



## Lee Anderson's Real World

### GB News, 29 September 2023, 19:00

#### Summary

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This is Ofcom's assessment decision regarding complaints about the above current affairs programme. This programme dealt with the topic of immigration and border control, in particular in the context of a speech given by Home Secretary Suella Braverman on 26 September 2023. The presenter, Conservative Party Deputy Chairman Lee Anderson MP, interviewed Suella Braverman and then led a panel discussion on the issues raised in the interview.

Ofcom received 1697 complaints about the programme, many of which alleged that the programme breached the due impartiality requirements in Section Five of Ofcom's Broadcasting Code ("the Code"). Some complainants were also concerned that the programme breached Rule 5.3 of the Code, which prohibits politicians presenting news programmes.

We considered that immigration and border control constituted a matter of major political controversy and a major matter relating to current public policy. When dealing with major matters, all Ofcom licensees must comply with the heightened special impartiality requirements in the Code. These rules require broadcasters to include and give due weight to an appropriately wide range of significant views.

We considered that this programme included an appropriately wide range of significant views on the major matter which were given due weight.

**Ofcom considered therefore that the Programme did not raise any issues warranting investigation under the Code. Consequently, Ofcom has decided not to pursue these complaints further.**

**Taking into consideration that the assessment involved matters of public interest relating to the issue of politicians acting as presenters on television and radio, Ofcom has exceptionally decided to publish the reasons for our decision.**

# Lee Anderson's Real World

<b>Type of case</b>	Broadcast Standards Complaint Assessment
<b>Outcome</b>	Not pursued
<b>Service</b>	GB News
<b>Date &amp; time</b>	29 September 2023, 19:00
<b>Category</b>	Due impartiality
<b>Summary</b>	We received 1697 complaints that a programme presented by a serving Conservative MP and featuring an interview with the Conservative Home Secretary on a matter of major political controversy and a major matter relating to current public policy was not duly impartial. We concluded that the programme: was a non-news programme and therefore could be presented by a politician; and included an appropriately wide range of significant views with due weight. It did not, therefore, raise issues which warranted investigation under the Broadcasting Code.

## Introduction

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GB News is a UK-based channel that broadcasts a range of news content and current affairs programmes. The broadcasting licences for GB News are held by GB News Limited (“GB News” or “the Licensee”).

*Lee Anderson's Real World* is a weekly hour-long discussion programme presented by Lee Anderson, a sitting Conservative Party MP and the Deputy Chairman of the Conservative Party<sup>1</sup>. The programme features guests from the worlds of politics and culture, in which they examine the week's news and engage in topical debates.

On 29 September 2023, the Programme featured a pre-recorded interview (“the Interview”) with the Home Secretary, Suella Braverman<sup>2</sup>.

This hour-long programme began with an introduction from the Presenter who said “*This is Lee Anderson's Real World with me, Lee Anderson, Deputy Chairman of the Conservative Party*”. The Interview followed and lasted five and a half minutes in total. Pre-recorded sections of the Interview were interspersed with Lee Anderson (or another unidentified speaker) reading out statements from other individuals and organisations, which had been recorded separately. This was followed by Lee

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<sup>1</sup> Lee Anderson is the Conservative Party MP for Ashfield.

<sup>2</sup> Suella Braverman is the Conservative Party MP for Fareham.

Anderson discussing the Interview with a panel of two guests, Nigel Nelson, former Political Editor of the Sunday Mirror, and James Schneider, former advisor to ex-Labour Party leader Jeremy Corbyn, for approximately eight minutes. After this, Nigel Nelson left the panel and James Schneider was joined by another guest, Henry Smith, Conservative Party MP for Crawley. They discussed knife crime, the related issue of 'stop and search' policy and multi-culturalism in the UK for approximately 11 minutes. The remainder of the programme focused on the music industry and featured interviews with DJ Neil Fox and singer Katie Waissel.

