

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

January, issued February 2017

Remit of the Complaints and Appeals Board	1
Appeals against the decision of BBC Audience Services not to correspond further with the complainant	3
Decision of BBC Audience Services not to respond further to a complaint about a decision by BBC News not to cover a story regarding the Lyme Disease Survey	4
Decision of BBC Audience Services not to respond further to a complaint about BBC Radio Devon not being available via the Mendip transmitter	7
Admissibility decision regarding appeals against the decision of BBC Audience Services not to correspond further with the complainant	9
Decision of BBC Audience Services not to respond further to a complaint about BBC Weather	9
Decision of BBC Audience Services not to respond further to a complaint about BBC news coverage of the US presidential election	12
Decision of BBC Audience Services not to respond further to a complaint about Final Score, BBC One, 1 October, 2016	15

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

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 or is available from:

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

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 a decision by BBC News not to cover a story regarding the Lyme Disease Survey

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

The complaint

The complaint concerned 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. He felt that the collective had wasted its time doing the study and believed that the BBC should report on it.

The complainant also felt that the BBC had handled his complaint poorly by being dismissive of his concerns and was unhappy that his phone calls to individual members of BBC staff had not been responded to.

BBC Audience Services made the following points in response to the complaint:

- They advised the complainant about the procedure for submitting story ideas to BBC News and explained that the BBC would contact him if they were interested in covering the issue further.
- They understood from their discussions with BBC News that the topic would not be covered at present because there was no specific new angle on the story to warrant a further report as it was already known that the disease was difficult to diagnose.
- BBC News understood that the scientific study referred to by the complainant involved self-selecting respondents, and therefore was not the type of formal, scientifically based published research paper of the type BBC News would generally refer to.
- The BBC was not obliged to use story ideas submitted for consideration and could not guarantee to do so. News Editors made their own professional judgments on all story ideas based on their own further research and evaluation together with assessments of newsworthiness and audience interest as a whole.
- With regard to the complainant's phone calls to BBC staff, Audience Services said they were unable to make specific members of staff available or facilitate immediate call-backs or responses. They explained that one of the key reasons they asked for all story ideas to be submitted centrally via the BBC dedicated web page (www.bbc.co.uk/news/10725415) - *How to share your stories, pictures and videos with BBC News* was because, by definition, reporters and editors would be out on jobs researching and filming, away from their desks, in meetings or on conference calls, or otherwise busy working on existing matters they had already been assigned by their editors.
- They had spoken with senior members of BBC News about this complaint and said that whilst they were sorry to learn that the complainant felt he had been treated dismissively, the reality of news reporting was that all team members were very

busy working on any number of items that required their immediate attention for imminent broadcast.

The BBC confirmed to the Head of Editorial Standards, BBC Trust that it did not wish to add anything further to its letter to the complainant of 17 January 2017.

Appeal

The complainant submitted an appeal to the BBC Trust on the substance of his complaint.

Decision of the Head of Editorial Standards, BBC Trust (The Trust Adviser)

The Trust Adviser read the correspondence between the complainant and the BBC. She noted that BBC Audience Services had decided to cease handling this complaint at Stage 1. 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.

In reaching her decision, the Trust Adviser took into account the letter in support of the study at the centre of the complaint which was written to the Chairman of the BBC Trust by Dr Chris Newton, Senior Scientist, Fight Lyme Now and Centre for Immuno-metabolism, Microbiome and Bio-Energetic Research (CIMMBER).

The Adviser explained that the Trust could not tell the BBC which editorial stories to cover. There were technical reasons for this. The Royal Charter drew a distinction between the role of the BBC Trust and that of the BBC Executive Board. "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 (1)(c). These paragraphs were important because they were intended to protect the BBC's editorial freedom and independence. They meant that the BBC was entitled to make editorial decisions without the Trust's intervention. Similarly, the BBC was entitled to make operational decisions without interference and the Trust would only have a role if the BBC was potentially in breach of any of its other commitments – for example, a Service Licence.

The Adviser had read about the survey with great interest. She noted that the Government was looking at diagnosis currently and acknowledged that it was an important subject. However, the decision to run a story on the survey was solely a matter for the programme makers. She said she was very sorry indeed that the complainant was unhappy with the way the various programme makers had responded to him. However, she noted that this was an operational matter and therefore also one in which the Trust would not interfere given that the complainant had received a reasonable explanation in the letter of 17 January 2017 from Audience Services.

Taking all this into account, the Adviser considered Trustees would be likely to conclude that it was not 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.

