

# Complaints and Appeals Board Findings Appeals to the Trust considered by the Complaints and Appeals Board

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**Remit of the Complaints and Appeals Board** **1**

**Rejected Appeals** **3**

<i>Call Kaye</i> , BBC Radio Scotland, 30 August 2012	3
Radio 2 Service Review	5
<i>Newsnight</i> , BBC Two, 6 June 2012	7
<i>Newswatch</i> , BBC News Channel, 20 April 2012	9
Choice of requests played on the Radio 1 Request Show with Jameela Jamil	11
<i>Remembrance Sunday: the Cenotaph</i> , 11 November 2012	13
Use of incorrect grammar by BBC presenters	15
<i>Strictly Come Dancing</i>	17

# Remit of the Complaints and Appeals Board

The Complaints and Appeals Board (CAB) is responsible for hearing appeals on complaints made under all complaints procedures, as set out in the BBC Complaints Framework, other than editorial complaints and complaints about the Digital Switchover Help Scheme. Its responsibilities are set out in its Terms of Reference at:

[http://www.bbc.co.uk/bbctrust/assets/files/pdf/about/how\\_we\\_operate/committees/2011/cab\\_tor.pdf](http://www.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_operate/committees/2011/cab_tor.pdf)

All Trustees are members of the Board; Richard Ayre is Chairman. The duties of the CAB are conducted by Panels of the Board consisting of at least two Trustees, including the Chairman of the CAB and other Trustees as required. The Board is advised and supported by the Trust Unit.

The Board considers appeals against the decisions and actions of the BBC Executive in relation to general complaints, fair trading, TV licensing and other matters including commissioning and procurement but not including editorial complaints and Digital Switchover Help Scheme complaints, as defined by the BBC Complaints Framework and Procedures. The Board will also consider complaints about the BBC Trust.

The Board will consider appeals concerning complaints which fall within the BBC's complaints process as set out in the BBC Complaints Framework and which:

- raise a matter of substance – in particular, that there is sufficient evidence to suggest that the complaint has a reasonable prospect of success and there is a case for the BBC Executive to answer
- have already been considered by the BBC Executive under stages 1 and 2 of the BBC's general complaints procedures and which are now being referred to the Trust on appeal as the final arbiter on complaints (unless it is a complaint about the BBC Trust)

The Board will aim to reach a final decision on an appeal within the timescale specified in the relevant Procedures. An extended timescale will apply during holiday periods when the Board does not sit. The complainant and BBC management will be informed of the outcome after the minutes of the relevant meeting have been agreed.

The findings for all appeals considered by the Board are reported in this bulletin, Complaints and Appeals Board: Appeals to the Trust.

As set out in the Complaints Framework and Procedures, the Board can decline to consider an appeal which in its opinion:

- is vexatious or trivial;
- does not raise a matter of substance;
- is a complaint where the complainant has recourse to the law;
- is a complaint where the complainant has recourse to other external authorities, for example the Information Commissioner or the Office of Fair Trading; and
- is a Human Resources complaint as defined by the Complaints Framework and Procedures.

The Board also reserves the right to decline to hear an appeal whilst it relates to matters which are the subject of or likely to be the subject of, or relevant to, legal proceedings. The Board will not generally reconsider any aspects of complaints that have already been adjudicated upon or considered by a Court.

Any appeals that the Board has declined to consider under the above criteria are reported in the bulletin.

The bulletin also includes any remedial action/s directed by the Board.

It is published at [bbc.co.uk/bbctrust](http://bbc.co.uk/bbctrust) or is available from:

The Secretary, Complaints and Appeals Board  
BBC Trust Unit  
180 Great Portland Street  
London W1W 5QZ

# Rejected Appeals

Appeals rejected by the CAB as being out of remit or because the complaints had not raised a matter of substance and there was no reasonable prospect of success.

## ***Call Kaye, BBC Radio Scotland, 30 August 2012***

The complainant appealed to the Complaints and Appeals Board following the decision of the BBC Trust's Senior Editorial Strategy Adviser that the complainant's appeal did not qualify to proceed for consideration by the CAB.

