



## Complaint by Mrs Julie Hardwick about *Channel 4 News*, Channel 4, 3 April 2023

<b>Type of case</b>	Fairness and Privacy
<b>Outcome</b>	Not Upheld
<b>Service</b>	Channel 4
<b>Date &amp; time</b>	3 April 2023, 19:00
<b>Category</b>	Fairness
<b>Summary</b>	We have not upheld a complaint about unjust or unfair treatment in the programme as broadcast.

### Case summary

The programme included a report about hotels across the UK being used to house people seeking asylum, and the impact this was having on local communities. The report focused on the village of Kegworth, Leicestershire, where a hotel had entered a contract with the Home Office to house asylum seekers. The reporter spoke with several individuals with differing views on the impact which the arrival of asylum seekers was having on the village. The complainant, Mrs Hardwick, was interviewed as part of the report.

Mrs Hardwick complained that she was treated unjustly or unfairly in the programme as broadcast because her contribution to the programme was edited in such a way as to “make [her] appear racist”. Mrs Hardwick also said that she had been reassured she would be portrayed in a certain way and was not informed that other groups would be interviewed, or coverage of protests about the hotel housing asylum seekers would be included in the programme.

Ofcom’s decision is that the broadcaster has not been unfair in its dealings with Mrs Hardwick as a contributor to the programme. We also considered that Mrs Hardwick’s contribution was edited

fairly, and that the broadcaster had taken reasonable care to satisfy itself that material facts had not been presented, disregarded, or omitted in a way that was unfair to her.

## Programme summary

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On 3 April 2023, Channel 4 broadcast an edition of its early evening *Channel 4 News* programme. During the programme, the newsreader in the studio introduced the segment, explaining that:

*“Hundreds of hotels around the UK are being used to house people seeking asylum, while the authorities try to clear the growing backlog of cases. While some are welcoming this, it’s also drawn some angry protests. Our Communities Editor, Darshna Soni, has been in Leicestershire to the village of Kegworth, where friends and families are divided of [sic] the arrival of dozens of new neighbours”.*

The programme showed footage of a protest against the arrival of asylum seekers and the reporter introduced the story:

*“This village on the edge of Leicestershire, population three and a half thousand, has found itself bitterly divided over the arrival of around one hundred new residents”.*

The programme included audio and short ‘vox pops’ footage of residents sharing their thoughts on the arrival of the asylum seekers. One individual could be heard in voiceover saying:

*“They’ve been dropped in a village where there’s literally nothing to do. Things have changed completely and it has caused a divide in the village”.*

Another individual was interviewed and said:

*“It’s turning us into racist people which I don’t want to be racist, but it’s making me dislike these people, do you know what I mean”.*

A third individual said:

*“The guys have come from war torn countries, they want to feel safe and welcomed and contribute to the community”.*

The reporter then explained that the owner of the local Yew Lodge Hotel had signed a contract with the Home Office to house the asylum seekers. The programme showed the reporter speaking to an individual who was being housed in the hotel after *“he escaped the Taliban in Afghanistan”*.

The programme then showed footage from around the village. The reporter narrated:

*“The government has suggested the migrants are attracted to Britain partly because of the use of hotels. They’ve recently announced plans to evict the asylum seekers and move them to disused military bases or even ships. But the real reason that the Home Office is relying on them is because there is a huge backlog of asylum cases and that backlog isn’t going to get cleared anytime soon. So they could still be used for months to come and its local communities having to deal with the impact”.*

Later, the programme included further footage of a group protesting against the use of the hotel to house asylum seekers; protestors could be heard chanting *“Save our village”* and *“Protect our kids, worrying isn’t racist”*. The reporter explained that a local campaign group, Operation Yew Lodge, had been holding regular demonstrations in the village, before speaking to several individuals who both supported and opposed the decision to house asylum seekers in the hotel.

The reporter had the following exchange with a woman at the protest who wore a ‘Save Kegworth’ hooded top:

Reporter: *“What does the village need saving from?”*

Protestor: *Well, we don’t know because we don’t know anything about these people. We don’t know nothing about them apart from we’ve just had influx of –*

Reporter: *So it’s the fact you weren’t consulted?*

Protestor: *We weren’t told about anything, none of it”.*

The reporter was also shown speaking to a man who did not appear to be involved in the protest. He said:

*“It’s just populist politics that we’ve got now, that’s what worries me. Everyone polarised, nobody talks to each other anymore and it’s Donald Trump politics, isn’t it. Why they’re chanting ‘save our children’, I don’t know why they are chanting that. Save them from what?”*

The reporter was then shown approaching a hairdressing salon. The name of the salon, the door number, and its opening times could be seen. The reporter said:

*“The protestors say they are fed up of being labelled as racist for raising concerns, so I have come to meet one of the organisers. Julie, a hairdresser, says she has increased security since the asylum seekers moved into the village”.*

The reporter was then shown talking to Mrs Hardwick in interview while she was with a customer in the salon.

