

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

February 2017, issued March 2017

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# 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://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how\\_we\\_operate/committees/2015/cab\\_tor.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_operate/committees/2015/cab_tor.pdf)

All Trustees are members of the Board; Bill Matthews is Chairman. Sonita Alleyne is Deputy 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 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 Stage 1 or under Stage 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

# Summary of finding

## New Statesman book review 27 May 2016

### Summary of finding

On 27 May 2016 the *New Statesman* published a review by the BBC's World Affairs Editor, John Simpson of Peter Osborne's book *Not the Chilcot Report*. The book and the review came out six weeks before Sir John Chilcot published his findings on the UK's involvement in the 2003 Iraq War.

In his review, Mr Simpson described President George W Bush as "an ignoramus", and said of Tony Blair: "his approach was always a subservient one. Like the entire British establishment, he believed that Britain's influence in the world depended on sticking close to the US..." Mr Simpson went on to mention the "scandalous Hutton inquiry" and concluded by describing "the poison that has built up in our national life since Blair took the calamitous decision to follow the US into invading a country that its president knew zip about".

The complainant contacted the BBC's Director-General to complain about the article. The Director-General said that the article was not BBC output and was written in a private capacity. He also said that the review was "largely a reflection of the findings of Peter Osborne's book". He said he understood, however, that the article was not presented for review by the BBC before publication and he said that Mr Simpson "has been reminded of the need to follow proper procedures". The complainant appealed to the Trust, stating that the article breached the BBC's Editorial Guidelines. He also considered the action taken by the BBC (in reminding Mr Simpson of the rules) to be inadequate.

The Committee concluded that:

- there are specific restraints set out in the Editorial Guidelines on staff, correspondents and freelancers who work in BBC News and Current Affairs regarding their editorial integrity and objectivity. Further they must not: "...advocate any particular position on a matter of public policy, political or industrial controversy, or any other 'controversial subject'".
- the impending publication of the Chilcot report made the Iraq invasion once more a topical subject which was likely to be at the centre of political controversy.
- the Editorial Guidelines in question applied to all BBC news presenters or reporters, irrespective of their employment status.
- Mr Simpson was clear in the review that he was referencing the views of others rather than his own views in relation to whether Tony Blair had behaved dishonestly or acted in good faith and also in relation to the circumstances surrounding Dr David Kelly's death.
- many of Mr Simpson's comments drew substantially on the book, and it would have been preferable had Mr Simpson been more explicit throughout the article that he was referencing Mr Osborne.
- any ambiguity as to whose view was being expressed was not so great that it would have undermined the public's perception of the impartiality, integrity, independence and objectivity of the BBC.
- as a senior correspondent and editor, Mr Simpson was also drawing upon his substantial experience and his views were an expression of his professional judgement,
- expressions of personal opinion by well-known faces of BBC News could have a

disproportionately negative effect upon the reputation of the BBC and on public trust in its output. The Panel therefore reminded the BBC that constraints applied to all of its news presenters and reporters, regardless of their seniority.

- the remedy taken by the Director-General in reminding Mr Simpson of the rules was adequate
- BBC News also took steps on receipt of the complaint to address Mr Simpson's role in coverage of the Chilcot report

Trustees therefore decided that the Executive's actions were appropriate. Trustees agreed that this matter had been resolved at a previous stage of the complaints process.

### **Resolved**

# Appeal Finding

## New Statesman book review 27 May 2016

### Background

On 27 May 2016 the *New Statesman* published an article by the BBC's World Affairs Editor, John Simpson.

Mr Simpson writes regularly ("about an article a month") for the *New Statesman* though he is not on its staff.

The article was a review of Peter Osborne's book *Not the Chilcot Report*, which was published on 26 May 2016, six weeks before Sir John Chilcot published his findings on the UK's involvement in the 2003 Iraq War.

In the book, Peter Osborne studied the evidence presented to the inquiry, carried out additional research and reached his own conclusions to four questions: "Did Tony Blair lie to the British people ahead of war? Was the war lawful? Did Tony Blair and George W. Bush reach a secret agreement when they met at Crawford in 2002? Has the Iraq War left Britain a safer place, as was promised?"

Mr Simpson's review described the book as "incisive". He said that Peter Osborne had taken a "forensic" approach to dismantling the idea that Tony Blair had simply repeated information provided by the intelligence services; Mr Osborne said that Mr Blair had instead "exaggerated and misrepresented the intelligence he was given".

Mr Simpson described meeting a former foreign minister and UN ambassador for Iraq shortly after the 2003 invasion, who said he had begged President George W Bush not to go ahead with the invasion as it would lead to civil war between Sunnis and Shias. The former Iraqi minister said that President Bush was shocked as he had no idea such a religious divide existed. Mr Simpson said "Granted, Bush was an ignoramus" but he asked why Tony Blair and his advisers did not brief the Americans and he concluded that "although Blair was far cleverer than Bush and had better advisers, his approach was always a subservient one. Like the entire British establishment, he believed that Britain's influence in the world depended on sticking close to the US..."

Mr Simpson went on to mention the "scandalous Hutton inquiry", stating "Gilligan was essentially right: the intelligence dossier had been grossly hyped up", though he acknowledged reservations about the seniority of the source upon which Andrew Gilligan had based his report.

The article concluded by describing "the poison that has built up in our national life since Blair took the calamitous decision to follow the US into invading a country that its president knew zip about".

### The complaint

The complainant contacted the BBC's Director-General to complain about the article.

The Director-General said that the article was not BBC output and was written in a private capacity. He also said that the review was "largely a reflection of the findings of Peter Osborne's book".

He said he understood, however, that the article was not presented for review by the BBC before publication and he said that Mr Simpson “has been reminded of the need to follow proper procedures”.

The complainant appealed to the Trust, stating that the article breached the BBC’s Editorial Guidelines. He also considered the action taken by the BBC (in reminding Mr Simpson of the rules) to be inadequate.

### **Applicable Editorial Guidelines**

The appeal was considered by a panel of the Complaints and Appeals Board of the Trust (“the Panel”).<sup>1</sup> The complainant suggested that the article breached the BBC’s impartiality guidelines but the Panel agreed that as these relate to BBC content, they were not applicable in this case. Instead, the Panel considered the article against the BBC’s guidelines on conflicts of interest:

- 15.1, 15.2.1, 15.3.6, 15.4.1, 15.4.3, 15.4.9

They also considered the following guidance relating to Conflicts of Interest:

- Introduction
- News and Current Affairs – Principles
- News and Current Affairs – Specific Guidance.

### **The Panel’s decision**

In reaching its decision the Panel took full account of all of the available evidence, including (but not limited to) reports by an independent adviser and comments by the complainant, by Mr Simpson and by BBC News.

Trustees noted that the complainant appealed to the Trust, stating that the article had breached the BBC’s Editorial Guidelines because Mr Simpson had expressed a personal view “on a major issue of national political importance”, and “all that happened is he was ‘reminded’ of the rules”.

Trustees noted the following principle set out in 15.2.1:

“External activities of individuals working for the BBC must not undermine the public’s perception of the impartiality, integrity, independence and objectivity of the BBC.”

They noted that there are specific restraints on staff, correspondents and freelancers who work in BBC News and Current Affairs. 15.4.3 states that those in this category must not:

“...advocate any particular position on a matter of public policy, political or industrial controversy, or any other ‘controversial subject’”.

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<sup>1</sup> Trustees agreed that, under the current complaints framework, as the complaint did not involve an alleged breach of editorial standards in BBC output, it was not an editorial complaint (and so fell to be considered by the Panel, not the Editorial Standards Committee). They noted, however, that since 2010, conflicts of interest had been addressed in the Editorial Guidelines (rather than, as before, only in guidance) and so such issues now engage the Editorial Guidelines and expressions of personal opinion in certain cases can have an effect upon the reputation of the BBC and on public trust in its output.



In a submission to the Trust, Mr Simpson said the article was not about “current politics” because the invasion of Iraq was “a matter of history”. Trustees noted that on 9 May 2016 a spokesman for the Chilcot inquiry announced the publication date of the inquiry’s report as 6 July 2016. The *New Statesman* article was published just over two weeks later and six weeks before the Chilcot findings were announced. Trustees decided that the impending publication of the findings made the Iraq invasion once more a topical subject which was likely to be at the centre of political controversy.

In determining whether Mr Simpson had advocated a particular position on a matter of political controversy, Trustees noted the Executive’s view that the review was “largely a reflection of Peter Osborne’s book”.