### **The complaint**

The complainant contacted the BBC to complain that the complainant's contribution to *Call Kaye* on 30 August 2012 on crime and the perceptions of crime was cut short. The complainant also complained that a member of staff did not call back again although she had promised to do so.

The BBC responded both verbally and in writing, apologising that the producer had not called the complainant back and explaining why his contribution had been cut short.

The complainant wrote again criticising the BBC for failing to communicate with the public and for not answering the complaint. BBC Scotland's Head of Public Policy & Corporate Affairs then wrote to the complainant saying that he was satisfied that the editorial judgement exercised in cutting short the contribution was sound and appropriate.

### **Appeal to the Trust**

The complainant appealed to the BBC Trust, reiterating the original complaint, saying that the BBC had failed to address the complaint or to answer the other questions which had been raised.

The Senior Editorial Strategy Adviser responded, recognising that the complainant had felt very frustrated at the call being ended abruptly on air. The Senior Editorial Strategy Adviser noted that the reason that the call had been ended abruptly had been because the complainant had made allegations of corruption about the Police Complaints Commissioner and that the presenter had explained on air that such allegations were not acceptable when there was no opportunity for the Complaints Commissioner to reply or any ability to check the evidence.

The Senior Editorial Strategy Adviser also noted that, following the complainant's comments that no-one had called the complainant back, the Editor of the programme had subsequently called and spoken to the complainant for 45 minutes to explain why they decided to cut short the call. The Senior Editorial Strategy Adviser noted that the BBC's Head of Public Policy & Corporate Affairs also looked into the matter and endorsed the decision.

The Senior Editorial Strategy Adviser explained that although the complainant did not accept the reasons given, the BBC has a duty to exercise editorial control in such matters. The Senior Editorial Strategy Adviser also explained that decisions relating to the content of BBC programmes fell clearly within the category of editorial and creative output which is specifically defined in the Charter (paragraph 38(1)(b)) as a duty of the Executive Board, and is one in which the Trust does not get involved unless, for example, it relates to a breach of the BBC's editorial standards.

The Senior Editorial Strategy Adviser explained that the Trust does have oversight of complaints handling but noted that the complainant had received a personal call from the programme's editor and also a written apology that he had not been initially called back as promised. The Senior Editorial Strategy Adviser explained that in her view this action would resolve any failure in complaint handling at the time. In her view there was no reasonable prospect of success for the appeal.

The complainant challenged the Senior Editorial Strategy Adviser's decision reiterating his view that his complaint had not been answered and that the BBC had no right to cut him off on air.

### **The Panel's decision**

The Panel was provided with the complainant's appeal to the Trust, the response from the Senior Editorial Strategy Adviser and the complainant's email appealing against her decision.

The Panel noted that the complainant remained unhappy with the decision of the programme makers. However, the Panel agreed that the decision on whether or not to end the call on air was a matter of editorial judgement. The Panel agreed that there was no evidence that this represented a breach of the BBC's guidelines and that the decision to do so clearly fell within the direction of the editorial and creative output of the BBC which is specifically defined in the Charter (paragraph 38(1)(b)) as a duty of the Executive Board, and is one in which the Trust does not get involved.

The Panel agreed with the Senior Editorial Strategy Adviser's view that it was likely to find that the complaints handling complaint had been resolved as the programme makers had gone to some effort to explain to the complainant the reasons behind the decision and also to provide an apology for not calling him back.

For these reasons, the Panel concluded that the appeal did not have a reasonable prospect of success.

**The Panel therefore agreed that the appeal did not qualify to proceed for consideration.**

## Radio 2 Service Review

The complainant appealed to the Complaints and Appeals Board following the decision of the BBC Trust's Senior Editorial Strategy Adviser that the complainant's appeal did not qualify to proceed for consideration by the CAB.

### **The complaint**

The complainant contacted the BBC Trust to say that it was his view that the Radio 2 Service Review was not working. The Review stated that Radio 2's remit was to appeal to everyone over 35. The complainant felt this was far too wide an age band and could only alienate either the younger or the older ends of the band. The complainant believed that Radio 2 was alienating the over 50s.