The pre-recorded Interview with Suella Braverman focused on the contents of a speech she had given three days previously in Washington DC to the American Enterprise Institute on immigration and border control. In the Interview, she said that in her view:

- current levels of migration are *"a global migration crisis"* which require *"a global solution"*;
- if governments do not change their current approach, *"it will lead to a disintegration in our society"*;
- the United Nations' 1951 Refugee Convention was now outdated and its definition of a refugee should be amended to ensure *"a high bar if someone is coming to our country fleeing persecution"*;
- there was *"no humanitarian reason"* why people should be leaving France for the UK;
- many people claiming to be refugees *"are gaming the system"* by, for example, lying about their age, religion or family connections; and
- the Labour Party *"are effectively a party for open borders, unlimited migration and...rejoining the EU"*.

In between sections of the Interview, several statements from other organisations and individuals were read out, either by Lee Anderson or another, unidentified, speaker. These statements were from:

- the United Nations' refugee agency, UNHCR. The statement was made in response to the speech Suella Braverman gave in Washington DC and defended the 1951 Refugee Convention, saying *"it remains as relevant today as when it was adopted"*;
- Shadow Home Secretary Yvette Cooper, saying that Suella Braverman has *"given up on fixing...the asylum chaos"*; and
- the Labour Party. The following statement was shown on screen as well as read out:

*"It's fictional garbage from a Home Secretary who is failing so badly to fix the Tory chaos in the asylum system that she's now making things up about everyone else. The Tories have lost control of our border security as criminal smuggler gangs have taken hold of the Channel. The Conservatives have broken the asylum system, with the taxpayer now spending £8 million a day on hotels, and returns of failed asylum seekers have dropped by a shocking 70% since they came to power...Only Labour has a plan to end the chaos in Britain's asylum system"*.

The panel discussion following the Interview included the panellists giving their views on several of the issues raised in the Interview, including: the 1951 Refugee Convention; reasons asylum seekers may have for wanting to enter the UK; and potential solutions to the refugee crisis.

## Ofcom's due impartiality rules

Reflecting our duties under the Communications Act 2003 ("the Act"), Section Five of the Code requires that the impartiality requirements of sections 319 and 320 of the Act are met.

Section 319 of the Act requires that news in television and radio services is presented with due impartiality<sup>3</sup>. Section 320 of the Act sets out special impartiality requirements, which include the preservation, in the case of every television and radio service, of due impartiality on matters of (and matters of major) political or industrial controversy and matters (and major matters) relating to current public policy<sup>4</sup>. Matters of political or industrial controversy are defined in the Code as "political or industrial issues on which politicians, industry and/or the media are in debate". The Code also states: "Matters relating to current public policy need not be the subject of debate but relate to a policy under discussion or already decided by a local, regional or national government or by bodies mandated by those public bodies to make policy on their behalf, for example non-governmental organisations, relevant international institutions, etc". The Code further defines matters of **major** political or industrial controversy and **major** matters relating to current public policy as "generally matters of political or industrial controversy or matters of current public policy which are of national, and often international, importance, or are of similar significance within a smaller broadcast area".

Section Five of the Code makes clear that "due" is an important qualification to the concept of impartiality. Impartiality itself means not favouring one side or another. "Due" means adequate or appropriate to the subject and nature of the programme. It does not mean an equal division of time has to be given to every view, or that every argument and every facet of every argument has to be represented. The approach to due impartiality may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience. In addition, context, as defined in Section Two of the Code, is important in preserving due impartiality. Context includes a number of factors, such as the editorial content of the programme, the service on which the material is broadcast, and audience expectations.

Ofcom has published [Guidance](#) to assist broadcasters in complying with Section Five of the Code. Among other things, Ofcom's Guidance makes clear that:

- the concept of due impartiality is central to the application of Section Five and in reaching a decision on whether due impartiality needs to be preserved in a particular case,

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<sup>3</sup> This is reflected, for example, in Rule 5.1 of the Code which states that news, in whatever form, must be reported with due accuracy and presented with due impartiality.

<sup>4</sup> This is reflected, for example, in Rule 5.5 of the Code, which provides that due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service. This may be achieved within a programme or over a series of programmes taken as a whole. The requirements relating to matters of major political or industrial controversy and major matters of current public policy are reflected in Rules 5.11 and 5.12.

broadcasters should have regard to the likely expectation of the audience as to the content, and all other relevant contextual factors<sup>5</sup>; and

- it is an editorial matter for the broadcaster how due impartiality is preserved, as long as the Code is complied with, and there are various editorial techniques which can help to ensure this<sup>6</sup>.