Reporter: *“You’ve got a lock on the door?”*

Mrs Hardwick: *Yeah, we thought we should up security a little bit because—*

Reporter: *You know they’re not criminals, they’re asylum seekers, so I’m wondering what your fears are, why you feel like?*

Mrs Hardwick: *How do I know that? How do I know that? Are they processed? Are they passported? Do we know anything about them?*

Reporter: *Why can’t you just go up to them and say ‘hello’ and ask them where they are from?*

Mrs Hardwick: *They don't exactly look approachable. [A caption appeared which read "Julie Hardwick, Save Kegworth campaign group"]. Sorry, they don't look approachable, and that probably isn't what anybody wants to hear here. As a woman walking through the streets, it's not something I want to say 'oh hi'. I don't know, I don't know them".*

The reporter continued:

*"Julie's welcomed the Government's plan to house asylum seekers in old army bases. She feels Kegworth just doesn't have the infrastructure to support them. She is angry that no one in authority bothered to consult people who live locally".*

The interview continued.

Reporter: *"You feel powerless because you feel like there is nobody to talk to, nobody to get answers from?"*

Mrs Hardwick: *Yes, and I have tried, I've tried various routes. I've tried our local MP, first of all, I tried the Parish Council. I want to know where the Government have found £6 million a day to sort them out, and all of a sudden, that money is available".*

The report continued without further reference to, or footage of, Mrs Hardwick. The reporter spoke with a number of other individuals about their experiences, including a man housed at the hotel in Kegworth waiting for his claim to be heard, and individuals involved with a group called 'Operation Open Arms Kegworth', which was set up to welcome the asylum seekers. A woman from Open Arms Kegworth spoke to the reporter:

*"I think people are entitled to have different views and some people can think that they shouldn't be in our village, but still that they're people who need help, whether they should be in our village or whether they think the government should of housed them somewhere else isn't really relevant".*

The report concluded with the reporter saying:

*"More than fifty thousand asylum seekers are stuck in hotels. The Home Office says the system is under incredible strain and that they will work with local authorities to ensure the arrangements are safe for local people and for the hotel residents. But they admit there is no deadline to end their use and so villagers in Kegworth and their new arrivals have no idea how long they'll be staying".*

## Summary of the complaint and broadcaster's response

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### Complaint

Mrs Hardwick complained that she was treated unjustly or unfairly in the programme as broadcast because the programme was edited in such a way as to “make [her] appear racist”. In particular, Mrs Hardwick said that:

- The programme only showed parts of her interview that “could be used in conjunction with the footage of protests”. For example, the reporter referred to her use of extra security at her salon, which Mrs Hardwick said was there before the asylum seekers arrived.
- While she supported some of the views of the Save Kegworth group, contrary to the programme’s claim, she was not “*one of the organisers*” of the group.
- The programme did not include her explanation that she did not want asylum seekers living in the village, “because of the risk to [her] children”.

Mrs Hardwick explained that while she had understood that the purpose of the interview was to seek her views on the impact to the village, the Channel 4 reporter had “advised [her] repeatedly that she was interviewing [her] as a concerned mum of two young children” and had reassured her that she would be portrayed as a “worried parent”. Mrs Hardwick added that when she had agreed to the interview, she was not told that any other groups would be interviewed, or coverage of protests would be included in the programme.

### Broadcaster's response

Channel 4 said that the report focused on an important and ongoing public interest topic of how to deal with the huge backlog of asylum cases, the housing of asylum seekers, and the impact this has on local communities. It said that the report focused on Kegworth, a small village in Leicestershire, where a local hotel had entered into a contract with the Home Office to house asylum seekers, and the resulting issues this had raised in the village. The broadcaster said that bookings at the hotel had been cancelled and the facilities were no longer available for use by the local residents. It said that the report was made up of a number of elements, namely:

- Setting the scene in Kegworth and referring to protests there, with the inclusion of footage of a protest against the housing of asylum seekers in the village;
- Audio and short ‘vox pops’ footage of residents sharing their views on the situation;
- Reference to the local campaign group protesting against asylum seekers being housed in the village, and comments from individuals who both supported and opposed the hotel being used to house asylum seekers;
- An interview with the complainant, who owns a local hairdressing salon and who was referred to as one of the organisers of the protests;
- Interviews with an asylum seeker housed in the village and two residents of the village participating in a group called “Operation Open Arms Kegworth”; and,
- A response from the Home Office on the issues raised.

## Pre-broadcast interactions with the complainant

Channel 4 said that the programme makers had first met the complainant in a pub on 18 March 2023 where she and others had congregated before attending a public protest organised by a local campaign group outside the hotel which was housing the asylum seekers. It said that the complainant was wearing a hooded top bearing the 'Save Kegworth' logo, and that she told the reporter that they (the campaign group) had designed the logo themselves and had arranged for them to be printed. The broadcaster said that the programme makers identified themselves as being from Channel 4 News and told the complainant they would be in the village for a few days filming for a news report about the protests and what was going on in the village. Channel 4 said that the programme makers told Mrs Hardwick that they were filming all aspects of the protests, including speaking to other people, and that she was therefore aware from the outset that she was not the only person being interviewed. The broadcaster added that she was not told that the report would be comprised only of her interview, and that it was unreasonable for her to assume that this would be the case.