The Senior Editorial Strategy Adviser responded, noting that the complainant disagreed with the results of the Radio 2 Service Review. The Senior Editorial Strategy Adviser explained that as part of this review, the Trust carried out a major public consultation and analysed other information about the station's performance, including audience research. The Senior Editorial Strategy Adviser also explained that the review, along with the conclusions that were reached, had been endorsed by Trustees.

The Senior Editorial Strategy Adviser explained that one of the main conclusions of the Review was that Radio 2 should protect the interests of older listeners and not allow the average age of its audience (50 at present) to fall. The Senior Editorial Strategy Adviser noted that this seemed to be similar to the complainant's point and explained that since the review, the average age of Radio 2's listeners has increased and is now 51 and the station's reach among over 50s has remained strong, reaching around a third of adults aged 50 and over each week.

The Senior Editorial Strategy Adviser explained that the Trust had continued to monitor action by the BBC and in particular it asked Radio 2 to investigate the reasons for the decline in its audience among over 65 year olds, especially over 75 year olds, with the aim of addressing this decline.

The Senior Editorial Strategy Adviser explained that in her view and given that the Trust had only recently completed its extensive Review of Radio 2's Licence, she did not consider that Trustees would be likely to change their findings at this stage. The Senior Editorial Strategy Adviser therefore did not consider the complainant's appeal has a reasonable prospect of success and therefore it should not proceed to the CAB.

The complainant challenged the Senior Editorial Strategy Adviser's decision reiterating his concerns and asking why the BBC can't provide a national music radio station exclusively for the over 45 age group.

### **The Panel's decision**

The Panel was provided with the complainant's appeal to the Trust, the response from the Senior Editorial Strategy Adviser and the complainant's email appealing against her decision.

The Panel noted the complainant's concerns about Radio 2 and his wish that the BBC would provide a radio service for the over 45s. The Panel agreed that in light of the BBC's on-going work to monitor Radio 2's actions following the Service Review, there was no evidence that the terms of its service licence were being broken. The Panel noted that since the review, the average age of Radio 2's listeners had increased to 51. The Panel agreed that the Trust's service review conclusions were recent and based on significant research and a public consultation and remained appropriate.

For these reasons, the Panel concluded that the appeal did not have a reasonable prospect of success.

**The Panel therefore agreed that the appeal did not qualify to proceed for consideration.**



## ***Newsnight, BBC Two, 6 June 2012***

The complainant appealed to the Complaints and Appeals Board following the decision of the BBC Trust's Senior Editorial Strategy Adviser that the complainant's appeal did not qualify to proceed for consideration by the CAB.

### **The complaint**

The complainant originally contacted the BBC with regard to the manner in which an interview was conducted with Baroness Stedman-Scott, Chief Executive of the charity *Tomorrow's People*, on *Newsnight*. The interview concerned an incident where unemployed people were provided with work experience on the Jubilee celebrations by *Tomorrow's People* through another organisation *Close Protection UK* but were dropped off in London in the early hours of the morning with nowhere to go and were not allowed to remain on the coach which had transported them to London. The complainant felt the interview was rude and hectoring in tone and that there had been multiple interruptions. The complainant felt that the interviewing style on *Newsnight* generally was often aggressive and that this was not an effective interviewing technique. The complainant also felt that a question asking about salaries received by some staff in the organisation concerned was unjustified and could lead to the charity and Baroness Stedman-Scott being cast in a bad light. The interview should have been with the security company or bus company.

The Executive responded to say that in their view the line of questioning used was appropriate and the programme gave due weight to the subject matter in the context of the events under editorial discussion at the time. The Executive felt that the vigour with which the interview was conducted was not inappropriate in the context of the issue and that the interviewee was able to put across her points at some length. The Executive also explained that complaints about unfair treatment can only be brought by first party complainants or by a representative.

### **Appeal to the Trust**

The complainant said that Baroness Stedman-Scott should have been allowed to make an initial opening statement, but that in this case had been repeatedly interrupted by the interviewer. The complainant said that the style of the interview gave the impression that the interviewee had something to hide and that it wastes time that might otherwise be spent on discussing other aspects of the issue. The reference to the value of the contract and salaries was hostile. The usual *Newsnight* interviewing style was aggressive and hectoring in tone and was not effective.

