national average crime rate published by the Office of National Statistics.

Analysis of data

Channel 4 said it used the same methodology for both the 30-site sample and the national sample “to ensure fairness and consistency”. Channel 4 said the production team calculated how many of the areas around the Gypsy and Traveller sites had crime rates: “(i) above the national average crime rate; (ii) below the national average crime rate; (iii) a third above the national average crime rate; and (iv) a third below the national average crime rate”, as well as the average crime rate around all sites. Channel 4 said the results were all sent to Professor Yardley for review.

Channel 4 said that the results produced by the initial analysis of the 30-site sample and the national sample were subject to pre-broadcast checks.

Professor Yardley’s review

Channel 4 said that, following her review of the statistical analysis of the results of both the selected sample of 30 sites and the random national sample, Professor Yardley made a number of points both in her report and filmed interview “which were included in the Programme either verbatim or in substance” including:

- that while there is an association between the presence of a Traveller site and a higher rate of crime, it is not just the presence of a Traveller site which may drive the crime rate up. There are a number of broader factors (such as poverty and population composition) which drive the crime rate up more than the cultural practices of any one ethnic group;
- that many Gypsies and Travellers struggle to find employment in the current socio-economic climate;
- that Gypsies and Travellers face the worst levels of discrimination;
- that there is a shortage of sites provided for Gypsies and Travellers; and
- that Gypsies and Travellers are often victims of crime too.

Fair and accurate presentation of 30-site results in the programme

Channel 4 said that it was “transparent with the audience and clear that [it was] specifically looking at sites previously linked to crime, this sample was not random and it was not chosen to reflect Traveller sites in general”. Channel 4 said it explained the methodology used to the viewer, saying:

“...[we] identified the postcodes of 30 Traveller and Gypsy sites, where issues with crime and anti-social behaviour have been reported. Then we examined the recorded crime figures for a one-mile radius around these postcodes over a 12-month period”.

Channel 4 said that three of the four results of the 30-site sample were included in the programme and were reported “fairly, accurately and in context in the Programme”, including:

“Around 70% of these sites we found the crime rate was above the national average.

And around 47% of sites it was at least a third above...

and when we calculated the average crime rate around all 30 sites, it was almost one and half times the national average...”.

Channel 4 said that, as the programme also included the results and analysis of a random national sample, the audience were in a position to “properly contextualise and make their own assessment of the results and analysis of this selected sample of 30 sites”. Channel 4 said it therefore considered that “the Programme presented the methodology, analysis and results...fairly, accurately and in context”.

Fair and accurate presentation of national sample results in the programme

Channel 4 said it “took care” to inform the audience that two separate samples were examined, and introduced the random national sample as follows:

“...So far in our analysis of recorded crime statistics, Dispatches has looked at Traveller and Gypsy sites, where locals reported issues with crime...and we found that around most of those sites the crime rate was above the national average. But we wanted to get more of a national picture. So, we took a random sample of 237 Traveller and Gypsy sites from across England.

And what did we find? Well our analysis suggested that crime is a problem around a significant minority of those sites”.

Channel 4 said that “four out of the five results from the national sample” were “fairly and accurately reported” in the programme as follows:

“We found that around a narrow majority of sites... – in 56% of cases – the crime rate was below the national average and around 30% of sites the crime rate was at least a third lower than the national average...But on the other hand we also found that around 27% of sites the crime rate was at least a third above the national average”.

Channel 4 said that the results presented “are not all one sided” as it highlighted where the results were below the national average. However, Channel 4 said that “in Professor Yardley’s expert opinion (1) areas in which the crime rate was at least a third above the national average raised concerns that there were issues in those areas that needed to be addressed urgently; and (2) even though this was the case in a minority (ie. 27%) of sites, it was a significant enough minority to merit an investigation into the extent of criminality in these areas”.

Channel 4 said that there was therefore a “clear public interest” in highlighting as a concern in the programme the fact that there were areas within the national sample with crime rates a third above the national average, even if this was not the case in the majority of areas. Channel 4 said that this concern was “properly contextualised” by Professor Yardley in the programme in the following exchange about the national sample:

Professor Yardley: *“I think where you’ve got areas where the recorded crime rate is significantly higher, to the extent that you’ve just described, then that does suggest that something is going seriously wrong in these areas”.*

Presenter: *“And, can we link those to the Traveller sites?”*

Professor Yardley: *“I think we can start off from the position that there’s an association between the presence of a Traveller site and these high crime rates, that’s the point that we need to go in and say what is actually going on in, in these local communities”.*

Channel 4 also highlighted the statement made by Professor Yardley outlined above that factors such as poverty drive the crime rate up more than the cultural practices of any ethnic group.

Use of the term “association”

Channel 4 said the programme reflected Professor Yardley’s view stated in her interview and her written report that the connection between Gypsies and Travellers and crime is an “under-researched area and that, in general, research has shown that a number of broader factors account for crime” as follows:

“So what might explain high crime rates around a significant minority of Traveller and Gypsy sites across England? Well, more research needs to be done – and multiple factors usually account for crime”.

Channel 4 said that the commentary went on to highlight “poverty and deprivation links to crime”, as mentioned by Professor Yardley:

“But it is often linked to poverty, and Travellers and Gypsies suffer the worst outcomes in terms of health, education and employment and discrimination”.

Channel 4 said it was therefore clear that Professor Yardley’s reference in the programme to an “association” between higher crime rates and the presence of a Gypsy and Traveller site in some areas was “properly contextualized and was not misleading”.

Editorial decisions relating to the use of data

Channel 4 said that the research methodology utilised by the production team and presented in the programme was “fair, accurate and consistently applied rather than selective, biased and misleading”. It said that, when deciding which statistics to include in the programme and which to omit, the programme makers adopted a “consistent approach of only making comparisons to the national average crime rate” and that the methodology used was “robust”.

Channel 4 said that, as well as reporting results which “reflected positively” on the Gypsy and Traveller community, editorial judgments were made “not to include a number of findings which could have been seen to reflect the Travelling community in a negative light”. Channel 4 went on to say that these editorial decisions are “further evidence that the Programme was fair and was not intent on portraying the Travelling community in a negative light”.

Channel 4 said that “none of the information included in the Programme was misleading” and that “there were no omissions which were likely to have misled the audience”. Channel 4 said that the programme therefore “did not fall foul of Rule 2.2 of the Code”.

Channel 4 said that, although some viewers may have been “offended” by the reality of the statistics, “it does not follow that those statistics are misleading”. It said that the measures taken and editorial choices made were carried out to “protect viewers” by ensuring the material included in the programme was presented fairly, accurately and responsibly.

Channel 4 went on to say that, although the facts and the analysis were “robust” and may have been “uncomfortable” for some, it was careful to ensure that proper context was provided and that they were not presented in a “sensationalised” manner. Channel 4 said that it considered that the presentation of the statistics and other information in the programme would have been in line with audience expectations for a *Dispatches* programme and that the “vast majority of the audience will have had the maturity and understanding to receive the reporting and discussion of an uncomfortable issue of great public interest without harm”, even if they “strongly disagreed” with some of the information or views included in the programme.

Rule 2.3

Channel 4 said that Rule 2.3 provides that “...material which may cause offence [must be] justified by the context” and said that it needs to be determined whether there is any material which may cause harm or offence. In this case, Channel 4 said that, whilst there “might have been potential for offence”, this was “minimised and justified by the way that the material was presented in the Programme”.

Channel 4 said it endeavoured to ensure that the programme did not contain material which was “unjustifiably offensive”. It said that, having recognised the potential for offence to be caused even where reporting is “factually accurate”, careful scrutiny was applied at all stages of production to ensure that material was included in a way which was “editorially justified in accordance with Rule 2.3”.

Channel 4 said that the programme presented a “diverse range of views” which discussed the facts in a “responsible and unsensationalised way” and in recognition of the sensitivity of the subject matter. Channel 4 said that context and possible alternative explanations for the findings of the investigation were provided “to ensure that the findings themselves were not set out in a misleading or unjustifiably offensive manner”. Channel 4 listed the following by way of example:

- Channel 4 said that Professor Yardley was contracted to conduct an independent review of the statistics and its analysis. The programme included her “expert and authoritative opinion” that factors such as poverty drive the crime rate up more than the cultural practices of any ethnic group.
- Channel 4 said that Pauline Anderson, the Director of Learning and Skills at Derby City Council and also an Irish Traveller and a Trustee of a leading organisation which campaigns for Gypsy and Traveller rights, said in the programme that one of the “biggest barriers” for Gypsies and Travellers in schools is bullying and racist name-calling.
- Channel 4 said the presenter highlighted the following in the programme:

- *“There are also cultural factors – specific to the Travelling community – to consider. Lack of education increases the risks of crime...”; and*
- *“...multiple factors usually account for crime. But it is often linked to poverty, and Travellers and Gypsies suffer the worst outcomes in terms of health, education and employment and discrimination”.*

Channel 4 reiterated its representations about: the timing of the broadcast; warning provided; and nature of the programme, which it argued meant that the subject matter of the particular episode would have been likely to have been within the expectations of the audience. It also reiterated its belief that the programme fell within Channel 4’s public service remit to: deliver current affairs programmes looking at issues relevant to a UK audience; be innovative; and stimulate debate by exploring uncomfortable topics. Channel 4 said that the programme covered a subject which was “clearly in the public interest and entirely legitimate for Channel 4 to explore”.