Channel 4 said that Mrs Hardwick and a friend had told the programme makers that they were part of the campaign group that organised the protest campaign 'Save Our Village'. It said that the programme makers also observed the campaign group using other campaign names/slogans, including 'Operation Yew Lodge' and 'Save Kegworth'. The broadcaster said that the complainant gave the reporter her phone number, saying that she was one of the main points of contact for the campaign group and that she could help facilitate the filming of group meetings. It said that the programme makers openly filmed the public protest, including the complainant who was aware that filming was taking place, and that on several occasions during the protest, the programme makers spoke to her off camera. Channel 4 said that the programme makers had asked for information regarding the route of the protest and how long they would stay at the protest, and added that the complainant had knowledge of the protest plans and meetings with the police. The broadcaster also said that Mrs Hardwick informed the reporter of alleged incidents in the village involving asylum seekers and of forthcoming private meetings between the campaign group and the police to voice their concerns.

The broadcaster said that the complainant had agreed to a filmed interview (Interview 1) at the protest about why she was supporting it. The unedited interview footage and a transcript was provided to Ofcom.

Channel 4 said that after the interview had concluded, the complainant had expressed her dissatisfaction with the answers that she had given and said that she did not want the interview to be broadcast. The broadcaster said that Mrs Hardwick requested that she be interviewed again on another day, which the programme makers agreed to, though they had no obligation to do so.

Channel 4 said that the second interview (Interview 2) was arranged for 22 March 2023 at Mrs Hardwick's hair salon at her request. The unedited interview footage and a transcript were provided to Ofcom.

Channel 4 said that Mrs Hardwick was fully aware that the topic of the interview would be the same as Interview 1, namely, the protests, and her concerns about the housing of asylum seekers in the village. The broadcaster noted that the complainant had four days between Interview 1 and Interview 2 to consider whether she wanted to be interviewed and what she was going to say about these issues.

The broadcaster added that the complainant was accompanied by a woman (the mother of the founding member of the campaign group) to support her during Interview 2. Channel 4 said that several times during the interview, the complainant asked for a pause in questioning so that she could think about her answers and/or consult with the other woman to ask how she should phrase her answers, particularly when it came to sensitive subject matters. Channel 4 said that the programme makers co-operated with the complainant's requests in this regard.

The broadcaster also said that the unedited footage showed that the complainant discussed a wide range of concerns including a lack of information, consultation, and infrastructure, which were key themes in both her interviews. Channel 4 said that the elements of Interview 2 included in the programme as broadcast fairly and accurately reflected the complainant's concerns about these key themes.

Channel 4 said that on 24 March 2023, the programme makers had openly filmed a protest organised by the campaign group outside the hotel owner's home in a neighbouring village. It said this was a public protest in which the complainant participated, wearing a hooded top with the campaign group logo on it.

### Post-broadcast communication with the complainant

Channel 4 said that the programme was broadcast on 3 April 2023 and was also published online on the Channel 4 News website. It said that on 5 April 2023, it received an email from the complainant in which she expressed her dissatisfaction with the programme and the repercussions she said she had faced because of it. The broadcaster said that although there was no obligation to change the online report, it removed the footage of the complainant from it on the same date and confirmed with her it had done so.

### Response to the complaint to Ofcom

The broadcaster said that it did not accept that the programme had been edited in such a way as to make the complainant "appear racist". It said that the report had not suggested Mrs Hardwick was racist, but had made it clear that the protestors were frustrated with being labelled racists for raising concerns. For example, the reporter said: *"The protestors say they're fed up with being labelled racists for raising concerns..."*, and included a comment from an unidentified individual that, *"things have changed completely and it has caused a divide in the village. It's turning us into racist people which I don't want to be racist but it's making me dislike these people, do you know what I mean"*.

Channel 4 said that the programme included the complainant saying, in response to a question by the reporter as to why she could not just go up to asylum seekers and say 'hello' and ask them where they were from:

*"They don't exactly look approachable, sorry, they don't look approachable. And that probably isn't what anybody wants to hear here. As a woman walking through the streets, it's not something I want to say. Oh, hi, I don't know. I don't know them"*.

Channel 4 said that this also fairly and accurately reflected further concerns expressed by Mrs Hardwick in Interview 2 that were not included in the programme as broadcast, that as a woman she felt intimidated approaching young men whom she did not know, particularly when they were in groups.

Channel 4 said that not everything said in an interview can be included in broadcast programmes, and in this instance no guarantees were given that some, or all of the interviews would be broadcast. It said that it is a matter for the broadcaster and producer's editorial judgment as to what should be broadcast. In this case, Channel 4 said that "an entirely legitimate editorial decision was made" to focus in the programme on: how the Government was trying to deal with a growing backlog of asylum cases by housing asylum seekers in hotels; the perspectives of local people for and against the housing of asylum seekers in a hotel in Kegworth; and the perspective of asylum seekers housed in the village. The broadcaster said that in the case of those who opposed the housing of the asylum seekers in the village, the programme focused on their concerns regarding lack of information, consultation, and infrastructure. It said that it could be seen from the unedited footage that the extracts from Interview 2 included in the programme were fair and accurate and had not been taken out of context. It added that the complainant's comments were also consistent with the concerns expressed by others in the programme, such as the lack of consultation.

The broadcaster said that the programme makers were alive to the possibility of accusations of racism being levelled at protestors (including the complainant) and so Channel 4 said that it was careful to ensure that the report did not exacerbate this. Channel 4 said that the programme did not express any judgements about the validity, or otherwise, of the concerns raised, but presented them fairly and accurately to enable viewers to assess those concerns for themselves. It reiterated that, as a courtesy to the complainant, the programme makers had acceded to her request not to broadcast Interview 1. Channel 4 said that Mrs Hardwick was treated fairly at all times, was accurately informed of the subject matter of the programme before being interviewed, and was treated professionally and courteously throughout.