The Senior Editorial Strategy Adviser replied acknowledging that this was an issue that the complainant felt very strongly about. The Senior Editorial Strategy Adviser also explained that the tone and manner in which an interview is conducted are issues that fall within the remit of operational matters which the Trust would not normally get involved in unless it considered that there had been a breach of the BBC's Editorial Guidelines. The Senior Editorial Adviser explained that she did not feel that any evidence of a breach of the guidelines had been presented.

The Senior Editorial Strategy Adviser agreed that the exchanges in the interview were quite abrupt but that that in her view they were not without purpose. The Senior Editorial Strategy Adviser said that she understood that some of the interruptions to the interviewee's flow might have appeared discourteous but that the Executive had provided a reasonable explanation of what is a conventional interviewing technique. In this case, the interviewer, having not received a clear answer, rightly persisted.

The Senior Editorial Strategy Adviser turned to the complainant's concerns about the questioning concerning the funding of the charity and the salaries received by some staff. She agreed with the Executive's assessment that there was clear editorial justification for this line of questioning and said that there was no evidence to suggest they were asked out of a desire to cast the interviewee or the charity in a bad light.

The Senior Editorial Strategy Adviser explained that in her view Baroness Stedman-Scott had been given the opportunity to state clearly her position and to explain how her charity was managing the situation and ensuring nothing like it happened again.

The Senior Editorial Strategy Adviser decided that there was no reasonable prospect of success for an appeal based on the issues that the complainant had raised.

The complainant challenged the Senior Editorial Strategy Adviser's decision not to proceed with her appeal saying that the points she was raising went beyond operational matters and related to the overall culture of the programme, which encourages interviewers to adopt a hectoring approach to those being interviewed.

### **The Panel's decision**

The Panel was provided with the complainant's appeal to the Trust, the response from the Senior Editorial Strategy Adviser and the complainant's letter appealing against her decision.

The Panel understood that the complainant was concerned about the presentation of the charity and of its Chief Executive. The Panel noted that the Trust has a strictly limited role which is set out in the Royal Charter and the accompanying Agreement between the Secretary of State and the BBC. This draws a distinction between the role of the BBC Trust and that of the BBC Executive Board and says that the direction of the BBC's editorial and creative output is a duty of the Executive Board, and is one in which the Trust does not get involved unless, for example, it relates to a breach of the BBC's editorial standards.

The Panel agreed that elements of the interview might have appeared discourteous but that decisions on which topics an interview should cover and the style of questioning during the course of an interview were matters which are editorial and creative and so fall within the remit of the BBC's management and not the Trust. The issues raised did not relate to a possible breach of the BBC's Editorial Guidelines. The Panel noted that the Executive had advised the complainant that they were unable to consider a complaint of unfairness unless the complaint was from a first party or representative and that in such cases complaints would be considered under the editorial complaints framework rather than the general one.

The Panel also noted the positive note that the interview had ended on and that Baroness Stedman-Scott was able to explain the value of work experience and that the Charity in question had been in existence for 30 years.

For these reasons, the Panel concluded that the appeal did not have a reasonable prospect of success.

**The Panel therefore agreed that the appeal did not qualify to proceed for consideration.**

## ***Newswatch, BBC News Channel, 20 April 2012***

The complainant appealed the decision at stage 1b of the BBC's complaints process that the BBC would not engage in any further correspondence on the same issue.

### **The Complaint**

Anders Behring Breivik, killed 77 people in two attacks in Norway in 2011 and was brought to trial in 2012. The BBC showed Anders Behring Breivik making a clenched-fist salute in court. The editor of the News Channel, Kevin Bakhurst, said on Newswatch that he had "absolute confidence" in viewers' ability to make their own judgments with regard to Breivik. The complainant felt this was an arrogant attitude and represented sloppy journalism.

BBC Audience Services' initial response to this issue was that the use of the image was to provide viewers with sufficient context and background, allowing them to make up their own minds in their own time. The complainant replied to say that he was not objecting to the use of the image but of Mr Bakhurst's use of language. Audience Services' said that Mr Bakhurst was simply defending the decision to show Breivik's salute by arguing that that this would help viewers form a judgment about him and that viewers generally would understand this was what the BBC was doing. Audience Services explained that they did not consider the points raised suggested a possible breach of standards and that therefore they would not engage in any further correspondence on the issue.