Channel 4 concluded that it believed the programme complied with its obligations under the Code and asked Ofcom to “reject these complaints in their entirety”.

Channel 4 was provided the opportunity to make representations on Ofcom’s Preliminary View that the programme was not in breach of Rules 2.1, 2.2 or 2.3 of the Code, but made no further representations.

Decision

Reflecting our duties under the Communications Act 2003, Section Two of the Code requires that generally accepted standards are applied to the content of television and radio services, and that adequate protection is provided for members of the public from the inclusion of harmful and/or offensive material.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. When considering whether a broadcaster has provided its audience with adequate protection from potentially harmful material, Ofcom must take account of the broadcaster’s right to freedom of expression and the audience’s right to receive information and ideas, as set out in Article 10 of the ECHR. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

Under section 149 of the Equality Act 2010, Ofcom must also have due regard to the need to eliminate unlawful discrimination and to advance equality of opportunity and to foster good relations between those who share a relevant protected characteristic, such as race, and those who do not.

Ofcom also recognises in its Guidance on Section Two of the Code¹² that the way in which minority groups are portrayed in programmes can impact on how they are perceived by members of the public. Therefore, broadcasters need to take particular care when broadcasting programmes involving the discussion of difficult or controversial issues relating to those minority communities and ensure that appropriate protections are in place to avoid harm and offence which is not justified by the context.

¹² See [Ofcom Guidance Notes – Section Two: Harm and Offence](#), issue 12, published 18 July 2017, p 6. *Issue 433 of Ofcom’s Broadcast and On Demand Bulletin 1 September 2021*

However, these considerations are not determinative and when assessing whether a programme complies with the relevant rules of Section Two of the Code it is necessary to take into account all relevant contextual factors as well as the broadcaster's and audience's rights under Article 10 (as explained above).

In light of the concerns raised by complainants about the potential for the programme to cause harm and/or offence to the Gypsy and Traveller communities as a minority ethnic group, we considered these equality considerations to be particularly important to our consideration of whether the programme was in breach of the relevant rules of Section Two of the Code.

In preparing this Decision, we carefully considered all the material relevant to the programme. This included a recording and transcript of the full programme, and Channel 4's written representations. We also requested and reviewed additional material from Channel 4, namely the unedited footage of the interview with Professor Yardley and the written report she produced in connection with the statistical analysis presented in the programme.

Rule 2.2

We began by assessing the programme under Rule 2.2, as many of the complaints focused on issues regarding whether the programme gave a misleading impression about the links between Gypsy and Traveller communities and crime. Rule 2.2 is concerned with the misrepresentation of facts in a programme and states:

“Factual programmes or items or portrayal of factual matters must not materially mislead the audience”.

Ofcom's Guidance Notes on Section Two explains the following in relation to Rule 2.2:

“Ofcom is required to guard against harmful or offensive material, and it is possible that actual or potential harm and/or offence may be the result of misleading material in relation to the representation of factual issues”.

The Guidance also explains that Rule 2.2 is “designed to deal with content that **materially misleads the audience so as to cause harm or offence**” (emphasis in original) and not with “issues of inaccuracy in non-news programmes”.

If a non-news programme such as *Dispatches* includes inaccurate material, this will only result in a breach of the Code if the inaccuracy is “*materially*” misleading. As explained in the Rule 2.2 Guidance: “Whether a programme or item is ‘*materially*’ misleading depends on a number of factors such as the context, the editorial approach taken in the programme, the nature of the misleading material and, above all, either what the potential effect could be or what actual harm or offence has occurred” (emphasis in original) as a result of any misleadingness.

The requirement for broadcasters to take care to ensure that facts are not presented in programmes in a way which materially misleads the audience is particularly important in factual programmes which discuss current affairs, such as *Dispatches*. This is because the level of audience trust and the audience's expectation that such programmes will not be materially misleading is likely to be higher. It is important to note that Section Two does not prevent a broadcaster from making programmes about *Issue 433 of Ofcom's Broadcast and On Demand Bulletin*
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controversial subject matters or topics which may elicit strong opinions and emotions. Indeed, as argued by Channel 4 in its representations, it is crucial that broadcasters have the editorial freedom to do so. However, in broadcasting such programmes, broadcasters are required to ensure they comply with the rules in Section Two of the Code, including ensuring that facts are not misrepresented in a way which materially misleads the audience under Rule 2.2.

The key concerns identified by complainants regarding the factual material included in the programme were that:

- i. the programme suggested that all crimes in the vicinity of Gypsy and Traveller sites were committed by Gypsies and Travellers;
- ii. the programme suggested that Gypsy and Traveller sites are “no go areas” for the police and that, as a result, the same laws do not apply to the Gypsy and Traveller communities as they do to other members of the public; and
- iii. the programme gave a misleading impression that there was a causal link between Gypsy and Traveller sites and high crime rates, in particular as a result of the way that the programme presented conclusions that were drawn from the statistical analysis. The complainants were concerned that this reliance was “selective”, “biased”, “misleading” and “damaging” to Gypsy and Traveller communities.

In considering whether the portrayal of factual matters in this programme materially misled the audience, we first considered whether the programme did in fact misrepresent factual matters in relation to each of the above issues identified by complainants.

i) Suggestion that all crimes in the vicinity of Gypsy and Traveller sites were committed by Gypsies and Travellers

Ofcom acknowledged that the programme included a number of statements by contributors about incidences of crime and anti-social behaviour allegedly committed by Gypsies and Travellers.

These included:

- the opening of the programme, which focussed on the area surrounding a Traveller site in Leicestershire, in which the presenter said “*locals complain of a wave of anti-social behaviour and dangerous driving offences, committed by Travellers living at [a specified Traveller site in Leicestershire]*”. The programme stated that “*Most of the community there are Irish Travellers*” and that “*in recent years several residents have been convicted of serious crimes, including aggravated burglary, fraud, vehicle theft and robbery*”;
- references to “[a] *gang – all Travellers – were caught using gas cannisters to blow up the [Leicestershire town] post office cash machine*”;
- sequences of Gypsies and Travellers involved in criminal activity or anti-social behaviour, including hare coursing, shoplifting, vandalism and extortion, as well as interviews where contributors provided accounts of witnessing or experiencing criminal or anti-social activities by Gypsies and Travellers;
- further statements by the presenter, including that “*the police fear being labelled racist if they talk publicly about the high levels of crime they see being committed by Travellers*”; and
- statements by an anonymous police officer in Cambridgeshire who referred to Travellers in his area and said, “*there is a specific part of the community in quite large numbers committing*

crimes". Towards the end of the programme, the same police officer also called the level of crime being committed by Travellers *"disproportionate"*.

We also acknowledged the conclusions drawn in the programme from its statistical analysis, namely Professor Yardley's statement in the programme that the results indicated there is an *"association"* between the presence of a Gypsy and Traveller site and a crime rate increase or higher crime rate in a local area.

We considered that the cumulative effect of these statements included in the programme was to suggest that there was evidence that members of the Gypsy and Traveller community were responsible for crimes and anti-social behaviour reported in the vicinity of Gypsy and Traveller sites and, in certain areas, they were responsible for high levels of such crimes and anti-social behaviour.