Channel 4 said that it did not accept that the programme included only parts of the complainant's interview which "could be used in conjunction with the footage of protests", such as the reference to extra security at Mrs Hardwick's salon. It said that the complainant was made aware from the outset that the protests were at the heart of the news story. It said that her interview focused on her reasons for protesting, and that she was openly filmed with her knowledge participating in protests wearing a hooded top bearing the slogan 'Save Our Village'. Channel 4 also said that Mrs Hardwick spoke to the programme makers off camera during the protests and voluntarily providing her contact details. It said that it was completely fair and appropriate to include her interview in the context of a report including footage of protests which she participated in.

The broadcaster said that regarding the issue of security at her salon, the complainant had told the reporter in a call prior to Interview 2 that she had installed security at the salon since the asylum seekers had arrived, and so would have to buzz her in. It said that when the programme makers arrived at her salon on 22 March 2023 to film Interview 2, they had asked the complainant if she would be happy to show this, and she agreed. Channel 4 said that in the unedited footage, when asked about the lock on the door, the complainant said: *"Yeah. We thought we should up security a little bit because they have upped the security in the village. But we're down here. We are a bit vulnerable"*. Channel 4 said that the programme makers were entitled to rely on the complainant's assertions that the security at her salon had been installed because of the arrival of asylum seekers in the village, and that at no time did she suggest otherwise to them. It said that it was for this reason, and in good faith, that this section of Interview 2 was included in the programme as broadcast. The broadcaster said that the first time Mrs Hardwick had suggested that she installed the additional security on her salon prior to the arrival of the asylum seekers was in her complaint to Ofcom.

In regard to the complaint that Mrs Hardwick was not “one of the organisers” of the ‘Save Kegworth’ group, contrary to the programme’s claim, the broadcaster said that the complainant had held herself out as an organiser of the group and was heavily involved with the protests. It said that this was demonstrated by her interactions with the programme makers on 18 March 2023 and the information she provided to them. Channel 4 said that the complainant had informed the programme makers of a second planned protest outside the home of the hotel owner on 24 March 2023. The programme makers had also asked her if they could film the campaign group preparing banners, but that Mrs Hardwick had told them that the group would not be making any new banners. Instead, Channel 4 said that she had said to the programme makers that they could get there early and film some others in the group getting the banners out of the car. The broadcaster added that the complainant also referred the programme makers to another organiser, who was also contacted.

Channel 4 said it did not accept Mrs Hardwick’s assertion that the reporter had “advised [her] repeatedly that she was interviewing [her] as a concerned mum of 2 young children” and had reassured her that she would be portrayed as a “worried parent”. It said that no such assurances were given to the complainant at any time, nor that any specific concerns, such as that she was concerned “because of the risk to [her] children” would be included in the programme; it added that this was not demonstrated at any point in the unedited footage. The broadcaster said that as is always the case, editorial decision-making rests with the broadcaster and programme makers, and is never dictated by interviewees. Channel 4 said that the complainant expressed a range of concerns in her interview, and these were not limited to concerns for her children. The broadcaster said that in this instance, a legitimate editorial decision was made to focus on concerns expressed by the complainant and others regarding lack of information, consultation, and infrastructure, and that these concerns were fairly and accurately reflected in the programme. It said that Mrs Hardwick had said in both her interviews that the lack of consultation was her main concern, and that the fact that other concerns expressed by her were not included in the programme did not result in her comments being taken out of context, or any unfairness to her.

The broadcaster said that it was not suggested to the complainant that the programme would only include her interview, and that it was made clear to her from the outset that it would focus on the concerns raised regarding asylum seekers being housed in the village, and the protests in relation to this. Channel 4 said that the suggestion that the complainant was led to believe that the programme would not focus on the protests was untenable for the following reasons:

- The reason the complainant was interviewed was because she was participating at a protest outside the hotel in question.
- The programme makers openly filmed the protests on 18 and 24 March 2023 which the complainant participated in.
- In one phone call, Mrs Hardwick told the reporter she had seen her in the village square interviewing an asylum seeker and asked what he had said. In addition, the broadcaster said that it could be seen from Interview 2, that she was expressly told that the programme makers had interviewed an asylum seeker.
- The complainant asked the programme makers who had been interviewed from the ‘Open Arms Kegworth’ group and was told that people from the group were being interviewed.

In conclusion, the broadcaster said that there was no unjust or unfair treatment towards Mrs Hardwick in relation to the making or broadcast of the programme and that she was treated fairly and with care throughout the interview and editorial process, in the programme, and in interactions after broadcast.

## Ofcom's Preliminary View

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Ofcom prepared a Preliminary View that Mrs Hardwick's complaint should be not upheld. Both parties were given the opportunity to make representations on the Preliminary View. The broadcaster chose not to do so, and Mrs Hardwick provided representations, however these were not relevant to the complaint as entertained.

## Decision

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Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unjust or unfair treatment in programmes in such services.

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. 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.

In reaching its decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording and transcript of the programme, unedited footage, and a transcript of the complainant's unedited contribution to the programme, and both parties' written submissions.