They noted that the complainant felt particularly strongly that Mr Simpson had accused Mr Blair of dishonesty, whereas the complainant believed the Chilcot inquiry had made it “explicitly clear” that Mr Blair had acted in good faith. They noted that the article stated:

“Lord Butler, the former cabinet secretary who had investigated the government’s pre-invasion use of intelligence, said the same thing in a speech in the House of Lords in 2007. He described Blair’s approach as “disingenuous”: mandarin-speak for dishonest. Osborne quotes Butler at length:

‘The United Kingdom intelligence community told him [Blair] on 23 August 2002 that, “We . . . know little about Iraq’s chemical and biological weapons work since late 1988.” The Prime Minister did not tell us that. Indeed, he told Parliament only just over a month later that the picture painted by our intelligence services was “extensive, detailed and authoritative”.’

“Osborne’s central point is that this dishonesty has done serious damage to the fundamental trust that the British people used to have in their rulers.”

Trustees decided that Mr Simpson was clear on this occasion that he was referencing Peter Osborne who was, in turn, quoting Lord Butler.

Similarly, they noted the complainant’s view that Mr Simpson had given “credence to wilder conspiracy theorists’ claim that Dr David Kelly’s death was not suicide”. However, they noted that in the relevant section of the article Mr Simpson did not express a view on this matter, other than to say “once you start losing faith in the official version of things, there is no end to it. And that is Osborne’s point.” As this was clearly sourced to Mr Osborne, they did not agree that Mr Simpson had taken a view on the matter.

Trustees noted that at some points in the article Mr Simpson was explicit in referencing Mr Osborne, for example:

“Osborne, in fine forensic form, demolishes (his word) the notion that Blair was simply repeating what the intelligence services had told him...”

At other points Trustees decided that Mr Simpson was less explicit and they asked an independent editorial adviser to read the book and advise on whether Mr Simpson’s comments could be sourced in it. As a result, they noted that many of Mr Simpson’s comments drew substantially on the book, including the following quotes from Mr Osborne:

“More than anything else, Tony Blair’s determination to stick with the American president of the day, whoever he is and whatever he stands for, explains his

willingness to follow the United States all the way into the Iraq morass.”

“The British State is ready to surrender its freedom of action on the international stage in return for the enhanced status and capability we derive as a result of our US ties.”

“Every year that passes, it becomes clearer that the invasion of 2003 was the defining calamity of the post-Cold War era.”

“The Iraq invasion damaged the core institutions of the British state. This in turn has led to basic questions about the British system of government itself.”

Trustees noted the complainant’s view that a book reviewer should make it clear whether they were “reporting the views of the book’s author ... or are they proffering their own view?” They considered that it would have been preferable had Mr Simpson been more explicit throughout the article that he was referencing Mr Osborne. In particular, they drew attention to a passage which referred to the Hutton inquiry, which Mr Simpson said:

“...managed to deflect attention from the questionable nature of the dossier to the way in which Gilligan had reported on it. However, although Kelly wasn’t a sufficiently senior source for Gilligan to base his report on, there is no doubt that Gilligan was essentially right: the intelligence dossier had been grossly hyped up. Campbell’s frenzied efforts to protect himself and Blair did huge damage to the BBC, the judiciary, the intelligence and security agencies and public trust in government.”

Trustees noted that after the Hutton inquiry (and the subsequent resignations of the then BBC Chairman and Director-General), the acting Chairman of Governors Lord Ryder apologised “unreservedly for our errors and to the individuals whose reputations were affected by them”. In that context, Trustees considered whether there was a risk that Mr Simpson, as a senior BBC correspondent, might be perceived to be expressing a contradictory personal view about the inquiry and the circumstances around it without at the same time setting out adequate explanation and evidence. However, they were satisfied this was not the case. They noted that Mr Osborne made frequent references in his book to Tony Blair exaggerating the intelligence in the September dossier:

“I demolish the idea that Tony Blair simply reiterated what he was told by the intelligence services. In fact he exaggerated and misrepresented the intelligence he was receiving from the Joint Intelligence Committee...”

“On 24 September Blair published the promised dossier. Subsequent inquiries would lay bare some of the secrets of its preparation and the way in which cautious intelligence statements had been rewritten as propaganda.”

Trustees noted that while Mr Osborne did not specifically state that the Hutton inquiry deflected attention away from the dossier to the BBC’s reporting of it, they decided that this could reasonably be inferred from the book, as Mr Osborne did refer to the inquiry as “controversial” and he said Lord Hutton did not take important evidence into account and “key questions went unasked”.

Trustees decided, therefore, that any ambiguity as to whose view was being expressed was not so great that it would have led to a reader to conclude that Mr Simpson was undermining the public’s perception of the impartiality, integrity, independence and objectivity of the BBC. They also acknowledged that, as a senior correspondent and editor, Mr Simpson was also drawing upon his substantial experience (for instance when

reporting his conversation with Iraq's former foreign minister) and that his views were an expression of his professional judgement, and that he did not go beyond this into advocating a particular position on a matter of political controversy.

Turning to the complainant's point that the BBC's response to the article was inadequate, Trustees noted that:

- Mr Simpson's article was not presented for review by the BBC before publication
- the Director-General said that Mr Simpson "has been reminded of the need to follow proper procedures"
- the complainant believed this action to be inadequate because he stated that Mr Simpson contravened the Editorial Guidelines "on a major issue of national political importance".

Trustees noted that the Editorial Guidelines place specific restraints on those who work in BBC News and Current Affairs.

Guideline 15.4.9 says that such individuals should not "normally" write regular columns for non-BBC publications, especially columns dealing with (among other things) news, current affairs, politics or current world affairs or matters of public policy or political controversy. It also states that:

"One-off articles on any of these areas must be referred to a senior level in the relevant division."

Trustees noted that the guidance on conflicts of interest was more specific:

"It is essential that BBC staff, BBC correspondents on non-staff contracts and freelances known to the public primarily as presenters or reporters on BBC news or current affairs programmes do not undertake any off-air activities which could undermine the BBC's reputation for impartiality. Nothing they do or say should bring the BBC into disrepute. No off-air activity, including writing for newspapers, magazines or websites, writing books, giving interviews, making speeches or chairing conferences should lead to any doubt about the objectivity or integrity of their work for the BBC. If BBC journalists, presenters or reporters publicly express personal views off-air on controversial issues, then their editorial or on-air role may be severely compromised.

**...Permission must be sought from the relevant Head of Department about the suitability of writing or speaking commitments.**" [original emphasis]

Trustees noted that the BBC's Head of Editorial Standards for BBC News and Current Affairs had explained how the rules operate in practice:

- any one-off article needed the permission - in **principle** - of the relevant head of department before it could go ahead. In this case permission was not sought, though the Head of Editorial Standards noted that "in my experience I do not think that permission for a book review would have been refused"
- once the article had been written, the **content** was then considered by the Head of Editorial Standards "primarily for impartiality and any issues that might impinge upon the BBC's reputation, integrity or independence."
- if it was deemed necessary, the author was required to make changes
- "the broad rule is that authors do not write anything that they might not say on air, although in the course of an article or a book there may be more space to

come to a particular judgment by setting it in a more developed context than they can on air, while senior editors or correspondents are of course allowed to express a professional judgment, but not their opinion”

- the Head of Editorial Standards reports to the deputy director of News by sending her at the close of each month a list of articles or books he has vetted.

In a submission to the independent editorial adviser Mr Simpson explained that, since 2014, he has not been a full-time BBC employee though he understood that he is bound by the BBC’s Editorial Guidelines:

“Since I am not a full-time BBC employee and have been specifically told I can work for other television or journalistic organisations, I wouldn’t normally seek permission for this kind of work. Nevertheless, I would naturally inform the BBC if I thought the situation required it.”

The independent editorial adviser confirmed with Mr Simpson that by “this kind of work” he meant writing a book review.

Trustees noted that Mr Simpson appeared to understand that his employment status was a material issue in seeking permission to write one-off articles when it was not.

The Panel noted that the Editorial Guidelines (15.4.1) place specific restraints on “BBC staff, correspondents and freelancers primarily known as BBC news presenters or reporters” because “there must be no doubt over the integrity and objectivity of editorial teams”.

These guidelines applied to all BBC news presenters or reporters, irrespective of their employment status.

Trustees noted that expressions of personal opinion by well-known faces of BBC News could have a disproportionately negative effect upon the reputation of the BBC and on public trust in its output. The Panel therefore reminded the BBC that constraints applied to all of its news presenters and reporters, regardless of their seniority.

Trustees noted that the Editorial Guidelines clearly state that BBC news reporters should not “normally” write regular columns for non-BBC publications dealing with news, current affairs, politics or current world affairs or matters of public policy or political controversy. They understood the position of BBC News that it was unlikely that permission would have been refused for a book review, but this was a book that dealt with a political matter, so permission should have been sought in principle and the content should have been submitted for consideration by the Head of Editorial Standards for BBC News.