However, we considered, as submitted by Channel 4, that *"at no point in the programme was it said that all crimes committed in the vicinity of Traveller sites were committed by Travellers"* (our emphasis). We also took into account Channel 4's statement that in order to ensure that the opinions and first-hand accounts included in the programme were *"presented to viewers in their proper context"*, it had included a variety of voices which *"emphasised that the criminal actions of a minority of the Traveller community were tarnishing the reputation of the majority, that some Travellers were victims of crime too, that factors other than culture or ethnicity were more likely to be relevant to crime rates and that trying to link cultural factors to criminality was racist"*. We considered, for example, that the following statements in the programme, as outlined in Channel 4's representations, helped to provide context and make clear that not all crimes were committed by members of the Gypsy and Traveller community:

- the narration, which stated that: *"Of course, not all crime around [the relevant area] is linked to [the particular site]"*;
- the Cambridgeshire Police officer's statement that *"We do occasionally see non-travellers" committing crimes such as hare coursing in the local area*;
- Professor Yardley's comment in the programme that: *"The findings suggest that there is an association between the presence of a Traveller site and a crime rate increase or a higher crime rate. But it's not just the presence of a Traveller site that will affect the crime rate, there are other factors as well. So there are things like population stability, population composition, poverty, deprivation"*. We agreed with Channel 4's statement that *"there was no implication in what Professor Yardley said that the crime in these areas was exclusively committed by Travellers, in fact, the point she made is that this is not the case"*;
- Professor Yardley's comment that: *"I think we can start off from the position that there's an association between the presence of a traveller site and these high crime rates, that's the point that we need to go in and say what is actually going on in – in these local communities"*. Ofcom considered that this suggested that there is more analysis to be done before definitive conclusions can be drawn as to the strength of the association between the presence of a Gypsy and Traveller site and a higher crime rate in the surrounding area;
- an anonymous police whistleblower who stated: *"It's not simple [sic] by saying that all Travelling fraternity are criminals...there's nothing further from the truth on that"*; and

- the presenter’s closing comments, which stated: *“Travellers are often victims of crime too”*.

We also took into account that the programme made clear, both verbally and in on-screen text, that the research results of the random national sample of 237 Gypsy and Traveller sites found that the crime rate around these sites was below the national average in 56% of cases and at least a third lower than the national average in 30% of cases. When viewed alongside Professor Yardley’s qualifying statements about the strength of association established by these results (as outlined above), we considered that the presentation of these results contextualised the reports of crime and anti-social behaviour by members of the Gypsy and Traveller communities included in the programme. It also helped to convey to the audience that it was not the case that all crimes in the vicinity of Gypsy and Traveller sites were committed by Gypsies and Travellers.

Therefore, although there were several references in the programme to reports of crime being committed by members of the Gypsy and Traveller communities and an “association” between crime and Gypsy and Traveller communities, we considered that the programme included other material which made it clear that not all crimes in the vicinity of Gypsy and Traveller sites were committed by Gypsies and Travellers. The results of the research into the national sample (which Ofcom accepted was included to provide further context to the allegations made by contributors to the programme) also suggested this was not the case.

Ofcom’s view is therefore that the programme did not misrepresent factual matters by suggesting that all crimes in the vicinity of Gypsy and Traveller sites were committed by members of those communities.

ii) Suggestion that Traveller and Gypsy sites are “no go areas” for the police

Ofcom acknowledged that the programme included a number of references which suggested that some Gypsy and Traveller sites were perceived to be “no go areas” for the police and/or that there was a degree to which ‘lawlessness’ was tolerated among Gypsy and Traveller communities. These included:

- references by the presenter to a *“common complaint [among contributors to the programme] – that some Traveller sites have become lawless places, where crime and anti-social behaviour go unpunished”* and a *“common claim”* that the police are reluctant to go on to Gypsy and Traveller sites;
- references by the presenter to a feeling reported among contributors that the police are *“failing to investigate properly”* and that *“some residents in different areas of the UK...think that there’s a two-tier legal system in which they have to follow one set of laws and the Travelling community follow a different set and that the police don’t enforce those laws on the Travelling community”*;
- a report that locals near a site in Leicestershire *“feel that the Police have allowed the [Traveller] site to become a lawless, no go place”*. Further reports in Hertfordshire, Surrey, Norfolk and Bedfordshire of alleged incidents of crime committed by Gypsies and Travellers where no arrests were made, which the programme suggested was because crime committed by Gypsies and Travellers was a *“taboo subject”* where some police officers *“fear being labelled racist if they talk publicly about the high levels of crime they see being committed by Travellers”*; and

- an exchange between the presenter and an anonymous police whistleblower where the presenter asked: *“Doesn’t that just mean that people from the Travelling community can commit crime knowing full well that they’ll get away with it?”*, to which the police whistleblower responded: *“Unfortunately, yes. It comes down to that”*.

We took into account Channel 4’s representations that the above statements in the programme were “contextualised to make it clear that it was accurate reporting of the opinions of people [it] spoke to as opposed to statements of fact”. In terms of the testimonies included in the programme, such as those outlined above, Channel 4 said that “these were opinions that the residents and police officers... were entitled to have and that Channel 4 was entitled to report”. Regarding the details of crime included in the programme, such as the obtaining of police incident logs in Bedfordshire, Channel 4 said that it was “entitled to report the crimes that have been committed” and that the logs “reflect crimes committed on Traveller sites and reflect some of the personal experiences of the contributors who spoke to [it]”. Channel 4 said that the testimonies of both residents and police were “portrayed fairly and accurately” in the programme and that “how viewers chose to interpret what they were seeing was left up to them”.

We therefore went on to consider whether Channel 4 had, as they argued they had done, portrayed these first-hand accounts “fairly and accurately”. We carefully considered the programme’s discussion of the relationship between specific Gypsy and Traveller sites and the local police (and the extent to which the programme portrayed certain sites as “no go areas”). In our view, the programme did not present this perception as being true of all Gypsy and Traveller sites or all police forces around the country. Rather, the programme focused on particular areas (such as Surrey and Leicestershire). The perception of Gypsy and Traveller sites being “no go areas” was also framed as representing the opinions and experiences of individual police officers and specific local residents in particular locations who contributed to the programme. For example, the issue of crime and anti-social behaviour going “*unpunished*” around Gypsy and Traveller sites was framed by the presenter as being a “*common complaint*” from those who spoke to Channel 4, as opposed to being presented as a statement of fact. We further took into account that the programme stated “...we’ve come across a common claim in our own investigation – that the police are reluctant to go onto these sites... So is this fair?... In some cases yes” [our emphasis]. We considered, as Channel 4 had submitted, that this qualification made clear that it was “not suggesting in this section that all Traveller sites are no go areas for the police”. We therefore considered that Channel 4 had portrayed the first-hand accounts of local residents and individual police officers fairly and accurately as representing their own viewpoints on these issues.

We took into account Channel 4’s representations which stated that, consistent with its right to freedom of expression and as a public service broadcaster, Channel 4 has “the right, as well as a duty, to report the action or inaction by the police when crimes are reported, a subject which is very much of public interest” and that in doing so, had sought to abide by the Code. In our view, the actions of the police and their application of laws to different groups within a community is an area of public interest which is justifiable for a current affairs programme to investigate, providing it complies with Rule 2.2 of the Code.

We also took into account that there were a number of references in other parts of the programme which challenged the suggestion that Gypsy and Traveller sites are “no go areas” for

the police and/or that where there was evidence of potential criminal activity committed by Gypsy or Traveller communities, this was tolerated or allowed to go unpunished. For example, allegations that the police were not intervening in specific cases were, as highlighted by Channel 4 in its representations, put to the relevant police constabularies. Their responses, and an outline of the action they had taken in response to complaints, were explained and included in the programme, as follows:

- Surrey Police were reported as responding to allegations that victims of crime did not hear back from them after reporting attacks: *“A number of motorists were targeted by youths hiding in bushes ... around [local Traveller sites] at the time patrols were stepped up to prevent further offences from taking place. However none of the drivers who reported the incidents could provide a detailed description of those responsible and the investigation was closed. Should any additional information come to light...the investigation will be reopened”*; and
- Leicestershire Police responded to an allegation that violence on a local Gypsy and Traveller site had reached *“alarming levels”* and that police did not go on to the site following two reported shoot outs between feuding families: *“Any report of violence is taken very seriously and the appropriate police action will be taken. Our officers deal with reports of crime without fear or favour. Officers visit the Travellers’ site regularly. Overall crime rates in the immediate area surrounding ... the site have fallen over the last couple of years”*.

In addition, we took into account that the programme included examples where the police did investigate allegations of crimes allegedly committed by Gypsies and Travellers on or around Gypsy and Traveller sites. For example, the programme followed a specialist unit within Cambridgeshire Police set up to tackle hare coursing, a blood sport which the programme said was *“popular among some Travellers”*. The programme also showed footage of suspected burglars from the Gypsy and Traveller community being pursued by a police vehicle.