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. 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.

When considering complaints of unjust or unfair treatment, Ofcom has regard to whether the broadcaster's actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of Ofcom's Broadcasting Code ("[the Code](#)"). In addition to this rule, Section Seven (Fairness) of the Code contains "practices to be followed" by broadcasters when dealing with individuals or organisations participating in, or otherwise directly affected by, programmes, or in the making of programmes. Following these practices will not necessarily avoid a breach of Rule 7.1 and failure to follow these practices will only constitute a breach where it results in unfairness to an individual or organisation in the programme.

We considered Mrs Hardwick's complaint (as set out in detail above) that she was treated unjustly or unfairly in the programme as broadcast because the programme was edited in such a way as to "*make [her] appear racist*". She said that: the programme only showed parts of her interview that "*could be used in conjunction with the footage of protests*", for example, the reporter referred to her use of extra security at her salon, which Mrs Hardwick said was there before the asylum seekers arrived; while she supported some of the views of the 'Save Kegworth' group, contrary to the

programme's claim, she was not *"one of the organisers"* of the group; and that the programme did not include her explanation that she did not want asylum seekers living in the village, *"because of the risk to [her] children"*. Mrs Hardwick added that while she had understood that the purpose of the interview was to seek her views on the impact to the village, the Channel 4 reporter had *"advised [her] repeatedly that she was interviewing [her] as a concerned mum of 2 young children"* and had reassured her that she would be portrayed as a *"worried parent"*. Mrs Hardwick also said that when she had agreed to the interview, she was not told that any other groups would be interviewed, or coverage of protests would be included in the programme.

## Informed consent

Ofcom began by considering whether the programme makers were fair in their dealings with Mrs Hardwick as a potential contributor to the programme, and in particular, whether Mrs Hardwick gave her informed consent to participate in the programme. In doing so, we had particular regard to the following Code Practices:

Practice 7.2: "Broadcasters and programme makers should normally be fair in their dealings with potential contributors to programmes unless, exceptionally, it is justified to do otherwise".

Practice 7.3: "Where a person is invited to make a contribution to a programme...they should normally, at an appropriate stage:

- be told the nature and purpose of the programme, what the programme is about and be given a clear explanation of why they were asked to contribute...;
- be told what kind of contribution they are expected to make...;
- be informed about the areas of questioning and, wherever possible, the nature of other likely contributions;
- be made aware of any significant changes to the programme as it develops which might reasonably affect their original consent to participate, and which might cause material unfairness;
- be told the nature of their contractual rights and obligations and those of the programme maker and broadcaster in relation to their contribution; and,
- be given clear information, if offered an opportunity to preview the programme, about whether they will be able to effect any changes to it.

Taking these measures is likely to result in the consent that is given being 'informed consent'...".

We first examined the information provided to Mrs Hardwick by the programme makers in relation to the topics which would be explored in the programme and her likely contribution to it, in advance to her agreeing to participate. In doing so, we took account of both parties' submissions (set out in detail in the "Summary of the complaint and broadcaster's response" section above). We also considered whether there were any significant changes to the nature and content of the programme prior to broadcast which may have altered Mrs Hardwick's willingness to be involved and may have invalidated the consent she had given earlier in the programme making process.

In her complaint to Ofcom, Mrs Hardwick said that she had believed that she was being interviewed as a "concerned mum of two young children" and that when she had agreed to the interview, she was not told that "other groups" would be interviewed, or that "coverage of protests" would be included in the programme.

It is a matter for the programme makers and broadcaster to decide how best to ensure that they have obtained any necessary informed consent from contributors, and there are a number of potential ways in which this can be demonstrated. The existence of a release or consent form, for example, can provide useful evidence as to a contributor's understanding of the nature and purpose of the programme and presence of other contributors, as well as their willingness to participate in the programme on those bases. However, the absence of a written consent form, as in this case, does not mean that informed consent was not given.

Ofcom took into account the broadcaster's submissions regarding the information which it said the programme makers had provided to Mrs Hardwick during their interactions with her. In particular, the broadcaster said that the programme makers had first met Mrs Hardwick on 18 March 2023 at a protest about the housing of asylum seekers in a local hotel, and that the programme makers had identified themselves to her and explained that they were filming for Channel 4 News about the protests and what was going on in the village. The broadcaster said that the programme makers told Mrs Hardwick that they were filming all aspects of the protests, including speaking to other people. Further, the broadcaster said that when it first met Mrs Hardwick, she was filmed openly with her knowledge, actively participating in the protests while wearing clothing with the slogan 'Save Our Village'. The broadcaster said that the complainant agreed to a filmed interview (Interview 1) on this date, and that she was aware from the outset that she was not the only person being interviewed. Ofcom also took into account the broadcaster's submissions that as part of Interview 1, the complainant was asked "Tell me why you're here", which was in reference to the protest that was occurring that day and in which Mrs Hardwick participated. Channel 4 also said that after Mrs Hardwick had expressed her dissatisfaction with the answers she had given in Interview 1, it agreed to a second interview on 22 March 2023. It said that Mrs Hardwick was fully aware that the topic of the interview would be the same as Interview 1.