Trustees decided that, as there had been no breach of the Editorial Guidelines, they considered the remedy taken by the Director-General in reminding Mr Simpson of the rules to be adequate and appropriate in the circumstances. They also noted that the Executive had provided a statement about the steps taken by BBC News on receipt of the complaint:

- without pre-judging the complaint senior editorial leaders examined what John Simpson’s role would be in Newsgathering’s plans for coverage of the Chilcot report
- it found that Mr Simpson was not going to play a major role in the coverage, and this remained the case.

Trustees therefore decided that the Executive’s actions were appropriate both in

reminding Mr Simpson of the rules and in assessing, on receipt of the complaint, what his contribution would be to the coverage of the Chilcot report. Trustees agreed that this matter had been resolved at a previous stage of the complaints process.

**Finding: resolved**

# Appeals against the decision of BBC Audience Services not to correspond further with the complainant

The BBC's General Complaints and Appeals Procedure has three stages: the first two stages with the BBC; the third and final stage an appeal to the Trust.

Complaints are answered at Stage 1 by the BBC – usually by BBC Audience Services but sometimes directly by a content area. Where complainants remain dissatisfied after a Stage 1 response, they can request a further response at Stage 1. If they are still dissatisfied they may escalate their complaint to Stage 2. Complaints at Stage 2 are considered by a senior manager in the BBC Division responsible for the matter being complained about.

However, under the Complaints Framework, it is open to the BBC to close down correspondence – this means the BBC notifies the complainant that it does not wish to respond further. The complainant can appeal to the Trust if they consider the BBC is wrong to close down the correspondence. This is the procedure the BBC followed in the following cases. Where a complainant appeals to the Trust in these circumstances, if Trustees uphold the appeal, the complaint is sent back to the BBC for a further response.

The General Complaints and Appeals Procedure explains that, at all stages of this procedure, a complaint may not be investigated if it "is trivial, misconceived, hypothetical, repetitious or otherwise vexatious".

In the following cases the correspondence was reviewed by a senior member of the Trust Unit who advises Trustees on Editorial Standards. The complainants had appealed on the substance of their complaints but as the BBC had ceased handling the complaints at Stage 1 the point the Adviser considered was whether an appeal against the decision of the BBC not to correspond further with the complainants had a reasonable prospect of success.

## Decision of BBC Audience Services not to respond further to a complaint about the submission of a screenplay and how it was handled

### Complaint

The complaint concerned the response to the complainant regarding the complainant's unsuccessful submission to the BBC of an original television comedy screenplay.

The complainant made the following points:

- The response from the Director-General's office was unprofessional and demonstrated a lack of sympathy towards his work, and also to himself as an individual and licence fee payer.
- He rejected the suggestion within the response that as a writer he should first find a production company to show interest in his idea.
- A special case could have been made whereby the Director-General might have arranged to find outside partners to assist with the making and funding of his screenplay.
- The Director-General should have been more encouraging and shown a better understanding of the role in society for drama and comedy.
- He requested a personal response from the Director-General.

BBC Audience Services made the following points:

- The Director-General would not be making a decision on the complainant's screenplay.
- The BBC received a large number of requests from writers and it would be impossible to reply to each of them; for that reason a response could not be guaranteed.
- The BBC Writers Room and BBC Commissioning websites contain further information on submitting scripts and approaching independent production companies respectively.

Audience Services said they had nothing further to add and that they did not believe the complaint had raised an issue that justified further investigation.

### Appeal

The complainant appealed to the BBC Trust on the substance of his complaint. He reiterated his concerns and made the following further points:

- He believed he had infuriated the Director-General by pointing out the inflexible approach from BBC production units.
- He was entitled to point out the shortcomings in the BBC's approach.
- He felt that he had been treated with contempt and the replies he had received from the BBC in response to his complaint were repetitive and were designed to frustrate him.
- He noted that the BBC's Director of Content had recently stated in the press that the BBC was "going to be experimenting, playing with form, increasing our breadth, our distinctive quality and range – and reflecting the diversity of a modern Britain".

- He said that the responses to his complaint indicated otherwise. He felt that BBC production needed to look beyond independent production companies and encourage writers to contact the BBC direct.

### **Decision of the Senior Adviser, BBC Trust**

The Senior Adviser, BBC Trust, (the Adviser) read the correspondence between the complainant and the BBC. She decided that the point she should consider was whether the complainant's appeal against the decision of Audience Services not to correspond further had a reasonable prospect of success. She decided it did not.

She appreciated that the complainant felt his screenplay should have met with a more positive response and, to this end, he had endeavoured to engage the Director-General in assisting with the development of the project. She noted that the complainant believed an in-house approach to script development would be a positive step forward rather than pitching his idea to independent production companies. She noted that the Correspondence Adviser, responding on behalf of the Director-General, had explained that the BBC did not have the resources to support individuals who approached the Corporation with unsolicited screenplays. Instead, people were advised to follow the procedure outlined on the BBC website: [www.bbc.co.uk/commissioning/tv/ideas-from-the-public](http://www.bbc.co.uk/commissioning/tv/ideas-from-the-public).

The Adviser noted that the complainant felt he had pointed out significant shortcomings in the BBC's commissioning and development process and expected the Director-General to respond personally to him regarding these. However, she also noted that Audience Services had explained that the Director-General could not send a personal response, given the high volume of correspondence he received. She had not seen evidence that the Director-General had been angered by anything the complainant had written or that the response from his office had been intended to be dismissive of the complainant's concerns. She believed the responses the complainant had received from both the Director-General's office and Audience Services were polite and had informed the complainant of areas where he could find information about pitching ideas and submitting scripts on the BBC website, with links to relevant webpages provided. She acknowledged that it could be extremely difficult for new writers to find a home for their ideas, and she noted that this was why the BBC had set up initiatives such as the Writers Room.

The Adviser noted that there was a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. The "direction of the BBC's editorial and creative output" and the operational management of the BBC were defined as duties that were the responsibility of the Executive Board under Article 38, (1)(b) and (c) of the Royal Charter. The Adviser noted that creative decision-making inevitably involved a large degree of subjectivity. She appreciated that the complainant's personal view was that the Director-General could have considered his work as a special case, but she had not seen evidence that the Executive had operated the BBC's published procedures for script submissions inappropriately. Finally, she noted that decisions about whether or not to commission an author, together with the procedures and the time frames for considering that work, rested with the BBC Executive, not the Trust.

Taking this into account the Adviser considered that BBC Audience Services had given a reasoned and reasonable response to the complaint and had acted appropriately in declining to enter into further correspondence. She therefore did not consider it was appropriate, proportionate or cost-effective to proceed with the appeal as it did not have a reasonable prospect of success.



## **Request for review by Trustees**

The complainant requested that the Trustees review the decision not to proceed with his appeal. He made the following points:

- He did not consider it credible that the BBC would not have a system for filtering mail addressed to the Director-General in relation to its importance. If his mail addressed to the Director-General had been filtered and considered not important enough to merit a personal response, then the complainant felt that amounted to a serious lack of judgement on the part of the Director-General.
- He felt that he had made a reasonable request to have his screenplay read impartially and he did not believe that had happened.
- He felt he had not been treated as a professional writer, but instead had been dismissed as “just a viewer with an idea”.
- He said the BBC had not addressed the part of his complaint concerning his suspicion that the BBC might have considered the subject of his screenplay as “too hot to handle”.

## **The Panel’s decision**

A panel of the Complaints and Appeals Board noted the points made by the complainant, the BBC and the Adviser.

Trustees noted that the issue in front of them was whether the decision by Audience Services to decline to enter into further correspondence was correct.

Trustees agreed that if they took this matter on appeal they would be likely not to uphold the complaint given that:

- They noted that there was a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. The “direction of the BBC’s editorial and creative output” and the operational management of the BBC were defined as duties that were the responsibility of the Executive Board under Article 38, (1)(b) and (c) of the Royal Charter. The Trust did not have a role in these decisions unless a potential breach of Editorial Standards was identified, and they did not consider that to be the case in this instance.
- Decisions about whether to take up creative ideas submitted to the BBC by professional writers were the responsibility of programme commissioning teams as part of the creative and editorial direction of the BBC.
- They had not seen evidence that the Executive had operated the BBC’s published procedures for script submissions inappropriately. Decisions about whether or not to commission an author, together with the procedures and the time frames for considering that work, rested with the BBC Executive, not the Trust.
- They considered that the responses the complainant had received from both the Director-General’s office and Audience Services were polite and had informed the complainant of areas where he could find information relevant to his concerns.

Trustees concluded that it was not appropriate, proportionate or cost-effective to proceed with the appeal as it did not have a reasonable prospect of success.

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

## **Decision of BBC Audience Services not to respond further to a complaint about the complaints process, complaint handling and lack of BBC news coverage of the case of a disabled man living in the United States who was kidnapped and tortured**

The complainant asked the Complaints and Appeals Board to review the decision of the BBC not to respond further to the complaint.