For the reasons set out above, in Ofcom’s view the programme did not misrepresent factual matters with regards to the suggestion that Traveller and Gypsy sites are “no go areas” for the police.

iii) Suggestion that there is a causal link between Gypsy and Traveller sites and high crime rates

We next addressed complaints that the programme gave a misleading impression that there was a strong association between Gypsy and Traveller sites and high crime rates, in particular as a result of the way in which the programme presented conclusions that were drawn from the statistical analysis. The complainants were concerned that this reliance was “selective”, “biased”, “misleading” and “damaging” to Gypsy and Traveller communities. Given the nature of the complaints and the way the statistics were relied upon in the programme, as described further below, we considered it was appropriate to focus our consideration on the question of whether the programme gave a misleading impression that there was a causal link between Gypsy and Traveller sites and high crime rates. We will consider the difference between ‘association’ and ‘causation’ below.

As explained in the Programme Summary and the summary of Channel 4’s representations to Ofcom above, the programme included results from statistical analysis relating to a 30-site sample and a national sample, which Channel 4 submitted were reported “fairly, accurately and in

context” in the programme. Channel 4 said that these statistical analyses were not presented as a “conclusive answer” to the question addressed by the programme, namely “*What is the truth about Travellers and crime?*”, but were used to “examine what further light” could be shed on the “personal experiences and views” reported in the programme. In Ofcom’s view, the presentation of this statistical analysis was given particular emphasis in the programme in its discussion of the potential link between crime levels and the presence of Gypsy and Traveller communities in particular local areas, as indicated by the commentary in the introduction of the programme:

*“...In this film, Dispatches is going to confront an uncomfortable question...What is the truth about Travellers and crime?...Across England, people are living in fear near certain Traveller sites...Police on the frontline say they fear being called racist if they speak out...**For the first time, we can reveal what the statistics say about crime around numerous Traveller sites....**And we ask, isn’t it time for the authorities to talk openly about this problem?” (emphasis added).*

In relation to the 30-site sample, the programme explained:

“So far our investigation has uncovered reports of high crime levels around several Traveller sites. But, in these areas where locals claim crime is a problem, do crime statistics back them up? To find out, we identified the postcodes of 30 Traveller and Gypsy sites, where issues with crime and anti-social behaviour have been reported. Then we examined the recorded crime figures for a one-mile radius around these postcodes over a 12-month period. Around 70% of sites, we found the crime rate was above the national average. And, around 47% of sites, it was at least a third above. And, when we calculated the average crime rate around all 30 sites, it was almost one and half times the national average. In other words, what the figures suggested is that crime was a serious problem around a significant number of Traveller and Gypsy sites. We showed the results of our investigation to leading criminologist Professor Liz Yardley”.

Commentary from Professor Yardley was then shown, in which she said:

“The findings suggest that there is an association between the presence of a Traveller site and a crime rate increase or a higher crime rate. But, it’s not just the presence of a Traveller site that will affect the crime rate, there are other factors as well. So, there are things like population stability, population composition, poverty, deprivation”.

The presenter asked Professor Yardley: “*But, surely those factors you mention are almost unanimously applicable to Travelling communities?*”

Professor Yardley responded:

“Yes, I’d agree that those, those factors do tend to be associated with Gypsy and Traveller communities. Those are the things that are driving the crime rate much more significantly than any particular ethnic group or their cultural practices”.

In relation to the national sample, which appeared later and towards the end of the programme, the programme explained:

“So far in our analysis of recorded crime statistics, Dispatches has looked at Traveller and Gypsy sites, where locals reported issues with crime, and we found that around most of those sites, the crime rate was above the national average. But we wanted more of a national picture. So, we took a random sample of 237 Traveller and Gypsy sites from across England. And what did we find? Well, our analysis suggested that crime is a problem around a significant minority of those sites. We found that around a narrow majority of sites, in 56% of cases, the crime rate was below the national average and around 30% of sites the crime rate was at least a third lower than the national average. But, on the other hand, we also found that around 27% of sites the crime rate was at least a third above the national average. In simple terms, serious crime problems were associated with over a quarter of sites”.

Further footage of the interview with Professor Yardley was then shown in which she made the following comments:

“I think where you’ve got areas where the recorded crime rate is significantly higher, to the extent that you’ve just described, then that does suggest that something is going seriously wrong in these areas”.

The presenter then asked Professor Yardley: *“And, can we link those to the Traveller sites?”*, to which Professor Yardley responded:

“I think we can start off from the position that there’s an association between the presence of a Traveller site and these high crime rates, that’s the point that we need to go in and say what is actually going on in, in these local communities”.

The presenter then said:

“So, what might explain high crime rates around a significant minority of Traveller and Gypsy sites across England? Well, more research needs to be done, and multiple factors usually account for crime. But it is often linked to poverty, and Travellers and Gypsies suffer the worst outcomes in terms of health, education and employment and discrimination”.

Taking into account the way that the programme presented the results of the statistical analysis, as set out above, Ofcom considered the following factors as relevant background context to our

consideration of whether the programme gave a misleading impression that there was a causal link between Gypsy and Traveller sites and high crime rates.

We took into account that the programme included an explanation of the methodology used for both samples, as well as an explanation of the decision to examine and present the results of a random national sample, which helped viewers assess the results of the 30-site sample in context. We also considered that the commentary in the programme that presented the results of the statistical analysis of both the 30-site sample and random national sample was, in and of itself, fair and accurate. In coming to this view, we considered the written report provided to us by Channel 4 and prepared by Professor Yardley, who was contracted by the programme makers as an independent criminologist to review the methodology and results of the statistical analysis. In this report, Professor Yardley confirms “the approach to data sampling and processing has been clearly communicated, with distinct stages in the collection and analysis identified and workings provided where relevant in the spreadsheets”.

We also took into account that the programme included commentary from Professor Yardley giving an interpretation of the results of the statistical analysis of both samples, which reflects the interpretation set out in her written report. Specifically, Professor Yardley found that while the results of both samples indicated there was an “*association*” between the presence of a Gypsy and Traveller site and a crime rate increase or higher crime rate in a local area, she also made clear that other factors would affect crime rate, such as population stability, population composition, poverty and deprivation. In Professor Yardley’s written report, she made clear that “association is not causation” and that without controlling for other variables that potentially impact upon crime rates, such as those stated in the programme above, it was not possible to conclude that the presence of Gypsy and Traveller sites leads to higher rates of recorded crime in the surrounding area. Overall, the results of the statistical analysis of both the 30-site and random national samples and Professor Yardley’s commentary indicated that there was an “*association*” between the presence of a Gypsy and Traveller site and higher crime rates in some areas. However, in our view, and in line with Professor Yardley’s written report, an “*association*” does not indicate that there was, in fact, a demonstrable causal link between the presence of a Gypsy and Traveller site and higher crime rates in local areas. We will consider this issue in more detail below.

In considering the way that the programme presented the results of the statistical analysis, we were also mindful of what we understand to be the subjective and sometimes unreliable nature of crime statistics themselves, which points to difficulties with relying on police recorded crime statistics in the way that the programme did to draw its broad conclusions from the results of the 30-site and national samples. For example, in January 2014, the UK Statistics Authority published its assessment of the Office of National Statistics (“ONS”) crime statistics in which it said that there is “accumulating evidence that suggests the underlying data on crimes recorded by the police may not be reliable”¹³. The ONS itself noted in its release *Crime in England and Wales* (the latest version of which was published in May 2021 but earlier releases of which are available on the ONS website) that police recorded crime “excludes offences that are not reported to, or not recorded by, the police”. It said that trends can be influenced by changes in recording practices, police

¹³ See [Assessment Report 268, Statistics on Crime in England and Wales](#).

activity and public reporting of crime, leading to concerns about the quality of recording and consistency across police forces¹⁴. In this context, we also took into account evidence pointing to discriminatory attitudes and stigma towards Gypsy and Traveller communities, which could potentially impact the relative frequency with which crimes involving the Gypsy and Traveller population are reported to the police. For example, the 2014 Global Attitudes survey reported that 50% of the UK have an “unfavourable” view of Gypsies and Travellers¹⁵. We also took into account that none of these limitations of the underlying data were clearly presented to the audience in the programme.