Ofcom also took into account that from the unedited footage of Interview 2, Mrs Hardwick was told by the reporter that the programme makers had met with a Syrian asylum seeker who was residing in the hotel and had interviewed him about his reasons for travelling to the UK. It was clear to Ofcom from the unedited footage that Mrs Hardwick did not express any concerns about the reporter speaking to one of the asylum seekers as part of the filming for the programme, and that she had expressed some interest in what the man had said. After being told by the reporter about the man's reasons for travelling to the UK, Mrs Hardwick described his situation as a "*really good example of somebody in need*". We also took into account that the broadcaster said that Mrs Hardwick had also asked the programme makers who had been interviewed from the 'Open Arms Kegworth' group, and was told that people from the group were being interviewed. The broadcaster also explained

that on 24 March 2023, the programme makers had openly filmed another protest organised by the campaign group, in which the complainant had also participated.

In Ofcom's view, given the circumstances outlined above, it was reasonable for the broadcaster and programme makers to have understood that they had sought and obtained Mrs Hardwick's informed consent, because she had:

- provided the reporter with her phone number and actively engaged with the programme makers, saying she was one of the main points of contact for the protest group and could help facilitate the filming of meetings;
- was aware that filming was taking place openly at the public protests;
- agreed to be interviewed at the first protest about why she was supporting it;
- further requested and participated in a second interview with the programme makers as she was dissatisfied with the answers she had given in the first interview; and,
- engaged with programme makers and expressed no concern when they explained they had met a Syrian asylum seeker during Interview 2.

We recognised that there was dispute between the parties regarding whether the programme makers had given Mrs Hardwick the specific assurance that she was being interviewed "as a concerned mum of two young children", or that they had assured her that she would be portrayed as a "concerned mum". However, Ofcom's role is not to make factual findings regarding what specific assurances the complainant was given prior to broadcast, if any. Having carefully considered the broadcaster's description of the programme maker's interactions with the complainant, in addition to examining the unedited footage of both interviews, it was clear to Ofcom that Mrs Hardwick had been made aware throughout her interactions with the programme makers that the programme would include coverage of the protests, and that this would involve the programme makers speaking to a range of people with differing views.

Given all the above, Ofcom considered that Mrs Hardwick had been given sufficient information to enable her to understand what topics were to be explored in the programme, what her contribution would likely be, and the nature of other likely contributions in the broadcast programme. We considered that that it was on this basis that Mrs Hardwick provided her informed consent. Ofcom considered that the programme makers had taken steps to establish that the informed consent of Mrs Hardwick had been obtained, and that there were no significant changes to the nature of the programme, or Mrs Hardwick's contribution to it, that would have invalidated her informed consent.

## Unfairness in the programme

We next turned to consider Mrs Hardwick's complaint that she had been treated unfairly in the programme as broadcast, because her contribution had been edited in such a way as to "make [her] appear racist. In doing so, we had particular regard to the following Code Practices:

Practice 7.6: "When a programme is edited, contributions should be represented fairly".

Practice 7.9: "Before broadcasting a factual programme...broadcasters should take reasonable care to satisfy themselves that material facts have not

been presented, disregarded or omitted in a way that is unfair to an individual or organisation...”.

It is important to emphasise from the outset that it is an editorial decision for the programme makers and broadcaster to make in selecting and editing material, including interview footage of a contributor, for inclusion in a programme. Programmes may be edited in a way that contributors might not expect, and while, this does not, in itself, necessarily amount to unfairness to them, broadcasters must ensure that editing is done so in a manner that that represents the contribution fairly.

We had regard to Mrs Hardwick’s position that the programme did not include her explanation that she did not want asylum seekers living in the village, “because of the risk to [her] children” and that she had been reassured that she would be portrayed as a “worried parent”. In considering whether Mrs Hardwick’s contribution in the programme was edited and presented fairly, we carefully compared the transcript and unedited footage of Mrs Hardwick’s interview (Interview 2) with the edited contribution broadcast in the programme. In particular, we took into account the following extracts from that interview (with the text in bold and italics being included in the broadcast programme). After a brief discussion about how many asylum seekers were believed to be housed in the hotel the following exchange took place:

*Reporter: “And why do you feel that it's a problem having them there?”*

*Mrs Hardwick: Well, to be honest, if it's the age group and the fact that they're all men, it's a problem because there's nothing to do here. And what can they do? There's no facilities. They've just been I feel for them. They've been dropped in a village where there's literally nothing to do. And you know what? I would like to understand what they are going to do while they're here”.*

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*Reporter: “So describe what it's like for you? You know, you're in this small village. You've got a business here. You've lived here for a long time. And suddenly you're seeing these young guys walking around. Describe that for me, what it feels like.*

*Mrs Hardwick: Well, as a woman, it's feels quite intimidating because they don't leave lose, lose your eye contact. They literally stick with you regardless if you're looking at them or not. It's it's quite intimidating. I know that, say for instance, someone like my husband would walk past and they wouldn't look at them at all. And en masse it can be quite intimidating.*

*Reporter: Because they're young men and they're in a group?*

*Mrs Hardwick: I don't know. I don't know what it is. They just. I don't know. I don't know how to answer that. Really? Probably that. Yes.*

Reporter: *No, I'm just interested in how you feel. There's no sort of right or wrong. I'm just curious how you feel for someone who doesn't live here. How would you describe what it's like?*

Mrs Hardwick: *Intimidation. That's what it feels like. Because they they they kind of hang around in groups and yeah, it's quite intimidating.*