### **Appeal to the Trust**

The complainant challenged this decision reiterating that his complaint was not one about the decision to include the salute but one about Mr Bakhurst's use of 'absolute'. The complainant also indicated that he wanted to complain about why Audience Services' initial response has not addressed his complaint, but rather the decision to include the salute.

The Senior Editorial Strategy Adviser at the Trust responded explaining that in her view Mr Bakhurst was using a well-understood idiomatic turn of phrase when he said he had "absolute confidence" that the audience would reach its own judgment. The Senior Editorial Strategy Adviser explained that it was her view that this was significantly different from the interpretation the complainant was placing in the words, which could be summarised as Mr Bakhurst being confident that "absolutely every member of the audience" would reach a well-informed, intelligent judgment.

The Senior Editorial Strategy Adviser recognised that there had been a misunderstanding between the complainant and Audience Services, and the substance of his complaint regarding Mr Bakhurst's language had not been recognised fully until later in the process. However, the Senior Editorial Strategy Adviser agreed that Audience Services had subsequently responded fully to the complaint and that it was reasonable for them to say that they could not respond any further on an issue which did not involve any breach of editorial standards.

In the view of the Senior Editorial Standards Adviser there was no reasonable prospect of success for the appeal.

The complainant accepted the decision of the Senior Editorial Standards Adviser with regard to the comments made by Mr Bakhurst but wished to appeal against her decision with regard to the letters from Audience Services of 26 July 9 August and 23 October. In

his view, Audience Services had not addressed the fact that their initial response did not correctly address the issues he had raised.

### **The Panel's decision**

The Panel was provided with the complainant's appeal to the Trust, the response from the Senior Editorial Strategy Adviser, the complainant's letter asking the Board to review her decision and also the complainant's previous correspondence with BBC Audience Services.

The Panel agreed with the Senior Editorial Strategy Adviser that BBC Audience Services had fully responded to the complainant's concerns and that it was reasonable for them to say that they could not respond any further on an issue which did not involve any breach of editorial standards. The Panel recognised that there had been a misunderstanding about the nature of the complaint at an early stage but felt that the BBC had provided a full response and that the appeal did not have a reasonable prospect of success. The Panel noted the complainant's request to draw this matter to the attention of other Trustees but agreed that it was not appropriate to do so as the Panel had delegated authority to consider these issues on behalf of the Trust.

**The Panel therefore decided that the appeal did not qualify to proceed for consideration.**

## **Choice of requests played on the Radio 1 Request Show with Jameela Jamil**

The complainant appealed the decision at stage 1b of the process that the BBC would not write again on the same issue.

### **The complaint**

The complainant contacted the BBC to complain that his song requests for the Radio 1 Request Show with Jameela Jamil had been ignored. The complainant said that he thought this was because he had learning disabilities and that he was being discriminated against.

BBC Audience Services replied. They said the complainant was not being discriminated against. They said there were several thousand requests to the show each week and that it was not possible for each request to be played on a two hour show. Audience Services also said that the complainant had in fact had a request played on the programme previously. Audience Services explained that there was nothing further they could add to this.

### **The Trust Unit's Reply to the Appeal**

The complainant appealed to the Trust. The Senior Editorial Strategy Adviser replied. The Senior Editorial Strategy Adviser said that it was not possible for the programme to play all requests. The Senior Editorial Strategy Adviser said the programme had not been ignoring his request on purpose. It was not personal and it was not anything to do with having a learning disability. She said that the fact that he had a request played showed this. The Senior Editorial Strategy Adviser said that a number of changes had been made to make it easier for people to make a request. She said that people making a request

- don't have to go air
- don't have to leave a phone number
- don't have say where they live
- don't have to give their age

The Senior Editorial Strategy Adviser thanked him for making these points. He had made it easier for people with learning disabilities to make a request. She said she did not think the Trust would feel there was anything else the BBC should do.