Against this relevant background context, Ofcom acknowledged that certain statements made in the programme, when considered in isolation, could have been interpreted as suggesting that there was a causal link between the presence of Gypsy and Traveller sites and high crime rates. For example:

- After presenting the results of the 30-site sample, both verbally by the presenter and in on-screen text, the presenter made the following claim: *“In other words, what the figures suggested is that crime was **a serious problem** around **a significant number of Traveller and Gypsy sites**”* (our emphasis). The programme also included a comment by Professor Yardley that *“the data demonstrates an association between the presence of a traveller site and a higher rate of recorded crime in some areas”*. While the commentary characterised crime around some areas as a *“serious problem”*, in Ofcom’s view, the results of this sample carried the risk of being self-reinforcing when viewed or presented in isolation, as the sample itself comprised only sites in relation to which specific allegations of problems with crime and the local Gypsy and Traveller community had been reported.
- In terms of the random national sample of 237 Gypsy and Traveller sites across England, before presenting the results of the national sample, verbally and in on-screen text, the presenter stated: *“our analysis suggested that crime is a problem around a **significant minority** of those sites”* (our emphasis). The narrator went on to outline the findings, which Ofcom understood to be accurate, that: in 56% of cases the crime rate was below the national average, which was described as a *“narrow majority”*; one third lower in 30% of cases; and at least a third above the national average in 27% of cases. After presenting these results, the presenter summarised the findings as follows: *“In simple terms, **serious crime problems were associated with over a quarter of sites**”* (our emphasis). The programme then included extracts from a discussion with Professor Yardley, in which she confirms the data demonstrates an association between the presence of a traveller site and a higher rate of recorded crime in some areas, after which the presenter continued with the following statement: *“So, what might explain **high crime rates around a significant minority of Traveller and Gypsy sites across England?**”* (emphasis added).

We acknowledged that the way the programme set out the conclusions drawn from the 30-site sample and random national sample (as outlined above), when considered in isolation, had the

¹⁴ See: [Crime in England and Wales: year ending December 2020](#) Office for National Statistics.

¹⁵ See ‘A Fragile Rebound for EU Image on Eve of European Parliament Elections’, [Chapter 4. Views of Roma, Muslims, Jews](#), May 12, 2014.

potential to be interpreted by the audience as suggesting that there may be a causal link between the presence of a site and higher than average crime rates in at least some areas of the country (described in the programme as “a significant minority”). This was in particular because the programme did not, in commenting on the analysis, expressly set out the distinction between a statistical “association” and a “causal link”. We considered that, to a viewer who was not familiar with statistical analysis, it may not therefore have been clear precisely what was meant by the analysis finding an “association” in this context or what strength of connection might be deduced from that finding. We also acknowledged the fact that Professor Yardley, in her written report and unedited verbal interview, made clear that association is not the same as causation, but that the programme did not include this specific comment, either in the excerpts of her interview which were included in the programme or, for example, in commentary from the presenter.

We therefore went on to consider whether, in the absence of this clarification, the programme was likely to have given the impression of a causal link between the presence of a Gypsy and Traveller site and high crime rates. In this regard, we identified that the programme contained other material that helped to ensure that the conclusions concerning the degree of association were appropriately contextualised.

We first considered that the programme included the commentary presented by Professor Yardley, which made clear that although the statistical analysis established an “association” between crime and Traveller sites in a “significant number” (30-site sample) or “significant minority” (national sample) of cases, further analysis would be required before any conclusions could be drawn as to whether the presence of a Gypsy and Traveller site in an area was, itself, a causal factor in any increased crime rates in a particular area. By way of example, after the results of the 30-site sample were presented, Professor Yardley highlighted that other factors may contribute to elevated crime rates in certain areas, including within the Gypsy and Traveller communities:

*“The findings suggest that there is an association between the presence of a Traveller site and a crime rate increase or a higher crime rate. **But, it’s not just the presence of a Traveller site that will affect the crime rate, there are other factors as well.** So, there are things like population stability, population composition, poverty, deprivation” (emphasis added).*

In addition, after the results of the national sample were presented, the programme included the following commentary from Professor Yardley, which made clear that more investigation needed to be done before conclusions could be drawn as to what might have led to any association between the presence of a Gypsy and Traveller site in an area and elevated crime rates:

*“I think where you’ve got areas where the recorded crime rate is significantly higher, to the extent that you’ve just described, then that does suggest that something is going seriously wrong in these areas...I think we can start off from the position that there’s **an association between the presence of a Traveller site and these high crime rates,***

that's the point that we need to go in and say what is actually going on in, in these local communities" (emphasis added).

Ofcom considered that the inclusion of Professor Yardley's commentary after the presentation of the statistical analysis in the programme would likely have made clear to viewers that no firm conclusions could be drawn from the results presented in the programme as to any degree of association between the presence of a Gypsy and Traveller site and a higher crime rate in a local area, and that further analysis considering wider societal factors would need to be done. We therefore considered that Professor Yardley's commentary would not have been likely to have been understood by the audience as suggesting that the "association" found from the statistical analysis amounted to causation.

We next considered Channel 4's representation that the programme also included material which highlighted the "poverty and deprivation links to crime" as identified by Professor Yardley. We agreed that the presenter reiterated these points made by Professor Yardley throughout the programme. For example, after the results of the national sample were outlined, the presenter said:

*"So what might explain high crime rates around a significant minority of Traveller and Gypsy sites across England? **Well, more research needs to be done – and multiple factors usually account for crime.** But it is often linked to poverty, and Travellers and Gypsies suffer the worst outcomes in terms of health, education and employment and discrimination"* (emphasis added).

The presenter then said:

"There are also cultural factors – specific to the Travelling community – to consider. Lack of education increases the risks of crime. Large numbers of Travellers remove their children from school - sometimes as young as 11 or 12 years old – and these children often receive no formal secondary education".

We carefully considered whether, by highlighting the broader range of factors that might contribute to higher crime rates in a local area, these statements would have been likely to have made clear to viewers that the conclusions about the "association" found from the statistical analysis did not amount to causation.

We understood the point explained by Professor Yardley to be that wider societal factors such as poverty and lack of education can contribute to higher crime rates, and that some of these wider societal factors may be associated with Gypsy and Traveller communities. This is because Gypsy and Traveller communities may be more likely to suffer from poverty, deprivation and lack of access to education and employment, due to the discrimination they face in society. We considered that viewers are likely to have understood that these factors could, therefore, be a possible reason why certain areas where there are Gypsy and Traveller sites, such as those included in the statistical analysis, experience higher than average crime rates. In our view, this excerpt of Professor Yardley's interview also makes clear that that these wider societal factors –

which often affect the Gypsy and Traveller community – are likely to be driving crime rates “*much more significantly*” than belonging to any particular ethnic group or community. In her subsequent comment, the presenter reiterated Professor Yardley’s point by again suggesting that wider societal factors are likely to be the driver of crime rates, rather than ethnicity.

Although Ofcom understood the discussion to refer to factors like poverty that might exist outside of the Gypsy and Traveller community, as well as within it, we considered that it was appropriate in the context of the programme as a whole and the issues it set out to explore, that the programme focussed on these factors as they relate to the Gypsy and Traveller community. We therefore considered that the programme was unlikely to have given viewers a misleading impression that members of Gypsy and Traveller communities were more likely to commit crime simply because of their ethnicity or membership of a particular community.

As a result, in our view, the programme did not suggest that the statistical analysis demonstrated the existence of a causal link between the presence of a Gypsy and Traveller site and a higher crime rate, or in other words, that it was the presence of a Gypsy and Traveller site in an area, in and of itself, which was likely to be the primary driver responsible for increased crime rates in that area.

We considered that the programme also included other material which explored the impact of these other societal factors on the Gypsy and Traveller community, which further contextualised the “*association*” found from the statistical analysis and helped to ensure that the programme did not give viewers a misleading impression that ethnicity or membership of the Gypsy and Traveller community is likely to lead to higher crime rates. For example, the programme included interviews with two members of the Gypsy and Traveller communities, Paddy Doherty and Pauline Anderson¹⁶, which explored some of these other factors that might contribute to elevated crime rates, such as drug abuse and education respectively. We considered, as argued by Channel 4 in its representations, that these contributors provided alternative views on certain challenges faced by Gypsy and Traveller communities, and also contextualised both the results of the statistical analysis and reports of crime and anti-social behaviour linked to Gypsy and Traveller sites explored within the programme. For example:

- Paddy Doherty said that, in cases where there is tension between a Traveller site and the local settled community, “*it’s not all the Travellers on that site, it’s only maybe two or three families*”. He went on to say that “*Drugs [have] destroyed Travellers*” and argued that drug-dealing and drug abuse had increased violence amongst younger generations of Travellers; and
- Pauline Anderson highlighted further issues faced by the community and said that “*Young Traveller men are disproportionately represented in the prison population... and personally my view would be that if they hadn’t left school they would have been safer and would have been less likely to go to prison. On the other side, for those Gypsies and Travellers who are at school, one of the biggest barriers is the general acceptance of bullying and racist name-calling, particularly in secondary schools*”.