### **The complaint**

The complainant made the following points:

- He did not consider there had been sufficient BBC UK coverage given to the case of a disabled 18-year-old man in Chicago who had been kidnapped and tortured in an attack described as a hate crime.
- He said he had noticed that all BBC reporters were middle class and none appeared to be visually impaired despite the fact that visually impaired people made up 20% of the population.
- He felt the lack of coverage of this case was due to a class bias within the BBC.
- After escalating his complaint to Stage 1b, he said he wished to complain about the BBC complaints procedure. He said that his health conditions meant that the BBC Trust websites were inaccessible to him and he believed this was tantamount to discrimination.

BBC Audience Services made the following points:

- This news story was reported by the BBC on 5 January 2017: <http://www.bbc.co.uk/news/world-us-canada-38525549>
- The BBC appreciated that not everyone would agree with the choices of news editors, who took into consideration the editorial merit of each story and decided which stories to cover, and how much prominence to give them.
- Several factors were taken into consideration; for example, whether the story was new and required immediate coverage, how unusual the story was, and how much national interest there was in the story.
- These decisions were always judgement calls rather than an exact science, but the BBC appreciated the feedback that viewers and listeners gave when they felt a story had been overlooked or marginalised.
- The BBC was committed to equal opportunities and always aimed to employ those with the most suitable talents for each role.

### **Appeal**

The complainant appealed to the BBC Trust on the substance and handling of his complaint. He made the following points:

- The case of the man in Chicago had concerned him. He felt that this case demonstrated that there were some extremists connected to Black Lives Matter.
- He had watched many hours of BBC coverage on iPlayer expecting to see this issue debated, but it was not – it was only covered as a news story. He felt the BBC had a duty to cover it and this was why he had complained.
- He felt discriminated against because he had had to make his complaint by telephone and so did not have a written copy of it, whereas someone who did not

have to have a reasonable adjustment and wrote their complaint immediately did have a copy of it. He said that when he telephoned the BBC and they read out his original complaint to him, it was not correctly written on their log.

- He felt that the BBC should provide a service for those who required a reasonable adjustment so that a specialist with knowledge was available to speak about the complaint. He felt the complaints process was discriminatory and noted that the Audience Services person he had spoken to had accepted that he did not have training in how to deal with someone with dyslexia.
- He said the BBC Trust website should be updated to accommodate the needs of those with Irlen syndrome. He also said that the BBC Trust and those who managed the complaints process were entirely middle and upper class and he believed this was why they held their positions, not because of their skill set. He said he would like to meet someone from the BBC to write a complaint so he and the BBC both had copies of it.

### **Decision of the Head of Editorial Standards, BBC Trust**

The Head of Editorial Standards, BBC Trust, spoke with the complainant on the telephone and explained the reasons for her decision that the complaint should not proceed to Trustees for consideration. In summary, she made the following points:

1. In terms of the substantive complaint about a lack of BBC coverage of the case of the disabled young man who was kidnapped and tortured in Chicago, she explained that the reporting of this case was an editorial decision made by BBC News, and the Trust could not interfere with the editorial decisions of the BBC (as set out in the Royal Charter article 38 (1)(b)).
2. The BBC Trust had approved a diversity and inclusion strategy last year which set targets for both employment and portrayal on air for those with disabilities to be achieved by 2020. It was an operational matter for the BBC to decide how to manage this strategy. She had not seen evidence to suggest that the BBC had discriminated against people who were visually impaired.
3. It was her view that the BBC had not discriminated against the complainant. She noted that the BBC had sent him a copy of his paperwork when he had asked for it.
4. The BBC complaints procedure provided for a reasonable adjustment, so it was fit for purpose.
5. The complainant had been given a reasonable adjustment in order to make his complaint.
6. The BBC Trust website was set up in accordance with the accessibility guidance in place in 2012. Given that the Trust was about to close on 3 April 2017, it would be disproportionate to change the website at this point in time.
7. She said she would pass the complainant's views to the person responsible for procuring the new BBC complaints website so that he was aware of the complainant's views. Ofcom was currently consulting on its complaints procedures and the BBC would be doing so within six months of 3 April 2017 if the complainant wished to contribute to those consultations.
8. The employment of Trust Unit staff was a matter for the Trust Unit Director; it was in accordance with employment law and the Trust did not discriminate on the basis of class.
9. The employment of BBC staff was a matter for the BBC and the Trust would not accept a complaint about it; the BBC also complied with employment law.

Taking this into account the Head of Editorial Standards, BBC Trust, considered Trustees would be likely to conclude that Audience Services had given reasoned and reasonable

responses to the complaint and had acted appropriately in declining to enter into further correspondence. She therefore did not consider it was appropriate, proportionate or cost-effective to proceed with the appeal as it did not have a reasonable prospect of success.

### **Request for review by Trustees**

The complainant asked Trustees to review the substance and handling of his complaint.

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

A panel of the Complaints and Appeals Board considered the points made by the complainant, the BBC and the Head of Editorial Standards, BBC Trust.

Trustees agreed that if they took this matter on appeal they would be likely not to uphold the complaint given that:

- The Royal Charter drew a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. The "direction of the BBC's editorial and creative output" and the "operational management" of the BBC were specifically defined in Article 38, (1) (b) and (c) as duties which were the responsibility of the Executive Board. The Royal Charter also explained that the Trust must not exercise or seek to exercise the functions of the Executive Board, (Article 9, (3)).
- The responsibility for editorial decisions about the selection of stories for inclusion in BBC output rested with BBC News Editors.
- The responsibility for the operational management of the BBC's diversity and inclusion strategy lay with the BBC Executive. Trustees had not seen evidence that the BBC had been discriminatory towards visually impaired people.
- The Trustees had not seen evidence that suggested the Trust Unit had not complied with employment legislation in its choice of staff.
- Given the Trust website was about to close it would be disproportionate to examine whether it should change now.
- The complainant had received detailed, reasoned and reasonable responses to his concerns. Trustees considered that the complainant had been given a reasonable adjustment to make his complaint.

Trustees concluded that it was not appropriate, proportionate or cost-effective to admit the appeal as it did not have a reasonable prospect of success.

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

# Admissibility decisions

In each of the instances below, appeals to the BBC Trust were provided directly to Trustees for a decision on admissibility. The complainants did not receive a decision from the Trust Unit.

The Panel was provided with the complainant's correspondence with the BBC, and the complaint's appeal/s to the Trust.

## Handling of complaint about BBC's decision not to cover a story regarding the Lyme Disease Survey

### Background

The complaint concerned the handling of a complaint concerning a scientific study carried out by a scientific collective campaigning against Lyme disease. Following an appearance on BBC Breakfast News, the complainant said the collective had been asked to contact the BBC again following the publication of the results of their research into Lyme disease. The complainant contacted the BBC as planned following the issue of a press release about the study but was unhappy to find that the BBC did not appear inclined to cover the story further. (This complaint was considered separately by the Complaints and Appeals Board of the Trust.)

### The complaint

Having had a conversation with a member of BBC staff about his press release which he considered to be dismissive and upsetting, he contacted BBC Audience Services.

The complainant said that:

- The first call handler was very kind and helpful.
- The day after he had made his complaint he re-contacted BBC Audience Services and was put through to a supervisor.
- He was not happy that he could not speak to the person handling his complaint as the press release was time sensitive and he could not wait for a week for a reply.
- He wanted to speak to the supervisor's manager but the supervisor first said that the manager was in a meeting but shortly afterwards, said he was not in the office.
- He told the supervisor that she had lied to him about the manager's whereabouts.
- The call was terminated.
- The supervisor did very little to help the complainant or to resolve the issue and exacerbated the situation.
- If a call ended in termination it was not handled correctly in his view.
- Later (on learning that the call had not been recorded due to a technical error) he questioned how the supervisor could have taken such detailed notes as he did not hear typing and the exchanges were very quick.

Audience Services said that:

- The complainant was informed in his first call that it can take up to 10 working days to reply under the BBC complaints process.
- When he called again the next day he was told the complaint had been escalated and he would receive a reply.

- The complainant said he was unwilling to wait and was transferred, as requested, to the call-floor supervisor.
- The complainant then asked to speak to the supervisor's manager. He was informed the manager was unavailable and in a meeting. It was later explained that he was not in the office. The meeting was not in the same office (the call-floor) but in another part of the building.
- The supervisor's account was that the supervisor tried to explain this but was spoken over loudly and consequently was unable to do so.
- The call was then terminated after the complainant suggested the supervisor was lying. (The complainant's account agrees both with the notes of the case and the supervisor's account. But unfortunately, and unusually, a technical failure meant this escalated section of the call was not recorded.)
- Information about the BBC complaints service is at [www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints) and states: "We always aim to treat you courteously and with respect, and in return expect equal courtesy and respect shown towards our staff."

## **Appeal**

The complainant appealed to the BBC Trust on the handling of his complaint.