The complainant challenged the Senior Editorial Standards Adviser's decision, he said he had called the programme several times but that on each occasion he had been unable to get through.

### **The Panel's decision**

The Panel was given with a note of the complainant's appeal to the Trust, the reply from the Senior Editorial Strategy Adviser, a note of the complainant's call asking the Board to review her decision and also the complainant's previous correspondence with the BBC.

The Panel noted that the BBC had said that the complainant had previously had a request played on the programme. The BBC had also said that the number of requests received each week made it impossible for them all to be played in a two hour slot. The Panel agreed that the BBC had provided explanations to the complainant. There was no evidence to suggest the complainant was being deliberately ignored or that the

programme was discriminating against people with learning disabilities. The Panel agreed that decisions about what requests are played are a matter for programme-makers and not the Trust. The Panel agreed the BBC were correct to say they could not give him any more replies on this subject.

**The Panel therefore decided that the appeal did not qualify to proceed for consideration.**

## ***Remembrance Sunday: the Cenotaph, 11 November 2012***

The complainant appealed the decision at stage 1b of the process that the BBC would not engage in any further correspondence on the same issue.

### **The complaint**

The complainant originally contacted the BBC to complain that David Dimbleby had not correctly identified Nigel Dodds during the wreath laying ceremony and that this showed how little engaged the commentator was. The complainant said it demeaned the contribution of people from Northern Ireland during both world wars. He also complained about the fact that there was no apology.

BBC Audience Services responded to apologise for any offence caused. They accepted this was an error. It had been immediately rectified by David Dimbleby. Audience Services explained that because of the nature of live broadcasting, errors will inevitably occur but that this was not reflective of a lack of engagement or understanding.

### **Appeal to the BBC Trust**

The complainant appealed to the Trust when Audience Services felt they could not add anything further to their previous response.

The Senior Editorial Strategy Adviser responded noting that BBC Audience Services had accepted that Mr Dimbleby had made an error but pointed out that he had corrected it immediately. She noted that BBC Audience Services had also apologised for any offence caused. She noted that while David Dimbleby had initially wrongly identified Mr Dodds he realised his mistake within a few seconds whilst another representative was laying a wreath and corrected himself saying: "I should have said that he was preceded by Nigel Dodds, the deputy leader of the Democratic Unionist Party from Northern Ireland. She noted that whilst he spoke quickly this did not suggest he was not engaged but that he was aware that the cameras were turning to focus on the next person to lay a wreath. The Senior Editorial Strategy Adviser explained that in her opinion BBC Audience Services had acted in line with the complaints framework and that therefore there was no prospect of success at appeal.

### **The Panel's decision**

The Panel was provided with the complainant's appeal to the Trust, the response from the Senior Editorial Strategy Adviser, the complainant's letter asking the Board to review her decision and also the complainant's previous correspondence with the BBC.

The Panel noted that the complainant had received an apology from BBC Audience Services and that the mistake had been corrected on-air within seconds. The Panel agreed with the Senior Editorial Strategy Adviser's view that Audience Services' handling of the complaint had been fully in accordance with the complaints framework and that it was reasonable for Audience Services to conclude the correspondence as there was nothing further to add in response to this complaint.

For these reasons, the Panel concluded that the appeal did not have a reasonable prospect of success.

**The Panel therefore decided that the appeal did not qualify to proceed for consideration.**



## **Use of incorrect grammar by BBC presenters**

The complainant appealed the decision at stage 1b of the process that the BBC would not engage in any further correspondence on the same issue.

### **The complaint**

The complainant contacted the BBC several times over a number of years to complain about grammatical errors made by BBC presenters. He cited examples where sports teams, political parties, countries and elements of the state had been referred to in the plural when they could have been referred to as single entities. BBC Audience Services responded to these complaints to explain that the BBC strives to achieve the highest standards of accuracy and that presenters are expected to have a good command of standard English. Audience Services explained that given the thousands of hours of live news broadcasts and other content over the course of a year, minor grammatical mistakes can occasionally slip through. They also explained that using the plural was common across broadcasting when referring to a sports team.