¹⁶ Paddy Doherty is an Irish Traveller. Pauline Anderson is an Irish Traveller who currently leads a settled life.
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Other contributors also suggested alternative factors which may contribute to elevated crime rates in certain areas, including within the Gypsy and Traveller communities. In our view, this also further contextualised both the results of the statistical analysis and reports of crime and anti-social behaviour linked to Gypsy and Traveller sites explored within the programme. For example:

- a local town councillor gave his opinion that poor planning decisions had caused tensions between Gypsy and Traveller communities and settled communities: *“The area had a large community of Gypsies and Travellers, but for 60 years of my life that was never an issue...A lot of the development around the Gypsy and Traveller sites has...not been done properly...They’ve already got too many places...I blame a lot of it on the council and their failure to manage”*; and
- Kate Green MP expressed the view that *“We don’t have enough authorised sites, and the position has become worse over recent decades, going back to the 1990s. That inevitably leads to unauthorised stopping, creating tensions between Traveller and settled communities, creating quite poor and difficult circumstances often for Travellers who end up being moved on again and again, which is extremely damaging to their well-being”*. Later in the programme she said, *“Characterising criminal behaviour by either racial or cultural background of perpetrators is unhelpful, discriminatory to a whole community, stigmatising to a whole community”*.

Therefore, we considered that the programme as a whole did not give the impression of a causal link between the presence of a Gypsy and Traveller site in a local area and higher crime rates, nor give viewers a misleading impression that ethnicity or membership of the Gypsy and Traveller community is likely to lead to higher crime rates. This is because the programme included sufficient material which served to contextualise the statements describing the results of the statistical analysis, and made it clear that it was not just the presence of a Gypsy and Traveller site that contributes to elevated crime rates in certain areas and that no firm conclusions could be drawn as to the degree of association without consideration of wider societal factors and further analysis being undertaken.

For the reasons set out above, Ofcom’s view in relation to Rule 2.2 is that overall the programme did not misrepresent factual matters by suggesting that there is a causal link between Gypsy and Traveller sites and high crime rates as a result of the way in which the programme presented conclusions that were drawn from the statistical analysis.

Conclusion on Rule 2.2

Having considered all of the above issues, Ofcom’s Decision in relation to Rule 2.2 is that:

- the programme did not misrepresent factual matters with regards to the suggestion that all crimes in the vicinity of Gypsy and Traveller sites were committed by Gypsies and Travellers;
- the programme did not misrepresent factual matters with regards to the suggestion that Gypsy and Traveller sites are “no go areas” for the police; and
- the programme did not misrepresent factual matters by suggesting overall that there is a causal link between Gypsy and Traveller sites and high crime rates.

As such, Ofcom’s Decision is that the programme was not in breach of Rule 2.2.

Rules 2.1 and 2.3

Complainants raised two key concerns which Ofcom considered warranted investigation under Rules 2.1 and 2.3 of the Code, namely that:

- the programme presented a solely negative view of the Gypsy and Traveller communities; and
- the programme has caused offence as well as harm to relations between the Gypsy and Traveller communities and the settled community.

As explained further below, Rules 2.1 and 2.3 require Ofcom to consider whether the programme contained material likely to cause harm and/or offence and if so, whether adequate protection was provided from members of the public from the inclusion of harmful/offensive material and whether the inclusion of potentially offensive material was justified by the context.

We assessed the programme under these two rules together, as we considered the same material to raise potential issues, as set out above, requiring consideration under both Rule 2.1 and 2.3.

Background to Rule 2.1

Rule 2.1 of the Code states that:

“Generally accepted standards must be applied to the contents of television...services so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material”.

The Code enables broadcasters to include challenging or contentious viewpoints in programmes. However, broadcasters must ensure compliance with Rule 2.1 of the Code by providing adequate protection to limit the reasonable likelihood of members of the public being, for example, caused harm by what has appeared on a broadcast service. It is an editorial discretion for the individual broadcasters to decide how to secure such protection¹⁷, and the requirement to provide adequate protection is particularly pronounced in the context of a programme which focuses on a community defined by a protected characteristic, as in this case, race.

In reaching a decision under Rule 2.1, Ofcom must assess the nature of the potentially harmful and/or offensive material and whether there is a reasonable likelihood of it causing members of the public potential or actual harm.

In some cases, it may be clearer that there is, or is likely to be, a direct causal link between material included in a programme and instances of actual harm, or the reasonable likelihood of harm, to audiences as a result, for example where programmes include health claims¹⁸ which may be harmful,

¹⁷ Ofcom has published [Guidance](#) on this to assist broadcasters.

¹⁸ For example, on 15 October 2019, Ofcom [imposed](#) a financial penalty of £25,000 fine on Greener Technology Limited in relation to its service BEN TV for failing to comply with, amongst other things, Rule 2.1. (We also directed the licensee: not to repeat the programme, *Peter Popoff Ministries*; and to broadcast a summary of our findings on the channel. The programme included a series of invitations to viewers to order a religious ministry’s “*Miracle Spring Water*”. These were broadcast alongside testimonies about the effect of the water, that claimed, or strongly implied, that the water had cured them of serious illnesses, such as cancer and kidney failure. Ofcom

particularly where they are targeted at vulnerable people and their consequences could be severe or even life-threatening¹⁹. In cases where it is alleged that what has been broadcast has caused harm indirectly, it may be more complex to establish whether it is likely there is a causal link between the material that has been broadcast and instances of actual or potential harm to audiences, for example where there is a concern that broadcast content might lead to a change in public attitudes towards a particular ethnic or social group that may encourage prejudice or discriminatory conduct towards that group and thereby harmful behaviour against them. We note that the potential for a programme to elicit a potentially harmful change in attitudes among the audience will depend on a wide variety of factors, including viewers' existing beliefs, attitudes and prejudices.

Context is important in relation to Rule 2.1, and the extent of any protection of the audience required in the editorial content of the programme will depend on all the relevant circumstances including: the service on which the material is broadcast; the likely expectation of the audience; and the degree of harm likely to be caused.

Ofcom must also take proper account of the broadcaster's right to freedom of expression and the audience's right to receive information and ideas under Article 10 of the ECHR.

Background to Rule 2.3

Rule 2.3 of the Code states²⁰ that:

“In applying generally accepted standards broadcaster must ensure that material which may cause offence is justified by the context...Such material may include, but is not limited to, offensive language, violence, sex, sexual violence, humiliation, distress, violation of human dignity, discriminatory treatment or language (for example on the grounds of age, disability, gender, race, religion, beliefs and sexual orientation). Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

The Code does not prohibit the broadcast of material or the inclusion of views or opinions that have the potential to cause offence. To do so would, in our view, be a disproportionate restriction of the broadcaster's right to freedom of expression and the audience's right to receive information. Rule 2.3 does not restrict the subjects covered by broadcasters, or the manner in which such subjects are treated, as long as the potentially offensive content is justified by the context.

Further, broadcasters need to take particular care when broadcasting programmes involving the discussion of difficult or controversial issues relating to minority communities, such as the Gypsy and

considered that the audience might be led to believe that it was unnecessary to rely on, or continue receiving, conventional medical treatment in favour of the “*miracle spring water*”, and therefore this could have had a damaging effect on the health of viewers.

¹⁹ As explained in Ofcom's [Guidance Notes on Section Two of the Code](#).

²⁰ See footnote 8.

Traveller community. Ofcom’s Guidance Notes on Section Two of the Code states the following in relation to Rule 2.3:

“There is a relationship between representation – the presence and inclusion of a diverse range of people on screen – and portrayal – the roles involved and the way that minority groups are presented in programmes. In standards regulation, the latter is assessed by context (as defined in the Code). Research suggests that viewers and listeners appreciate programmes that are representative of the diverse society in which they live. If there is an under-representation, the use of stereotypes and caricatures or the discussion of difficult or controversial issues involving that community may be seen as offensive in that it is viewed as creating a false impression of that minority”²¹.

Taking into account the entirety of the programme as broadcast, we considered:

- whether the programme contained material that had the potential to cause harm and/or offence; and
- if so, whether the broadcaster had ensured that they have provided adequate protection to the audience and the wider public from the potentially harmful and offensive content in the programme as broadcast (as required by Rule 2.1), and which meant that the offence was justified by the context in which it was broadcast (as required by Rule 2.3).

Potentially offensive material

We first considered whether material included in the programme as broadcast had the potential to cause offence. In considering this material, we had particular regard to our Guidance Notes on Section Two of the Code, which state that where a group – such as the Gypsy and Traveller community in the UK – is under-represented, the use of stereotypes and caricatures or the discussion of difficult or controversial issues involving that community may be seen as offensive in that it is viewed as creating a false impression of that minority.