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

A panel of the Complaints and Appeals Board considered the points made by the complainant and the BBC.

Trustees noted that the substantive complaint had been dealt with separately in an earlier finding which had concluded that the choice of stories covered by BBC News was part of the editorial and creative direction of the BBC and was not a matter for the Trust.

Trustees noted that they did not have the call and so did not have an independent means of verifying what had occurred. However, they noted that the supervisor's notes and the account by the complainant agreed that: the supervisor had initially told the complainant that the manager was in a meeting and then that he was not in the office; the complainant had called her a liar; and the call had been terminated.

Trustees noted that Trustees and Trust Unit staff had visited the Audience Services call handling centre and that it was correct that the meeting rooms were separate (although in the same building) from the open plan call centre.

Trustees understood that the complainant was very committed to seeking publicity for this story and that he felt that he could not wait for the ten working days in which Audience Services seek to reply to a complainant. However, they agreed that the matter of complaint handling was not admissible having concluded that the supervisor was entitled to end the call having been called a liar.

Trustees concluded that it was not appropriate, proportionate or cost-effective to admit the appeal as it did not have a reasonable prospect of success.

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

## Decision of BBC Audience Services not to respond further to a complaint about casting

The complainant asked the Complaints and Appeals Board to review the decision of the BBC not to respond further to the complaint.

### The Complaint

The complainant said he wished to raise the issue of racial equality in connection with a BBC production. He made the following points:

- A significant number of black actors in the production were portraying characters had been written as 'white',
- He said this applied to other BBC productions as well.
- He said he would not be making this complaint if the BBC also broadcast programmes in which white actors portrayed 'black' characters, but he had not seen any broadcast output in which this was the case.
- He felt the BBC was being hypocritical in terms of its casting policy and was applying double standards when it came to the issue of racial equality.

BBC Audience Services made the following points:

- The BBC is a publicly-funded broadcaster serving the whole of the United Kingdom providing programming to a hugely diverse audience with differing tastes and preferences.
- Although the production in question was produced independently of the BBC, the Corporation did have an obligation to reflect the whole of UK society.
- The BBC was committed to equal opportunities for all, irrespective of ethnic or national origins, gender, marital status, sexuality, disability or age.

### Appeal

The complainant appealed to the BBC Trust on the handling of his complaint. He said he was not appealing on the substantive issue of white actors not being selected to play black characters, but was appealing to the Trust because he felt he had not received a proper response from Audience Services to his request to be informed of the BBC's position on the issue of white actors playing black characters.

### The Panel's decision

A panel of the Complaints and Appeals Board considered the points made by the complainant and the BBC.

The Trustees noted that the issue in front of them was whether the decision by the BBC to decline to enter into further correspondence was correct.

Trustees agreed that the matter was not admissible having concluded that:

- The Royal Charter drew a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. The "direction of the BBC's editorial and creative output" of the BBC was specifically defined in Article 38, (1) (b) as a duty which was the responsibility of the Executive Board. The Royal Charter also explained that the Trust must not exercise or seek to exercise the functions of the Executive Board, (Article 9, (3)).

- Under the terms of the Royal Charter, decisions relating to dramatic content were matters of editorial judgement that rested with the Executive Board as part of the direction of the BBC's editorial and creative output.
- The BBC was entitled to cast the actors who, in their creative opinion, were the best performers for each role. Trustees had not seen evidence to show that the BBC's casting decisions breached any employment regulations
- The complainant had received reasoned and reasonable replies on this occasion in accordance with the general complaints procedure. An assurance that racism and bias did not play a part in the BBC's decisions had been given. It had also been explained that actors were chosen for their acting skills.

Trustees decided not to take the appeal, on the basis that it would not be appropriate, proportionate or cost-effective since there was no reasonable prospect of the appeal succeeding.

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



## Decision of BBC Audience Services not to respond further to a complaint about sound quality in BBC One drama *Taboo*

The complainant asked the Complaints and Appeals Board to review the decision of the BBC not to respond further to the complaint at Stage 1b.

### The complaint

The complaint concerned the sound quality and lighting in the BBC One drama, *Taboo*, and also referred to the quality of sound in programmes more generally.

The complainant made the following points:

- He said the BBC kept blaming modern televisions and their tendency to have rear facing speakers for poor sound quality, but felt that if this was the case, it would apply to all programmes.
- He felt that if adequate sound quality could be achieved in the 1960s, it should be possible to achieve now. He said that problems with sound appeared to be a fairly recent occurrence.
- He also felt that the lighting in *Taboo* was quite poor.
- He did not accept that citing mumbling and muffled voices was a valid excuse from the BBC. If production staff were doing their jobs properly, they would not allow such a poor level of diction. This was made worse in his view by the addition of intrusive background music.
- Pointing out differences between the editing suite and the television set was not a valid excuse because the audience listened on a television set and were not in an editing suite.
- He did not feel it was helpful to be told he could adjust the sound controls on a television. He said his main point was that in most programmes the speech was clear regardless of the genre, so it was unlikely to be the fault of the television set.
- He concluded that something had happened to production standards more recently and suggested a lack of attention to the needs of the audience.
- He said the BBC continued to repeat the same excuses and the problem persisted. He felt TV licence fee payers were being short changed by both the programme producers and complaint responders.

BBC Audience Services made the following points:

- Sound was partly a subjective issue and it was difficult to strike the right balance between differing opinions on acceptable levels of noise and music.
- Programmes could often sound different in the editing suite compared with being viewed on an ordinary television set. Although producers could control many of the effects within the broadcasts they made themselves, other programmes are bought in and there was no straightforward way to vary background sound levels before they were shown.
- Many televisions and recording devices now had options whereby audio settings could be changed to a personal preference setting, or amended to suit the type of programme being viewed.
- They referred to a 2009 extensive study into why some people were experiencing difficulties and had since taken steps to raise awareness of the issue amongst programme-makers and educate them by means of a "best practice guide".

- The BBC Academy has also been working with a range of sound specialists to produce a series of online videos to help with sound acquisition and production.
- The BBC believed it was important to allow programme-makers to exercise some creative freedom in this area but acknowledged that some viewers would prefer that background sound/music was omitted entirely when people are speaking. Audience Services hoped the complainant would appreciate the difficulty that such a drastic change would pose to the broadcasting industry.
- The BBC would continue to monitor programmes and audience reaction to them. BBC Television and the BBC Academy would also continue to review progress and consider what other steps might be necessary to promote further understanding of the issues relating to loudness and audibility more widely.

Audience Services said they did not believe the complaint had raised a significant issue of general importance that might justify further investigation.

## **Appeal**

The complainant appealed to the BBC Trust on the substance of his complaint. He reiterated his concerns and made the following further points:

- If the BBC had been aware of the problem since 2009 he thought that something might have been done to rectify the situation.
- He was disappointed to be told that he had not raised an issue of significant importance. He thought that poor sound quality was of the highest importance as without good sound quality the BBC was failing in its core activity.

## **The Panel's decision**

A panel of the Complaints and Appeals Board considered the points made by the complainant and the BBC.

Trustees noted that the issue in front of them was whether the decision by Audience Services to decline to enter into further correspondence was correct.

Trustees accepted that this issue caused considerable annoyance to audiences. They were aware from discussions with the BBC Director General that the level of sound in programmes was taken seriously. Trustees noted that they had been informed previously by the Executive that there was a process whereby Audience Services alerted the relevant BBC Executive when they received a significant number of complaints about audibility in a given programme. This meant that sound levels in the repeat or later programmes in the same series could be adjusted.

However, the Panel agreed that this appeal was not admissible having concluded that:

- The Royal Charter drew a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. The "direction of the BBC's editorial and creative output" was specifically defined in Article 38, (1) (b) as a duty which was the responsibility of the Executive Board. The Royal Charter also explained that the Trust must not exercise or seek to exercise the functions of the Executive Board. (Article 9, (3)).
- The responsibility for editorial and creative decisions about the inclusion of music, the use of lighting and of the sound levels for speech, background noise and music rested with programme makers who reported to the Executive Board.

- The complainant had been given a reasoned and reasonable response which explained that the BBC took the issue seriously.

Trustees concluded that it was not appropriate, proportionate or cost-effective to admit the appeal as it did not have a reasonable prospect of success.

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

## **Decision of BBC Audience Services not to respond further to a complaint about Good Morning Scotland, BBC Radio Scotland, 12 December 2016, 08.40**

The complainant asked the Complaints and Appeals Board to review the decision of the BBC not to respond further to the complaint.

### **The complaint**

The complainant made the following points:

- During the programme he found the presenter typing on the keyboard was distracting, especially while guests were talking.
- He felt it gave the impression that the presenters did not care what the person they were interviewing on air was saying.