Our Guidance also states that the broadcasting of comments either supporting or criticising the policies and actions of any political organisation or elected politician is not, in itself, a breach of the due impartiality rules<sup>7</sup>. Any broadcaster may do this provided it complies with the Code. However, depending on the specific circumstances of any particular case, it may be necessary to reflect alternative viewpoints or provide context in an appropriate way to ensure that Section Five of the Code is complied with. Our Guidance makes clear that there are various editorial techniques which a broadcaster can use to help ensure alternative viewpoints are sufficiently represented and due impartiality is preserved<sup>8</sup>.

Ofcom's Code and Guidance Notes are drafted, and are given effect to, in accordance with the right to freedom of expression as set out in Article 10 of the European Convention of Human Rights. Freedom of expression is one of the essential foundations of a democratic society. It encompasses the broadcaster's right to freedom of expression as well as the audience's right to receive information and ideas without interference. In order to reach a decision on whether due impartiality was maintained in these programmes, Ofcom has had careful regard to the broadcaster's and audience's Article 10 rights and relevant contextual factors.

## Specific rules on politicians presenting and appearing in programmes

The rules on politicians presenting and appearing in programmes are set out in the Code, with which all licensees must comply. In particular, Rule 5.3:

Rule 5.3: "No politician may be used as a newsreader, interviewer or reporter in any news programmes unless, exceptionally, it is editorially justified. In that case, the political allegiance of that person must be made clear to the audience".

We attach great value to broadcasters' right to freedom of expression and audiences' right to receive information and ideas, and therefore the broadcasters' right to make programming, creative and editorial choices.

Whether or not a programme is a news programme or a current affairs programme depends on a number of factors, including its content and format. Factors that could lead us to classify content as a news programme might include: a newsreader presenting directly to the audience; a running order

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<sup>5</sup> [Ofcom's Section Five Guidance](#), paragraph 1.4. See also paragraph 1.34, which explains that other relevant factors may include the nature of the programme, the programme's presentation of its argument and the transparency of its agenda.

<sup>6</sup> [Ofcom's Section Five Guidance](#), paragraph 1.6. See also paragraph 1.37 which makes clear that there are a range of editorial techniques which may be employed.

<sup>7</sup> [Ofcom's Section Five Guidance](#), paragraph 1.34.

<sup>8</sup> [Ofcom's Section Five Guidance](#), paragraph 1.55.

or list of stories, often in short form; the use of reporters or correspondents to deliver packages or live reports; and/or a mix of video and reporter items. Factors that could lead us to classify content as current affairs include: a more long-form programme; the presence of extensive discussion, analysis or interviews with guests, often live; and long-form video reports.

Outside of news programmes, there is no Ofcom rule that prevents a serving politician or political candidate from hosting or appearing on a TV or radio programme – provided they are not standing as a candidate in an election taking place, or about to take place, or are a representative of a permitted participant, as designated by the Electoral Commission, in a UK referendum. This means that politicians are allowed to present current affairs programmes such as audience phone-ins and discussion programmes. Both news programmes and current affairs programmes must comply with all relevant rules in the Code, including the need to preserve due impartiality on matters of (as well as matters of major) political or industrial controversy and matters (and major matters) of current public policy.

## Our assessment

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### Did the due impartiality rules apply?

The Programme included an Interview with Home Secretary Suella Braverman on the recent speech she gave to the American Enterprise Institute and a discussion with a panel on the issues covered in the Interview. These related to immigration and border control, including: the need to change the current approach; whether the 1951 Refugee Convention is outdated; claims that many people are “*gaming the system*”; and claims that the Labour Party would have open borders and rejoin the EU. These issues, as well as Suella Braverman’s speech itself, were the subject of much media coverage and debate at the time of broadcast<sup>9</sup>. Lee Anderson acknowledged in the Programme that her speech “*has divided opinion*”. We considered the Programme was therefore dealing with matters of major political controversy and major matters of current public policy relating to immigration and border control. The heightened due impartiality requirements of Rules 5.11 and 5.12 of our Code therefore applied to the Programme and due impartiality needed to be preserved. These Rules state:

Rule 5.11: “...due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service...in each programme or in clearly linked and timely programmes”.