Ofcom considered there was some potential for offence to be caused in the programme’s portrayal of the Gypsy and Traveller community in the way in which it explored the difficult topic of crime and anti-social behaviour within the community.

Certain sections of the narration described a “fear” caused by the experience of actual and alleged examples of crime and anti-social behaviour carried out by the Gypsy and Traveller community reported by contributors to the programme. For example:

- *“Across England, people are living in fear near certain Traveller sites...”*;
- *“The MP for South West Bedfordshire...[says] some Travellers are terrorising his constituents”*;
- and
- *“...we’ve heard a common complaint – that some Traveller sites have become lawless places, where crime and anti-social behaviour go unpunished”*.

²¹ [Ofcom Guidance Notes – Section Two: Harm and Offence](#), issue 12, published 18 July 2017. *Issue 433 of Ofcom’s Broadcast and On Demand Bulletin 1 September 2021*

The programme also contained a number of sequences showing members of the Gypsy and Traveller community involved in criminal activity or anti-social behaviour, as well as interviews where contributors provided accounts of witnessing or experiencing criminal or anti-social activities by Gypsies and Travellers, for example:

- the programme began with a short montage of archive footage of television news reports of cases where Gypsies and Travellers had been accused, and in some cases convicted, of serious crimes while the narrator said: *“In this film, Dispatches is going to confront an uncomfortable question... What is the truth about Travellers and crime?”*;
- Andrew Selous, the MP for South West Bedfordshire saying: *“I have constituents who are moving out of my constituency because they don’t feel safe...”*;
- an anonymous farmer saying that his life had been *“threatened...four, five, six times in the last three or four months”*; and
- the programme looked at crime and anti-social behaviour (both alleged and following conviction) being committed near Gypsy and Traveller sites in Leicestershire and Surrey, including details of reports of bricks being thrown at vehicles driving near a site. The programme also included allegations of criminal activity in Cromer, Norfolk on a specific bank holiday weekend in 2017.

We also took into account that some complainants also said that they had found offensive the following comments of Andrew Selous MP, which he had made in response to a question about what he had meant when, in previous statements he had made publicly, he had called some areas of his constituency “ungovernable”:

“Well, I think the phrase that I used was ungoverned space, which was actually a term used of Afghanistan during the Taliban era. And, the previous Chief Constable of Bedfordshire was not very happy with me using that phrase, but I stand by it, because Traveller sites can be out of sight, out of mind...”

We took into account that, alongside this material, the programme also relied upon research undertaken by the programme makers on a statistical analysis of crime rates around Gypsy and Traveller sites based on a 30-site and random national sample, which established an *“association”* between the presence of a Gypsy and Traveller site and higher crime rates in the local area.

Ofcom acknowledged that the material described above had the potential to cause offence to the audience in that it risked perpetuating a negative stereotype of the Gypsy and Traveller community in terms of their involvement in criminal and anti-social behaviour. In our view, the inclusion of the sequences showing members of the Gypsy and Traveller community involved in criminal activity or anti-social behaviour, coupled with interviews with contributors providing accounts of witnessing or experiencing criminal or anti-social behaviour by Gypsies and Travellers, ran the risk of reinforcing negative stereotypes associated with members of the Gypsy and Traveller community as widely participating in violent and criminal activity. This was compounded by the fact that these sequences and interviews with contributors expressing *“fear”* caused by the experience of crime and anti-social behaviour from the Gypsy and Traveller community made up a large portion of the programme. While some members of the community were included in the programme, for example Paddy Doherty and

Pauline Anderson, they were in the minority of contributors to the programme. In relation to the comment set out above by Andrew Selous MP, Ofcom considered this comment could be interpreted by some viewers as likening Gypsy and Traveller sites to rogue states, implying they were entirely lawless and outside of effective government in the UK, which was potentially highly offensive.

In considering this material, Ofcom had particular regard to the status of the Gypsy and Traveller community as an under-represented, minority ethnic group and Ofcom's Guidance Notes to Section Two of the Code. We considered that, in covering the difficult and controversial topic of crime within the Gypsy and Traveller community, the programme included material that, when considered in isolation, had the potential to perpetuate negative stereotypes, and create a false impression, of the community as a whole.

We therefore considered that the programme included material that was potentially offensive. We consider below whether the inclusion of this potentially offensive material was justified by the context in which it was broadcast.

Potentially harmful material

We considered whether the potentially offensive material outlined above also had the potential to cause harm. We were especially mindful in this context of the complaints from individuals who expressed concern that they or their children had been, or would be, harmed as a direct result of the programme being broadcast, in the form of facing racial discrimination or abuse.

As outlined above, where the alleged harm relates to a potential change in public attitudes towards a particular ethnic group, such as the Gypsy and Traveller communities, it can be particularly complex to establish whether the broadcast material is likely to result in, or cause, harm to audiences by increasing discrimination or prejudice against those communities and thereby harmful behaviour against them.

Ofcom considered that some of the material discussed above was potentially offensive because it portrayed Gypsies and Travellers in a negative light. We took into account Channel 4's representations that, while any examination of criminality in relation to a particular community necessarily involves the inclusion of "negative material", it did not automatically follow that in examining this subject the broadcaster was "making a judgement on the whole community or the full gamut of their lives and activities".

However, Ofcom was of the view that it was possible that the "negative material" in the programme had the potential to perpetuate negative stereotypes associated with the Gypsy and Traveller communities and, therefore, had the potential to influence viewers' perceptions of people from these communities. We took into account that there is evidence of widespread prejudice against the Gypsy and Traveller communities in society, for example, the Equality and Human Rights Commission ("EHRC") has found that negative attitudes towards Gypsies, Roma and Traveller communities are still widely held²². The EHRC has also found that Gypsy, Roma and Traveller students experience high levels

²² ['Is Britain Fairer?': Key facts and findings on Gypsies, Roma and Travellers](#), Equality and Human Rights Commission.

of bullying in schools²³.

We therefore considered that, in principle, the programme risked reinforcing negative views of the Gypsy and Traveller communities held by some viewers, which could in turn lead to increased discrimination and harmful behaviour toward the Gypsy and Traveller communities. We were mindful that a small number of the large total of complaints we received raised the issue of people suffering harm in the form of bullying, being the target of abusive language, or suffering anxiety about the prospect of themselves or their children being bullied, abused or discriminated against as a direct result of the programme. We acknowledged that it may be the case that there were some incidents of negative behaviour towards members of the Gypsy and Traveller communities at the time or after the programme in question was broadcast. However, after careful consideration, it was Ofcom's view that we were not presented with sufficient evidence that the reported instances of harm allegedly caused to people from the Gypsy and Traveller communities were directly linked to, or caused by, material included within the programme. In other words, it was not clear the extent to which any actual or potential instances of harm reported by complainants may have arisen as a result of pre-existing prejudice against members of the Gypsy and Traveller communities, rather than as a result of the content included in the programme.

However, we did consider that certain statements included in the programme that were liable to perpetuate negative views of the Gypsy and Traveller communities, when considered in isolation, had the potential to cause harm by exacerbating existing tensions between Gypsy and Traveller communities and settled communities if adequate protection was not provided by the broadcaster in compliance with Rule 2.1.

Contextual justification for offence and adequate protection from harm

We went on to consider whether the broadcast of the potentially harmful and offensive material outlined above was justified by the context, and whether Channel 4 provided adequate protection to viewers and the public from the potentially harmful material. Section Two of the Code provides that "context" can be assessed by reference to a range of factors including: the editorial content of the programme; the service on which the material was broadcast; the likely size, composition and expectations of the audience; and the time of broadcast.

In relation to the question of adequate protection, it is an editorial decision for an individual broadcaster how it achieves adequate protection for audiences and our [Section Two Guidance](#) explains that there are various methods broadcasters can use. For example, it explains that warnings can be used by broadcasters when it is appropriate to provide protection for listeners from potential harm.

We first looked at what context was provided by the content of the programme as a whole. Ofcom considered that the allegations of crime and anti-social behaviour committed by Gypsies and Travellers, while potentially harmful and offensive insofar as they had the potential to perpetuate negative stereotypes of a minority group, were appropriately contextualised within the programme. For example, during the opening montage showing archive news footage of serious crimes, the narrator's comment, "In this film, *Dispatches* is going to confront an uncomfortable question.... What is the truth about Travellers and crime?" demonstrated that the programme's intention was to

²³ Ibid.

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interrogate the negative stereotype perpetuated by such news stories and to examine what the facts were.