### **Appeal to the BBC Trust**

The complainant wrote to the BBC Trust on 8 December 2012 seeking to appeal against BBC Audience Services' decision. He said that BBC presenters referred to a sports team and a country in the plural when it should be the singular. He gave two examples from a news broadcast on 8 December: "India are a hundred and eleven for four" and "England are on top". The complainant said that in both instances "are" should have been "is" and that these were not occasional errors, as the BBC had suggested.

The Senior Editorial Strategy Adviser responded on behalf of the Trust Unit to explain that in her view the appeal should not proceed to the Trustees. The Senior Editorial Strategy Adviser noted Audience Services previous responses to the issue and that, with particular regard to reference to sports teams, using the plural was common across broadcasting.

The Senior Editorial Strategy Adviser also explained that responsibility for the direction of the BBC's editorial and creative output was the responsibility of the BBC's management and not the Trust. The Senior Editorial Strategy Adviser explained that this distinction meant that the Trust would not normally get involved in such issues unless it related in a breach of the BBC's editorial guidelines. It was therefore her view that the appeal did not have a reasonable prospect of success.

### **The Panel's decision**

The Panel was provided with the complainant's appeal to the Trust, the response from the Senior Editorial Strategy Adviser, the complainant's letter asking the Board to review her decision and also the complainant's previous correspondence with the BBC.

The Panel noted the complainant's disappointment and his opinion that the BBC had a duty to be correct, that the use of the plural was incorrect [in referring to sports teams] and that correct grammar should be employed. The Panel agreed that Audience Services had provided a good outline of the difficulties of broadcasting and that it was inevitable that some mistakes would occur. The Panel noted that Audience Services had explained that different forms of broadcasting require different levels of formality and that in certain contexts speaking colloquially was appropriate. The Panel agreed that in any case, unless the error represented a breach of the BBC's editorial guidelines it was a matter for the BBC's management and not the Trust. The Panel agreed that the complainant's contacts

had been handled appropriately and that it was reasonable for BBC Audience Services to end the correspondence on the issue.

For these reasons, the Panel concluded that the appeal did not have a reasonable prospect of success.

**The Panel therefore decided that the appeal did not qualify to proceed for consideration.**

## ***Strictly Come Dancing***

The complainant appealed the decision at stage 1b of the process that the BBC would not engage in any further correspondence on the same issue.

### **The complaint**

The complainant originally contacted the BBC to complain that the BBC had not accepted that the idea for *Strictly Come Dancing* had originated from the complainant's website and that he therefore ought to be recognised on the credits for the programme and paid.

The complainant said that he had put forward an idea for a programme where contestants learned to play musical instruments and that on his website he had mentioned that ballroom dancing was good exercise. BBC Audience Services replied to the complainant to say that they disputed the notion that *Strictly Come Dancing* or any other programme had resulted from, or been developed by reference to the complainant's website.

### **Appeal to the Trust**

The complainant wrote to the Trust seeking to appeal against BBC Audience Services' decision not to correspond with him further. His substantive point was that he considered his ideas had been used by the BBC to develop *Strictly Come Dancing*. He asked to have his name added to the credits for the programme and he queried whether the BBC paid people who contributed to its programmes.

The Senior Editorial Strategy Adviser replied on behalf of the Trust Unit to say that she could see no evidence to contradict the BBC's position and that it was reasonable for Audience Services to say that they could not respond any further to the complainant's correspondence. The Senior Editorial Strategy Adviser said that in her view it would be disproportionate and not cost effective to ask the Trustees to investigate his claims further.

### **The Panel's decision**

The Panel was provided with the complainant's appeal to the Trust, the response from the Senior Editorial Strategy Adviser, the complainant's letter asking the Board to review her decision and also the complainant's previous correspondence with the BBC.

The Panel agreed that there was no evidence that *Strictly Come Dancing* or any other programme had resulted from or been developed by reference to the complainant's website or previous contact with the BBC. The Panel agreed that in the absence of any evidence the Senior Editorial Strategy Adviser was correct and that it would be disproportionate to investigate further and that BBC Audience Services had acted reasonably in ending correspondence with the complainant.

For these reasons, the Panel concluded that the appeal did not have a reasonable prospect of success.

**The Panel therefore decided that the appeal did not qualify to proceed for consideration.**