Rule 5.12: “In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented”.

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<sup>9</sup> For example, see [‘The ‘dream’ of multicultural Britain is dead: Suella Braverman warns West faces ‘existential’ threat from uncontrolled immigration as she says UK is living with the consequences of people failing to ‘integrate’ – in US speech demanding asylum rules overhaul’, Daily Mail, 26 September 2023](#) and [‘Tory MPs criticise Suella Braverman’s ‘alarmist’ speech on migration, The Guardian, 28 September 2023.](#)

## News or current affairs programme: what was the nature of the *Lee Anderson's Real World Programme*?

This was a long-form programme lasting one hour presented by Lee Anderson, a sitting Conservative MP. As outlined above, it included a pre-recorded Interview with Suella Braverman, followed by in-studio analysis of the Interview with a panel of guests. The Programme contained explanation and analysis of current immigration issues, including material dealing with matters of major political controversy and major matters of current public policy. Taking the above into account, in our view, the programme was a current affairs programme and not a news programme. Rule 5.3 of the Code, which prohibits politicians from being presenters of news programmes, was therefore not applicable in this case. We took into account that, at the time of the broadcast, Lee Anderson was not standing in any upcoming election, or any about to take place, nor was he a representative of a permitted participant, as designated by the Electoral Commission, in a UK referendum. He was therefore allowed to present a current affairs programme under our due impartiality rules. Nevertheless, the programme was a current affairs programme dealing with matters of major political controversy and/or major matters relating to current public policy and, as such, Rules 5.11 and 5.12 of our Code applied, and due impartiality had to be preserved in the programme.

### Was due impartiality preserved?

In his introduction to the Interview with Home Secretary Suella Braverman, Lee Anderson made clear that the speech on immigration which she had recently given *"has divided opinion"*. During the Interview, Suella Braverman put forward her views on immigration and border control, including that current levels of migration are *"a global migration crisis"* which require *"a global solution"*; the United Nations' 1951 Refugee Convention was now outdated; and many people claiming to be refugees *"are gaming the system"*.

However, as outlined above, the Interview contained various statements which represented different perspectives to that of Suella Braverman and challenged her position. For example, a statement from the UNHCR defended the 1951 Refugee Convention; and Shadow Home Secretary Yvette Cooper was quoted as saying that Suella Braverman had *"given up on fixing...the asylum chaos"*.

The Home Secretary responded to this by saying:

*"The Labour Party is clueless on this issue. They would scrap our Rwanda plan. They would fundamentally open our borders. They want to renegotiate with the EU returns agreement. The EU has even said that's a stupid or deluded idea. And they are effectively a party for open borders, unlimited migration and I'm afraid, rejoining the EU"*.

Immediately after these comments, a statement from the Labour Party was read out and shown on screen for approximately 32 seconds, which said:

*"It's fictional garbage from a Home Secretary who is failing so badly to fix the Tory chaos in the asylum system that she's now making things up about everyone else. The Tories have lost control of our border security as criminal smuggler gangs have taken hold of the Channel. The Conservatives have broken the asylum system, with the taxpayer now spending £8 million a day on hotels, and returns of*



*failed asylum seekers have dropped by a shocking 70% since they came to power... Only Labour has a plan to end the chaos in Britain's asylum system".*

We also took into account that alternative viewpoints to those of Suella Braverman, the Government and the Conservative Party more generally, were reflected in the studio discussions following the pre-recorded Interview. In our view, the panellists provided analysis, challenge and context which reflected a range of views on the issues of immigration and border control. For example, in the first discussion, between Lee Anderson, Nigel Nelson and James Schneider:

- Nigel Nelson expressed the view that Suella Braverman's position represented *"a missed opportunity... The answer is not ripping up...the Refugee Convention... What we need to do... is to ensure that people can claim asylum outside this country. At the moment, they can only claim asylum on British soil. That's what draws the people into the boats to cross over from Calais. So that's what she should have raised in America because that is the problem that needs to be dealt with. It needs to be dealt with internationally"*. He later said *"if you had safe and legal routes to come here, it would take away the incentive to cross the Channel"*;
- he challenged the view that refugees should stay in the first safe country they reached, describing this as *"ludicrous... we've got so many people on the move, you can't do that"*;
- he suggested the *"only way"* to *"stop the boats"* is by using settlement schemes. James Schneider agreed with this and said it was *"a sensible proposal that would involve improving the safety for people and turning something which is uncontrolled and dangerous into something which is controlled and managed"*;
- James Schneider said that Lee Anderson had *"this catastrophe idea, 'Oh, my goodness. We're going to be swamped. All of these people'. It's the same thing that [Suella] Braverman was sort of putting forward. And then no solutions"*. He said that in her speech and Interview, Suella Braverman had used *"rhetoric which is not designed to improve anybody's lives, whether here or elsewhere. It's purely designed to say, 'Don't look at the problems we've created in this country. It's really the fault of these frightening people over here who are coming to invade or something'. Something like that. There's no solutions to improve any of these issues that are laid out there. And so really, it's headline chasing to seem like you're tough and you're acting strong against this thing with no humanity and no policy"*;
- Nigel Nelson said that *"withdrawing from international organisations is not the way forward, we have to work with them to find [a] solution"*;
- When Lee Anderson asked James Schneider if he thought the UK's asylum system was *"being taken advantage of"*, he replied: *"In the main part, absolutely not. I think that we are not fulfilling our basic obligations as humans to provide sanctuary to people who are in danger... there are basically no safe routes. If you are from Afghanistan, a country that we occupied for best part of two decades, then, and you might have helped, uh, I don't know the BBC or some other British institution or possibly the army, there's no safe way for you to get to this country, and that is clearly against basic human values and should be against our values"*; and
- he said *"there are loads of completely understandable reasons"* why refugees might want to leave *"a safe country like France"* to come to the UK, including *"they could maybe*



*...speak English...they might have some family here...they might know somebody who's come from there, where they're from...And they like Britain".*

In the second discussion Lee Anderson, James Schneider and Henry Smith discussed knife crime and police 'stop and search' policy. A range of views were presented and we considered that during this item due impartiality was preserved.

We took the view that the second discussion and the remainder of the programme, which focused on interviews with people in the music industry, were not relevant to the consideration of due impartiality regarding the matters of major political controversy and current public policy which was discussed in the Interview with Suella Braverman, namely immigration and border control.

Ofcom took into account that viewers of GB News would expect opinionated, challenging programming<sup>10</sup>. In this case, we acknowledge that Lee Anderson's position as Deputy Chairman of the Conservative Party was signalled to viewers at the outset of the Programme and that they might expect him to share the political perspective of the person he was interviewing, because they were both members of the Conservative Party. Ofcom underlines that, under our rules, broadcasters may transmit current affairs programmes that deal with challenging and controversial policy debates and/or approaches to policy areas from particular political perspectives. However, in broadcasting these programmes, broadcasters must ensure that due impartiality is preserved on these matters. In this case, Ofcom considered that occurred.

Having taken into consideration the broadcaster's and audience's rights to freedom of expression, and all relevant contextual factors and editorial techniques as well as audience expectations, for the reasons set out above, we considered that an appropriately wide range of significant views on immigration and border control were included and given due weight in the Programme.

## Conclusion

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Ofcom considered therefore that the Programme did not raise any issues warranting investigation under the Code. Consequently, Ofcom has decided not to pursue these complaints further.

Ofcom emphasises that while this programme did not raise issues warranting investigation, we assess each programme on its facts, including all relevant content and features of a programme's format. Rule 5.3 of the Code permits a serving MP to host a non-news programme. However, when such a programme is dealing with matters of (or matters of major) political or industrial controversy and matters (or major matters) relating to current public policy, it is important that broadcasters very carefully consider the need to ensure that the programme complies with the due impartiality requirements.

### **Not pursued**

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<sup>10</sup> See the GB News Editorial Charter: <https://www.gbnews.com/about-us/our-editorial-charter> in which GB News states about its service: "We do not shy away from controversial issues" and "We approach stories differently and challenge media conventions".