### **Stage 1**

Audience Services raised the complainant's concerns with the Editor of BBC Radio Scotland News. He explained that over the course of a three-hour programme, the Radio Scotland production teams and presenters often had to react to breaking news stories, which meant that programme scripts were constantly updated. This could involve the use of a keyboard in the studio but they tried to keep any disruption to a minimum.

### **Stage 2**

The Head of Public Policy & Corporate Affairs, BBC Scotland, made the following points:

- He assured the complainant that the matter had been treated seriously and escalated appropriately to senior management at BBC Scotland.
- It was previously the case that noisy keyboards could be muted by placing plastic covers over them, to lessen (though not eliminate) any noise and ensure that it did not prove to be a distraction to listeners. Newer keyboards, though described as "silent", were unfortunately not completely so.
- He said that the studio production team had tried to reduce any noise by employing blankets under the keyboards to lessen any noise via reverberations. Unfortunately such methods had not proved entirely successful.
- Unfortunately it was not possible to mute the studio microphones to eliminate the problem; the extremely compact nature of the radio studio (and the fact that the presenters were sitting only a few feet from each other) inevitably would mean that the sound would be picked up by the other presenter's microphone.
- He apologised that he could not at this stage offer a more positive response but assured the complainant that the team had agreed to continue seeking solutions to the issue of keyboard noise as heard on air and would continue to monitor the position.

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

The complainant appealed to the BBC Trust on the substance of his complaint. He made the following points:

- He said that the BBC was not taking the matter seriously and simply saying that solutions were being sought was not good enough.

- More could be done by bringing in new types of keyboards or using microphones in the studio better so that they did not pick up the noise.
- Other radio shows did not have this problem and he did not see why Radio Scotland should be different.

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

A panel of the Complaints and Appeals Board considered the points made by the complainant and the BBC.

Trustees agreed that the matter was not admissible having concluded that:

- The Royal Charter drew a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. The "operational management" of the BBC was specifically defined in Article 38, (1) (c) as a duty which was the responsibility of the Executive Board. The Royal Charter also explained that the Trust must not exercise or seek to exercise the functions of the Executive Board, (Article 9, (3)).
- The responsibility for operational decisions about how BBC radio studios were operated rested with the managers of BBC Radio Scotland who reported to the Executive Board.
- The complainant had received detailed, reasoned and reasonable responses which explained why the problem existed, the difficulties of muting microphones in a confined space, and gave a commitment to try to address the problem.

Trustees concluded that it was not appropriate, proportionate or cost-effective to admit the appeal as it did not have a reasonable prospect of success.

**The Committee therefore decided that this appeal did not qualify to proceed for consideration.**

## Decision of BBC Audience Services not to respond further to complaints about the replacement of Brian Matthew on Sounds of the 60s, BBC Radio 2

The complainants asked the Complaints and Appeals Board to review the decision of the BBC not to respond further to their complaints at Stage 1b.

### The complaints

The complaints concerned the departure of Brian Matthew as presenter on *Sounds of the 60s*.

Four complainants appealed to the Trust and made the following points:

- It was disappointing to learn that Brian Matthew would not be returning to the programme after his extended absence.
- They considered it a very poor decision to replace Brian Matthew with another presenter and felt it showed a lack of respect for loyal listeners to the programme.
- They questioned whether the reason given by the BBC for Brian Matthew's departure was accurate.
- There were few people left in broadcasting with such a strong link to sixties music as Brian Matthew.
- It was an example of ageist bias against older presenters.
- The reason given by the BBC for Brian Matthew being stood down to be replaced permanently was at odds with comments by Brian Matthew himself in the media.
- They requested that Brian Matthew be reinstated as presenter of *Sounds of the 60s*.

BBC Audience Services made the following points:

- Brian Matthew had not presented the programme since November due to poor health. The production company met with Brian and agreed that due to his extended bout of ill health, it felt like the right time for him to step off the weekly treadmill of presenting the show. However, Radio 2 was discussing a series of special programmes with Brian and hoped he would return to the station as soon as possible. *Sounds of the 60s* would continue with a new presenter and more details would be announced in due course.
- Lewis Carnie, Head of Radio 2 also commented:  
"Brian is an outstanding presenter and, at 88, a radio legend. He has made the programme his own with his natural ability, passion and warmth and we are incredibly grateful for everything he has done for Sounds of the 60s. We're very sorry that Brian is unable to continue presenting every week, but hope to welcome him back to Radio 2 very soon."
- They appreciated the complainants' disappointment, but hoped it would be of some consolation to know that the BBC hoped Brian would be heard again on the airwaves in the near future.

Audience Services said they did not believe the complaint had raised a significant issue of general importance that might justify further investigation.

## **Appeal**

The complainants appealed to the BBC Trust on the substance of their complaints.

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

A panel of the Complaints and Appeals Board considered the points made by the complainants and the BBC.

Trustees noted that the issue in front of them was whether the decision by Audience Services to decline to enter into further correspondence was correct.

Trustees agreed that the matter was not admissible having concluded that:

- The Royal Charter drew a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. The "direction of the BBC's editorial and creative output" and the "operational management" of the BBC were specifically defined in Article 38, (1) (b) and (c) as duties which were the responsibility of the Executive Board. The Royal Charter also explained that the Trust must not exercise or seek to exercise the functions of the Executive Board. (Article 9, (3)).
- The responsibility for editorial and operational decisions concerning the choice of presenter for *Sounds of the 60s* rested with the Radio 2 Executive rather than the Trust.
- The complainants had been given reasonable responses to their concerns given that it was not appropriate to refer to private and confidential contractual discussions with others.

Trustees concluded that it was not appropriate, proportionate or cost-effective to admit the appeal as it did not have a reasonable prospect of success.

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

## Decision of BBC Audience Services not to respond further to a complaint about lack of BBC News coverage of human rights crime against Western civilians

The complainant asked the Complaints and Appeals Board to review the decision of the BBC not to respond further to the complaint.

### The complaint

The complaint concerned an allegation of pro-Israel bias by BBC News because of the lack of coverage given to the interception by the Israeli navy of a peace mission on its way to the Port of Gaza.

The complainant made the following points:

- All 13 members of the all-female crew were kidnapped, taken to an Israeli port and detained against their will. He said this act constituted piracy and was not reported at any time by the BBC.
- He believed that the BBC had demonstrated pro-Israel bias by not reporting this incident because he felt that if a similar kidnap had been carried out by the Russian Navy in the Black Sea, or the Iranian Navy in the Persian Gulf, the BBC would have given the event significant coverage.
- He did not agree with the response given by Audience Services that the incident to which he referred was "a repeat case". He said the links he had been directed to were about completely different incidents which occurred in 2010 and 2012.
- He was unhappy that his initial complaint had been referred to as "audience feedback". He said it was a specific complaint about BBC bias and his concerns had not been addressed.

BBC Audience Services made the following points:

- The BBC knew that not everyone would agree with its choices on which news stories to cover. These decisions were made by news editors who took into consideration the editorial merit of the stories at hand. Such decisions were always judgement calls rather than an exact science.
- The BBC appreciated the feedback given by viewers and listeners when they felt a story had been overlooked or marginalised. The BBC did cover the Israel military aid deal (<http://www.bbc.co.uk/news/world-us-canada-37345444>).
- They noted that the BBC had reported on this type of news story in the past, but not every such example would receive coverage, and the 5 October incident was simply a repeat case. They gave links to two examples of previous coverage: <http://www.bbc.co.uk/news/10203726> and <http://www.bbc.co.uk/news/world-middle-east-20015247>
- The BBC was committed to impartial reporting and its news agenda was not determined by outside influences.

Audience Services said they did not believe the complaint had raised a significant issue of general importance that might justify further investigation.

### Appeal

The complainant appealed to the BBC Trust on the substance of his complaint. He made the following points:



- He considered that his complaint definitely raised a significant issue of general importance that justified further investigation.
- For the BBC to say that its reporting of separate and different incidents over four years ago met impartiality guidelines was not an acceptable response.
- He detailed several instances of demolitions and administrative detentions which had caused immense Palestinian suffering.
- He said the BBC remained more or less silent on Israel's policies of settlements and increasing violence and intimidation towards Palestine.

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

A panel of the Complaints and Appeals Board considered the points made by the complainant and the BBC.

The Trustees noted that the issue in front of them was whether the decision by the BBC to decline to enter into further correspondence was correct.

Trustees agreed that the matter was not admissible having concluded that:

- The Royal Charter drew a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. The "direction of the BBC's editorial and creative output" of the BBC was specifically defined in Article 38, (1) (b) as a duty which was the responsibility of the Executive Board. The Royal Charter also explained that the Trust must not exercise or seek to exercise the functions of the Executive Board, (Article 9, (3)).
- The responsibility for editorial decisions about which stories were covered by BBC News, and the amount of prominence given to them, rested with BBC News Editors who reported to the Executive Board.
- The complaint did not concern a specific piece of BBC output that had been broadcast or published.
- The complainant had received reasoned and reasonable responses which explained that News Editors often had to make difficult decisions about which stories to cover, how much coverage to give them, and that these decisions inevitably involved a degree of subjectivity.