In the section of the programme which focused on the Gypsy and Traveller site in Leicestershire, residents from the local settled community's reports of crime and anti-social behaviour was contextualised by the presenter stating that *"families who live on the...site...agreed there are issues with crime and anti-social behaviour, but stressed a minority were responsible for tarnishing the reputation of the site"* and that *"of course, not all crime around [the area] is linked to [the site]"*. After the programme had discussed the claims of local residents that violence on the site had *"reached alarming levels in the last two years"* and that *"the police have allowed the site to become a lawless, no go place"*, further context was provided with a statement from Leicestershire Police which provided a different perspective to that of the local settled residents:

"Any report of violence is taken very seriously and the appropriate police action will be taken. Our officers deal with reports of crime without fear or favour. Officers visit the Travellers' site regularly. Overall crime rates in the immediate area surrounding the site have fallen over the last couple of years".

Further context was provided to the other allegations of crime and anti-social behaviour committed by Gypsies and Travellers in the programme:

- In the section of the programme detailing allegations of crimes committed by members of the Gypsy and Traveller community near a site in Cromer, the programme clearly stated that the incidents took place over the course of a single bank holiday weekend three years previously, as opposed to being an ongoing issue.
- In the section of the programme outlining concerns from a resident in Surrey that bricks had been thrown at his car, which he believed to come from a local Traveller site, the police's response was included which said that *"none of the drivers who reported the incidents could provide a detailed description of those responsible"*. In our view, this cast doubt on the identity of the perpetrators.
- When Andrew Selous MP described Traveller sites as *"ungoverned space"*, he made clear that his use of the phrase was not condoned by *"the previous Chief Constable"* of Bedfordshire and he clarified that what he meant by it was perhaps a criticism of the police's approach to policing Gypsy and Traveller sites rather than to the behaviour of Gypsies and Travellers themselves. In Ofcom's view, these additional contextual factors would have likely served to mitigate the potential offence in relation to this comment.

In addition, in our view, further context was provided as the programme highlighted other factors explaining why there might be tensions between some Gypsy and Traveller sites and the settled communities near them, such as the role of the police, for example, *"the feeling is that the police are failing to investigate properly. Surrey has a number of Traveller and Gypsy sites, and it's one county where some locals are angry with the police"*.

In relation to the results of the statistical analysis, the presenter also made clear that the reason for presenting the statistical analysis of crime rates around a 30-site and random national sample of Gypsy

and Traveller sites was to determine whether reports of Gypsy and Traveller crime and anti-social behaviour were supported by statistical evidence: *“So far, our investigation has uncovered reports of high crime levels around several Traveller sites. But in these areas where locals claim crime is a problem, do crime statistics back them up?”*. We have referred in our consideration of Rule 2.2 above to material included in the programme which in our view contextualised the statements made about the strength of the association established by the statistical analysis. We considered this material made it clear that it was not just the presence of a Gypsy and Traveller site that contributes to elevated crime rates in certain areas and that no firm conclusions could be drawn as to the degree of association between the presence of a Gypsy and Traveller site and crime levels without consideration of wider societal factors and further analysis being undertaken. We considered that these factors also helped to mitigate the potential harm and offence caused by the material outlined earlier in our consideration of Rules 2.1 and 2.3.

Further context for all of the potentially offensive and harmful material detailed above was also provided through a number of interviews included in the programme which provided additional insight into other factors which may contribute to problems faced within Gypsy and Traveller communities and those which may create tensions between some Gypsy and Traveller sites and the settled communities near them. The interviews contained statements which emphasised that only a minority of people from the Gypsy and Traveller community are involved in crime, but that the misconception that the problem is more widespread is potentially damaging to all members of these communities, and to community relations. They included:

- an interview with a local town councillor who gave his opinion that poor planning decisions had caused tensions between Gypsy and Traveller communities and settled communities;
- an interview with Paddy Doherty, who drew on the Traveller site where he lives as an example of a site where crime had been a problem historically but where the situation had changed. He also said that in cases where there is tension between a Traveller site and the local settled community, *“it’s not all the Travellers on that site, it’s only maybe two or three families”*
- an interview with Kate Green MP, the then co-chair of the APPG for Gypsies, Travellers and Roma, who suggested that a lack of authorised sites creates tensions between Gypsy and Traveller and settled communities, and who said that: *“characterising criminal behaviour by either racial or cultural background of perpetrators is unhelpful, discriminatory to a whole community, stigmatising to a whole community”*;
- an interview with Pauline Anderson OBE, who highlighted further issues faced by the Gypsy and Traveller community, such as lack of education, bullying and racist name-calling in schools; and
- the comment made by Professor Yardley that other factors *“are driving the crime rate much more significantly than any particular ethnic group or their cultural practices”*.

Ofcom considered that the inclusion of a range of views on the wider challenges faced by the Gypsy and Traveller community helped to contextualise other comments made in the programme regarding the allegations of Gypsy and Traveller crime, thereby reducing the likelihood that these comments would perpetuate damaging or racist stereotypes, and protecting members of the public from harm and offence.

Ofcom also considered the following further contextual factors and protections that Channel 4 said it had put in place to protect to audiences from harm and offence. These included:

- Channel 4 said that the subject matter of the programme was “clearly in the public interest and entirely legitimate for Channel 4 to explore”, and that it had been covered in “a responsible manner” which was not sensationalised;
- the warning broadcast immediately before the programme, which established that the programme would “confront an uncomfortable question” and specifically investigate “the truth about Travellers and crime”;
- showing the programme as part of the investigative documentary series *Dispatches*, which Channel 4 described as a “well-established documentary series” and in relation to which, given previous topics, it would be within the audience’s expectations that it covered “uncomfortable topics”; and
- broadcasting the programme after the watershed at 9pm on a weekday, when audiences might expect to see “stronger content”.

We considered that the programme was in line with audience expectations for an investigative documentary of this nature and in particular, *Dispatches*. We also considered that the audience was provided with clear information as to the type of programme they should expect from this particular episode of *Dispatches*.

Consistent with the right to freedom of expression of both the broadcaster and the audience, it is important that investigative documentary programmes such as *Dispatches* are able to explore all aspects of human life and behaviour, including controversial issues relating to minority communities, provided that they do so within the parameters of the Code. In reaching our Decision on this matter, we took into account the Article 10 rights of Channel 4 and its audience, as part of which we had regard to Channel 4’s representations that the matters broadcast were of important public interest and the issues explored were consistent with its specific statutory remit which provides that Channel 4 should support and stimulate well-informed debate on a wide range of issues, as well as audience expectations. We considered that there was a strong public interest in the matters explored by the programme, including tensions between members of the Gypsy and Traveller communities and settled communities, and perceptions of local residents about how effectively police in local areas addressed crime.

Ofcom acknowledged that the programme focussed on criminal activity and anti-social behaviour by people from Gypsy and Traveller communities. In Ofcom’s view, certain sequences and contributions, taken in isolation, had the potential to cause harm and offence by perpetuating negative stereotypes of Gypsies and Travellers as widely participating in violent and criminal activity. This could have had the effect of exacerbating existing tensions between the Gypsy and Traveller communities and settled communities. However, we considered that, overall, it was made clear to the audience that it was not the programme’s thesis that all Gypsies and Travellers were involved in criminal activity or anti-social behaviour or that the presence of a Gypsy and Traveller site in a local area necessarily led to increased crime rates, and appropriate contextualisation was provided throughout the programme as a whole. Taking all of the above matters into account, we considered that the programme provided adequate

contextual justification for, and protection to members of the public from, the inclusion of the potentially harmful and offensive material included in the programme.

Conclusion on Rules 2.1 and 2.3

Ofcom's Decision is that the broadcaster applied generally accepted standards to ensure that adequate protection was provided to members of the public, including members of the Gypsy and Traveller communities, from potentially offensive or harmful material in the programme as a whole and that therefore there was no breach of Rules 2.1 or 2.3 of the Code.

Conclusion

It was Ofcom's Decision that the programme did not misrepresent factual matters in respect of the suggestion that all crimes in the vicinity of Gypsy and Traveller sites were committed by Gypsies and Travellers, or the suggestion that Gypsy and Traveller sites were "no go areas" for police. We also considered that the programme did not misrepresent factual matters by suggesting that there was a causal link between Gypsy and Traveller sites and high crime rates, as the programme included sufficient material which served to contextualise the conclusions that were drawn from the statistical analysis.

It was also our Decision that while the programme contained potentially harmful and offensive material, this was appropriately justified by the context and Channel 4 had provided adequate protection to members of the public against the potentially harmful or offensive material in the programme as a whole.

Not in breach of Rules 2.1, 2.2 or 2.3