Reporter: *But do you think that just could be because they've got nothing to do?*

Mrs Hardwick: *Yes, probably. Probably. Like I say, I I feel for them as much as I feel for the residents here. I've got clients that have said they will not be going out after probably 6 pm because they're too frightened to use the local amenities. The co-op was thriving before and they're actually scared because they're getting no information as nobody else is getting any information. And I really want to know who we can turn to to get that information.*

Reporter: *Do you feel, though, that there's ..do you accept that they're not criminals, they're asylum seekers. So then there's probably nothing to fear from them”.*

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Reporter: *“Well, I just wonder, because people have got so many fears about them and, you know, ideas about what they might do to your kids, for example, whether it would just break down barriers if you just went up to one and said, hello, how are you? What are you doing?*

Mrs Hardwick: *I'm sure it would. But then out of 250, maybe I picked a really, you know, amazing one. That'll be great. I mean, literally, it's not personal. It's not personal for me. It's the bigger picture. And I don't understand how we can, how the government can do this now when we are on our knees financially. The burden on the health service for a start, that's just the tip of the iceberg. I just don't understand the reasoning behind it. And what I'd like to know is a lot more information. Information like, **are they processed**, when and will the processing take place? **Are they passported. Do we know anything about them?** Were they vetted before they came here? As in, you know, do they have a criminal record, that's majorly important?”.*

Later in the interview, the discussion turned to the lack of consultation from the council and the Home Office, and following exchange took place:

Reporter: *"You feel powerless...Because the council aren't talking to you. Yeah, the Home Office aren't talking to you.*

Mrs Hardwick: *Absolutely. And if I wasn't a mother to a 12 year old and a 10 year old, I think I probably feel quite differently about it. At the moment, it's the fear factor and the unknown of what we are dealing with.*

Reporter: *But why would your kids necessarily be at risk if they're not criminals, if they're asylum seekers?*

Mrs Hardwick: *Well, they wouldn't, but we don't know. That's the thing. We've literally got no information.*

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Reporter: *Yeah, yeah, yeah. And so, what are your main concerns? What are your worries? You don't have to answer these, I'm just doing questions for a minute...But you know, **you know that they're not criminals, they're asylum seekers. So I'm wondering what your fears are, why you feel like that?***

Mrs Hardwick: ***How do I know that. How do I know that?** I don't know that. Nobody has told me that. Where are the background checks? Could I have could I have access to them somewhere?*

Reporter: *So your big worry is the lack of consultation. You feel that nobody consulted with you, you feel powerless, and as if nobody's listening.*

Mrs Hardwick: *Totally powerless. And where do we go for the information? Our MP seems to be giving us false information. He's not kept up to date on this on a day to day basis like we're having to, because we're having to live with it.*

Reporter: *So you feel like the council aren't listening to you, your MP isn't, the Home Office isn't, and so you feel as if there's no information, as if you're powerless.*

Mrs Hardwick: *Yes, that's right. And also in Corl, which is only eight miles away, they were going to a hotel there".*

[The interview was interrupted by a short discussion about taking camera positions].

Reporter: *"So, you know, can you summarise when again you were saying this is a sleepy village? Not many people. Everyone knows everyone. But having all of these asylum seekers arrive has just changed the whole nature, or all these young men has changed the whole nature of the village.*

- Mrs Hardwick: *Yeah. So basically Kegworth is a sleepy village. It's in a very small village, less than 5,000 residents. And basically, overnight things have changed completely and it has caused a divide in the village.*
- Reporter: *How has it changed? What's happened?*
- Mrs Hardwick: *Well, fear the fear of the unknown and the fact that we would like some answers on exactly how long they are here, for instance, that would be good. Where they're from. And you know that basically, do we need to fear them? Do we have any information on them? We're not told a thing. We've not been told a thing.*
- Reporter: *What about the villagers who are working with them? We say you can just go up to them and have a conversation and say, Where are you from? Find out about their country, why they came here?*
- Mrs Hardwick: *I don't know, to be honest. I don't I don't actually know how to answer that because whenever I've seen any, **they don't exactly look approachable, sorry, they don't look approachable. And that probably isn't what anybody wants to hear here. But en masse, as a woman walking through the streets, they walk past you, that it's not something I want to say, 'Oh, hi'. I don't know. I don't know them.***
- Reporter: *But what do you think would happen if you did say hi to them?*
- Mrs Hardwick: *[To unidentified woman present in the salon] ... I don't. I don't know. I don't like this line of questioning.*
- Unidentified woman: *Because, its because they're...*
- Mrs Hardwick: *I'm literally taking this out on your hair now, I'm like, I don't know. I don't know what would happen. To be honest, I don't want to do it, but I want answers. So eventually I may have to. I may have to go in there, but I won't be allowed in, will I? So...".*

[The discussion moved on with the reporter telling Mrs Hardwick that she had spoken to one of the asylum seekers about where he was from and why he had come to the UK, to which Mrs Hardwick said "That's one really, really good example of someone in need". The conversation continued with some discussion about the homeless and poor already living in the UK].