Trustees concluded that it was not appropriate, proportionate or cost-effective to admit the appeal as it did not have a reasonable prospect of success.

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

## Decision of BBC Audience Services not to respond further to a complaint about not being considered for roles in BBC programmes

The complainant asked the Complaints and Appeals Board to review the decision of BBC Audience Services not to respond further to the complaint.

### The complaint

The complainant made the following points:

- She felt that her lack of celebrity status and personal fame was holding her back from achieving her aim of appearing on a BBC TV show.
- Her performing talents had been widely acknowledged and performing was one of the things which had helped her overcome a serious mental health condition.
- She would like the BBC to invite her, and people like her, to appear in BBC output, performing together and talking about Borderline Personality Disorder (BPD) with a focus on how to have a good life regardless of mental illness.
- She did not want to go through BBC websites and never hear back.
- She felt she was in a position to help a lot of people suffering from BPD not to self-harm by talking about the condition on a BBC programme.

BBC Audience Services made the following points:

- They explained that the BBC did not accept unsolicited requests to appear on programmes. Appearances on BBC programmes were made by production staff and if the BBC was actively looking for contributors to appear on programmes, details of how to apply would be posted on the BBC's 'Be on a Show' website: <http://www.bbc.co.uk/showsandtours/takepart/> and on [https://twitter.com/BBC\\_Casting](https://twitter.com/BBC_Casting)
- They were unclear whether the complainant had an agent representing her. If not, in this very competitive industry they suggested that she might want to consider getting an agent to help her hear of auditions and to land roles.
- The BBC did not engage any actor, producer, presenter, interviewer or reporter unless it believed they were competent and could meet the specific demands required of them.

### Appeal

The complainant appealed to the BBC Trust on the substance of her complaint.

### The Panel's decision

A panel of the Complaints and Appeals Board considered the points made by the complainant and the BBC.

The Trustees noted that the issue in front of them was whether the decision by the BBC to decline to enter into further correspondence was correct.

Trustees agreed that the matter was not admissible having concluded that:

- The Royal Charter drew a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. The "direction of the BBC's editorial and creative output" and the "operational management" of the BBC were

specifically defined in Article 38, (1) (b) and (c) as duties which were the responsibility of the Executive Board. The Royal Charter also explained that the Trust must not exercise or seek to exercise the functions of the Executive Board, (Article 9, (3)).

- The responsibility for casting creative performers in BBC shows or selecting contributors to appear in talk shows rested with the individual programme teams as part of the editorial and creative direction and operational management of the BBC, and the Trust did not have a role in these decisions.
- While acknowledging the complainant's view that she should be considered as an exception to the BBC's usual selection process and her desire to utilise her performing talents to spread awareness of BPD, Trustees considered that the complainant had received reasonable responses from Audience Services which explained the BBC's procedures for selecting programme contributors in a very competitive industry.

Trustees concluded that it was not appropriate, proportionate or cost-effective to admit the appeal as it did not have a reasonable prospect of success.

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

## Decision of BBC Group HR Director not to respond further to a complaint about a BBC Senior Manager

The complainant asked the Complaints and Appeals Board to review the decision of the BBC not to respond further to the complaint at Stage 1b.

### The complaint

The complaint concerned allegations by a former BBC employee of historic corruption and malpractice by a Senior Manager ('X') and a cover-up by Senior Management.

The complainant made the following points:

- At the relevant time, X had editorial and managerial responsibility for (among other things) a radio station (Radio Y) and its website.
- In January 2002, a journalist on the Radio Y website handed in her notice. Senior editorial staff therefore had four weeks [*sic.*]<sup>2</sup> in which to consider potential candidates whose details were held on file, or to advertise the vacancy internally and (if necessary) externally. However, no advert was placed until five or six months later.
- Between late February 2002 and late June/early July 2002, the work was given to X's husband.
- At the relevant time, BBC recruitment guidelines stated:
  - “the relevant processes should ensure the best person for the job ...
  - the process should be fair and perceived as such ...
  - where applicants are recommended personally principles of fair selection should still apply.”
- The Council for the Training of Journalists had no-one of X's husband's name on their database of qualified journalists.
- X's husband left Radio Y in summer 2002, but only after local staff successfully petitioned the Controller of English Regions for an investigation into matters including:
  - X's engagement of her husband;
  - X's "rigging" of a promotion for one of her friends to an acting Grade 10 position; and
  - X's decision to dispense with the services of a programme's main presenter, after he represented staff against bullying.
- Given the time that had elapsed since the events in question, the Stage 1a response of the Director Employee Relations & Reward ('the ER&R Director') had relied largely on the findings of the 2002 investigation. Those findings were never fully disclosed to the programme staff, who were instead given a heavily edited, "sanitised" report.
- The ER&R Director's response revealed that, according to the 2002 investigation:
  - X sanctioned her husband's employment as a broadcast journalist with Radio Y;
  - the position was unadvertised; and
  - X failed to alert her line manager to the conflict of interest.

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<sup>2</sup> The complainant variously claimed in his appeal that the journalist had given four and six weeks' notice. He claimed in the complaint correspondence that the journalist gave notice on 15 January 2002 and left on 1 March 2002 (six weeks and three days).

- X had deliberately misled BBC HR and the 2002 investigator in claiming her husband was engaged at Radio Y as a result of the “sudden” departure of a staff member: six weeks’ notice [*sic.*]<sup>3</sup> was not sudden.
- X had abused her authority by acting corruptly for financial advantage, in that she had facilitated and/or improperly approved work at the BBC for her husband. The couple would have benefitted jointly from their enhanced income during X’s husband’s employment.
- X had disregarded two of the *Nolan* Principles of Public Life:<sup>4</sup> namely, “selflessness” and “objectivity”.
- X’s actions were no different from any public official corruptly procuring or influencing the award of work at public expense for a relative or friend. They would have constituted criminal offence(s) under the Prevention of Corruption Acts 1889–1916,<sup>5</sup> in respect of which there was no limitation period.
- X had no valid excuse. She had neglected her duty to find a suitable replacement for the journalist, preferring instead to appoint her husband to the position for as long as he wanted.
- X may claim she was given permission by her superiors to engage her husband, but “BBC mandarins” could not grant dispensation to “underlings” to break the law.
- The BBC’s Director of Personnel had previously refused to consider the complaint, on the ground that it did not affect the complainant personally.
- BBC Senior Management had protected X, who still worked for the BBC. There was a cover-up of corruption at the BBC at the time.

The ER&R Director made the following points:

- The issue of X’s husband working at Radio Y was investigated in summer 2002, as part of a wider review into issues in the English Regions.
- The investigation identified that, in March 2002, the Editor [*sic.*]<sup>6</sup> of Radio Y (who reported to X) urgently required a temporary broadcast journalist while he considered the long-term role requirements, following the sudden departure of a staff member.
- The Editor requested approval, and this was reluctantly agreed by BBC HR – but only on the basis that the engagement would be for a very short period while long-term needs were being considered.
- This resulted in the freelance role not being advertised.
- X’s husband’s engagement began in March 2002 and ended a few weeks later, in May.
- In July 2002, X’s husband was re-engaged for four weeks, as a result of the urgent need for a broadcast journalist, and only after no suitable response was received from the role advertisement.
- BBC policy regarding the employment of relatives stated:

<sup>3</sup> The complainant variously claimed in his appeal that the journalist had given four and six weeks’ notice. He claimed in the complaint correspondence that the journalist gave notice on 15 January 2002 and left on 1 March 2002 (six weeks and three days).

<sup>4</sup> <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

<sup>5</sup> *Viz.*, the Public Bodies Corrupt Practices Act 1889, the Prevention of Corruption Act 1906 and the Prevention of Corruption Act 1916. These were all repealed by the Bribery Act 2010, s 17(3), Sch 2, with effect from 1 July 2011.

<sup>6</sup> In her response, the ER&R Director referred variously to the same person as the “Editor” and “Acting Editor” of Radio Y.

“The employment of relatives (or others in a close relationship) to provide services or programme material requires special consideration and the potential conflict of interest must be declared or referred to the line manager”.

- While there was no reason to believe that X was involved in the decision by the Acting Editor [*sic.*]<sup>7</sup> to engage X’s husband, the apparent conflict of interest was not raised with the relevant line manager (namely, X’s manager). Therefore, even though it was only for a short time, the engagement of X’s husband did not comply with the policy regarding the employment of relatives.
- Action was taken when the issue was raised, and this resulted in X’s husband no longer being engaged.
- Everyone involved had learned the lessons, and there had been no recurrence.
- The ER&R Director was satisfied that the issue was raised, investigated and dealt with at the time, and that no further action was required.

The BBC’s Group HR Director decided that the ER&R Director’s response was appropriate, and that the BBC Executive had nothing further to add.

## Appeal

The complainant asked the Chairman, BBC Trust, to discuss the complaint with the 2002 investigator (who was now a BBC Trustee) and to instruct the Executive to dismiss X without compensation “for gross misconduct on the grounds of fraud and deceit”. He made the following points:

- The Chairman should consider the appeal, as this was “the last chance for common sense to prevail over the BBC’s “byzantine” [complaint] rules and procedures”.
- If he submitted to the complaint process, by the time the Trustees’ admissibility decision was drafted, approved and sent to an independent editorial adviser to prepare more paperwork, the Trust would have ceased to function and the uncertainly would continue.
- There was enough evidence from the ER&R Director to prove conclusively that X had acted corruptly.
- It was a moral imperative that the BBC must not retain a member of staff with a history of fraud and deceit.
- A very long list of public officials had lost their job, been fined and imprisoned for fraud through abuse of position and/or misconduct in public office.
- The complainant suggested that a meeting be convened between the 2002 investigator (who knew most about the case) and two fellow Trustees, to decide whether X should be dismissed for gross misconduct.
- Having regard to Article 11 of the previous BBC Royal Charter:<sup>8</sup>

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<sup>7</sup> In her response, the ER&R Director referred variously to the same person as the “Editor” and “Acting Editor” of Radio Y.

<sup>8</sup> “Guidance and best practice

The Trust and the Executive Board, in performing their respective functions, must have regard—

(a) to such general guidance concerning the management of the affairs of public bodies as they consider relevant and appropriate; and

(b) to generally accepted principles of good corporate governance ...”

[http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how\\_we\\_govern/charter.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_govern/charter.pdf)

- if the Chairman was uncomfortable with X's continued employment, she was entitled under Trust Protocols E1 (Trust oversight of the BBC)<sup>9</sup> and E2 (Investigations)<sup>10</sup> to hold the Executive to account;
- the complainant cited paragraphs 4.5 to 4.8 of Protocol E2<sup>11</sup> in support of this argument.
- If the Director-General was not already aware of this "potentially scandalous" case, he should be made aware of it and be given all relevant details and correspondence.
- The Director-General must justify retaining X, or dismiss her.

The Trust Unit made the following points:

- The complainant was in a formal complaint process, therefore:
  - the Chairman could not consider the case;
  - the correct course was to refer the appeal to a Panel of Trustees for a decision on admissibility;
  - the appeal fell within the remit of the Trust's Complaints and Appeals Board.
- The Trust Unit would liaise with the office of the Director-General, to check he was aware of the case.
- It was not within the Trust's remit to recommend that an individual be dismissed.

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

A panel of the Complaints and Appeals Board considered the points made by the complainant and the BBC.

Trustees noted that the issue in front of them was whether the decision by the BBC's Group HR Director to decline to enter into further correspondence was correct.

Trustees agreed that the matter was not admissible, having concluded that:

- According to the BBC's Complaints Framework:
  - the BBC had appeals and grievance procedures for dealing with complaints relating to personnel issues; and

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[http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory\\_framework/protocols/2015/e1\\_trust\\_oversight.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2015/e1_trust_oversight.pdf)

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[http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory\\_framework/protocols/2010/e2\\_investigations.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2010/e2_investigations.pdf)

<sup>11</sup> "Investigations: undertaken by the BBC Executive Board

4.5 At its discretion, the BBC Trust may ask the Executive Board to conduct an investigation into any matter that the Trust believes warrants further analysis.

4.6 The Executive Board will investigate and will produce a written report to the BBC Trust, or a nominated Trust committee, to a timescale agreed with the Trust.

4.7 If the investigation produces findings that in the Executive Board's opinion require action, the Executive Board will include in its written report its proposed course of action.

4.8 The BBC Trust will consider the Executive Board's report, including the Executive Board's proposed course of action, and decide what action, if any, it considers is required."

- given the existence of these procedures and the fact that the BBC Executive was the employer of BBC staff, complaints relating to personnel issues were not included within the scope of the Complaints Framework.<sup>12</sup>

The points the complainant raised were personnel issues, and were therefore beyond the scope of the Complaints Framework.

- Under the current transitional arrangements, appeals handled by the BBC Trust between 1 January 2017 (the date the current Royal Charter came into force) and 2 April 2017 (the date the BBC Trust would end) were to be considered under the previous Royal Charter<sup>13</sup> and the previous General Complaints and Appeals Procedures ('the Complaints Procedures').<sup>14</sup>
- The previous Royal Charter stated that the Trust must not exercise or seek to exercise the Executive Board's functions,<sup>15</sup> which included responsibility for the operational management of the BBC.<sup>16</sup> The Trust would therefore not concern itself with any matter that fell within that area, unless it appeared to be a "matter of substance"<sup>17</sup> or raised any broader issue that might cause the Trust to take interest (e.g., evidence of criminal conduct).<sup>18</sup>
- Being personnel issues, the points the complainant had raised were matters concerning the operational management of the BBC and, as such, were beyond the Trust's remit.
- With regard to whether the appeal raised a matter of substance:
  - the Executive had dealt with the complaint appropriately, by tasking the ER&R Director – a person who was not involved with the original investigation – to look into the matter and respond to the complainant.
- With regard to whether there was evidence of criminal conduct:
  - the complainant had not specified what offence(s) X had allegedly committed under the Prevention of Corruption Acts 1889–1916.<sup>19</sup> However, Trustees noted that the type of behaviour alleged by the complainant could generally be described as cronyism or nepotism;
  - the Acts cited by the complainant were repealed in July 2011, but neither they (nor their modern equivalent the Bribery Act 2010) contained offences pertaining to "cronyism" or "nepotism". Trustees noted that such behaviour was widely regarded as unacceptable and that many codes of conduct and HR policies across both the private and public sectors prohibited it, including the BBC's. That said, cronyism and nepotism were not offences in the UK, either criminal or civil. Further, Trustees did not consider that there was any evidence that any offence had been committed;

<sup>12</sup> BBC Complaints Framework, Annex A, para 3:

[http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory\\_framework/protocols/2016/e3\\_complaints\\_framework.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2016/e3_complaints_framework.pdf)

<sup>13</sup> [http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how\\_we\\_govern/charter.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_govern/charter.pdf)

<sup>14</sup>

[http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory\\_framework/protocols/2014/complaints\\_for\\_work\\_general.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2014/complaints_for_work_general.pdf)

<sup>15</sup> Previous Royal Charter, art 9(3).

<sup>16</sup> Previous Royal Charter, art 38(1)(c).

<sup>17</sup> Complaints Procedures, para 5.10.

<sup>18</sup> The Trust has the specific function of holding the Executive Board to account for the BBC's compliance with the general law: previous Charter, art 24(2)(f).

<sup>19</sup> *Viz*, the Public Bodies Corrupt Practices Act 1889, the Prevention of Corruption Act 1906 and the Prevention of Corruption Act 1916.



- if the complainant believed he had evidence that a crime had been committed, he should take it to the Police.
- There was no evidence of a cover-up by BBC Senior Management:
  - the allegations of breach of BBC human-resources and conflict-of-interest policies were fully investigated in 2002, and appropriate action was taken;
  - there was no evidence that the ER&R Director's response had disclosed any fact that was not already known to the BBC following the 2002 investigation;
  - with regard to the allegation that BBC staff had received a "sanitised" version of the findings of the 2002 investigation:
    - the outcomes of HR investigations were commonly kept partly or fully confidential, because of obligations owed under the Data Protection Act 1998 to the persons under investigation.
- The complainant's requests for information, set out in his communication of 12 January 2017, should be addressed to:

The Data Protection Officer  
 Room BC2 B6  
 Broadcast Centre  
 White City  
 Wood Lane  
 London W12 7TP

email: [dpa.officer@bbc.co.uk](mailto:dpa.officer@bbc.co.uk)

- Paragraph 2.1 of the Complaints Procedures<sup>20</sup> stated that complainants must make their initial complaint within 30 working days of the date on which the BBC:
  - made a decision; or
  - acted in a way that gave rise to the complaint.

The initial complaint was made some 14 years after the 2002 investigation. The appeal was therefore out of time by a substantial margin. The Trustees did not consider the dates of the ER&R Director's or the Group HR Director's decisions to be relevant for the purpose of paragraph 2.1, as both relied solely on the findings of the 2002 investigation. The complainant had not raised anything new that would warrant the BBC looking into this again after all this time, or that might raise a "significant issue of general importance" such that the Trust might involve itself in an operational issue.

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

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<sup>20</sup> Current link:

[http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory\\_framework/protocols/2017/complaints\\_fr\\_work\\_general.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2017/complaints_fr_work_general.pdf)