- Reporter: *"... So **why can't you just why can't you just go up to them and say 'hello' and ask them where they're from? Why are you scared of doing that?***

Mrs Hardwick: *For me, it's not really about that. It's more about the fact that it's totally disproportionate and it just its... It's just disproportionate amount. Sorry."*

Towards the end of the interview, the salon door bell sounded, the following exchange took place:

Reporter: *"You got a lock on the door?"*

Mrs Hardwick: *Yeah. We thought we should up security a little bit because they have upped the security in the village. But we're down here. We are a bit vulnerable."*

It was clear to Ofcom from the unedited footage of Interview 2 that Mrs Hardwick had spoken to the reporter about a number of wide-ranging concerns that she had with the decision to house asylum seekers in a hotel in Kegworth. These concerns related to the safety of children; her personal safety; the lack of consultation with local communities; the lack of information given to villagers; and, the lack of sufficient infrastructure in the village.

We considered that in the programme as broadcast, Mrs Hardwick was shown expressing broad and wide-ranging concerns about the arrival of the asylum seekers. For instance, she was shown expressing her frustration with the lack of consultation and information:

*"I have tried, I've tried various routes. I've tried our local MP, first of all, I tried the Parish Council. I want to know where the Government have found £6 million a day to sort them out, and all of a sudden, that money is available".*

She also appeared to express concerns about her personal safety:

*"They don't exactly look approachable. Sorry they don't look approachable, and that probably isn't what anybody wants to hear here, as a woman walking through the streets, it's not something I want to say, 'oh hi', I don't know, I don't know them".*

The reporter also reflected that:

*"Julie [has] welcomed the Government's plan to house asylum seekers in old army bases. She feels Kegworth just doesn't have the infrastructure to support them. She is angry that no one in authority bothered to consult people who live locally".*

Ofcom considered that Mrs Hardwick's comments included in the programme, despite being edited, were an accurate and fair reflection of what she had said in the unedited interview. In our view, her comments were made in response to questions posed to her by the presenter, and had not been taken out of context. We also considered that the way in which her comments had been edited in the programme had not distorted the meaning of what she had said, and did not present her views in a way which was unfair to her. We took into account that the unedited footage revealed that Mrs Hardwick had expressed a concern relating to the safety of children, and that this had not been included in the broadcast programme. While only a small part of Mrs Hardwick's interview was broadcast, it is an editorial decision for the broadcaster as to what material to include (or omit) in a programme, provided it does not result in unfairness. We considered that the omission of this detail did not, in Ofcom's view, alter or misrepresent Mrs Hardwick's contribution to the programme in any way, and we noted that this was only one of a number of concerns raised by the complainant in

her interview. We further considered that the programme passed no judgement on Mrs Hardwick's opinions and concerns, nor did any of the other contributors included in the programme. We considered that viewers were provided with sufficient information to understand the reasons for Mrs Hardwick's general opposition to the housing of asylum seekers in the hotel, and her reasons for supporting the protests.

We then considered the context in which Mrs Hardwick's contribution was presented in the programme as broadcast. Mrs Hardwick's contribution was presented as an interview, and was introduced by the reporter saying: *"The protestors say they're fed up with being labelled racists for raising concerns so I've come to meet one of the organisers. Julie, a hairdresser, says she's increased security since the asylum seekers moved into the village"*. The complainant expressed her concerns in her own words, and as set out above, her comments that were presented in the programme, in our view, accurately and fairly reflected what she had said in the unedited interview.

We had further regard to Mrs Hardwick's specific complaints that the programme only showed parts of her interview that *"could be used in conjunction with the footage of protests"*. For instance, the reporter referred to her use of extra security at her salon, which Mrs Hardwick said was there before the asylum seekers arrived. Mrs Hardwick also said that while she supported some of the views of the 'Save Kegworth' group, contrary to the programme's claim, she was not *"one of the organisers"* of the group. While Ofcom's role is not to make findings of fact on these points, we took account of the broadcaster's submission that Mrs Hardwick had informed the programme makers in a call prior to Interview 2 that she had extra security installed after the asylum seekers had arrived. We also took into account that in the unedited footage, as Mrs Hardwick had indicated to the reporter that the lock on the salon door had been installed because: *"We thought we should up security a little bit because they have upped the security in the village. But we're down here. We are a bit vulnerable"*. We also took into account from the broadcaster's submission that Mrs Hardwick had held herself out as one of the organisers, and offered to be the main point of contact for the group with the programme makers. While we noted Mrs Hardwick disagreed with the description of her as an "organiser" of the campaign group, it was clear to Ofcom that Mrs Hardwick was an active member of the campaign group: she had attended at least two protests while wearing clothing with the slogan 'Save Our Village'; and she had agreed to two interviews with the programme makers in which she had freely and openly discussed the reasons for her opposition to the housing of asylum seekers in Kegworth. As outlined above, we considered that the edited parts of Mrs Hardwick's interview included in the programme as broadcast aligned with the fuller comments she had made in the unedited interview, and that viewers were provided with sufficient information to understand Mrs Hardwick's position on the housing of asylum seekers in the village to draw their own conclusions.

Therefore, taking all the above factors into account, Ofcom's decision is that the content of Mrs Hardwick's contribution to the programme was not edited in a way that unfairly misrepresented her position or what she said in the interview, nor did the programme present, disregard or omit material facts in a way that was unfair to her.

**Ofcom has not upheld Mrs Hardwick's complaint of unjust or unfair treatment in the programme as broadcast.**