The Panel's decision

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

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

- Although sympathetic to the substantive issue raised by the complainant, they considered that the choice of stories covered by BBC News was part of the editorial and creative direction, and operational management of the BBC. 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 the Charter (Article 38, (1)(b) and (1)(c)) as responsibilities of the Executive Board.
- They considered that the complainant had been given reasoned and reasonable responses 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 BBC Radio Devon not being available via the Mendip transmitter

The complainant requested that BBC Radio Devon be made available on Freeview via the Mendip transmitter. He made the following suggestions:

- BBC Radio Devon could be broadcast on channels 720, 726, 729 or 733.
- Radio Dorset/Solent could be removed from the Mendip transmitter and replaced with Radio Devon.

BBC Audience Services made the following points:

- Radio Devon did not cover the Bristol area and there was only a limited amount of spectrum (digital space) on the transmitter multiplexes (muxes), so the BBC chose the radio stations most relevant to each area as shown:
<http://downloads.bbc.co.uk/reception/pdfs/Freeviewlocalradio1.pdf>
- The capacity available to provide local radio services on Freeview was limited to a maximum of five services for each TV region. In most cases five services per TV region offered comprehensive coverage for all BBC local radio services. Where there were more contenders than the capacity could accommodate difficult choices had to be made.
- The Mendip transmitter had DTT coverage over more than five local radio service areas to differing degrees. To determine the most appropriate configuration of services the BBC had to take into consideration the population served within a local radio station's editorial region overlaid by the Mendip TV transmitter.
- The Mendip transmitter carried Radios Somerset, Bristol, Wiltshire and Gloucestershire at present and the BBC was unlikely to add Radio Devon.
- Radio Devon was available online via Radio iPlayer:
<http://www.bbc.co.uk/radiodevon/programmes/schedules>
- Radio Devon could also be accessed via internet radio.

Appeal

The complainant appealed to the BBC Trust on the substance of his complaint. He felt that the situation could be resolved if the BBC took up one of the two solutions he had suggested.

Decision of the Trust Adviser

The Trust Adviser (the Adviser) read the correspondence between the complainant and the BBC. She noted BBC Audience Services had decided to cease handling this complaint at Stage 1. 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 acknowledged that the complainant would like to be able to receive BBC Radio Devon via the Mendip transmitter and that he felt he had offered an acceptable solution that would see Radio Devon either transmitted on a spare EPG, or it could be transmitted in place of Radio Dorset.

The Adviser noted 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 defined as a duty that was the responsibility of the Executive Board under Article 38, (1)(c). She considered that decisions concerning which BBC radio stations were available via the Mendip transmitter were operational ones that rested with the BBC Executive; the Trust would not have a role in those decisions unless a potential breach, such as a failure to meet the terms of a BBC Service Licence, had been identified, which the Adviser did not believe Trustees would consider to be the case in this instance.

She believed Trustees would consider that the complainant had received well-reasoned responses to his complaint, and that the BBC had set out clearly why Radio Devon was unlikely to be added to the list of stations currently available via the Mendip transmitter.

Taking this into account the Adviser considered Trustees would be likely to conclude 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. She did not propose to put it before Trustees.

Request for review by Trustees

The complainant requested that the Trustees review the decision not to proceed with his appeal.

The Panel's decision

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

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

- "The operational management of the BBC" was defined as a duty that was the responsibility of the Executive Board under Article 38, (1)(c) of the Royal Charter. The Trust did not have a role in BBC operational decisions unless a potential breach of standards was identified. Trustees considered that decisions concerning which BBC radio stations were available via the Mendip transmitter were operational ones that rested with the BBC Executive.
- They considered that the complainant had received a reasoned and reasonable response to his complaint, and they believed that the BBC had set out clearly why Radio Devon was unlikely to be added to the list of stations currently available via the Mendip transmitter.

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.

Admissibility decision regarding appeals against the decision of BBC Audience Services not to correspond further with the complainant

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

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 BBC weather forecasting for the Central Highlands of Scotland.

The complainant made the following points:

- She had come to the view that the BBC was discriminating against the Central Highlands because evening temperatures in the region did not appear on the weather map. However, in other parts of Britain, such as Birmingham, where the temperatures did not go very low, they did appear on the map.
- She said the low Central Highland temperatures might be mentioned verbally but they did not appear on-screen. She said that it was not always possible to hear everything the weather forecaster said if other people were speaking in the room.
- She said that people in the Central Highlands were living in the coldest part of Scotland and needed to know what the temperature was going to be because people needed to make night journeys; if it was too cold they could take the decision not to make a potentially dangerous journey. The night temperatures for Aviemore had never been given.
- She said the only time the focus changed was in summer when it was not important to know the temperature in the Central Highlands. In winter, it was essential to know the travel conditions and people did not always have time to check websites.
- She explained that the cold weather in the Central Highlands could be dangerous because people ventured out, unaware that temperatures were going to plunge so low. She said that people had died as a result of accidents, for example, having skidded on remote roads and having slid into gulleys where they froze to death before being found.

BBC Audience Services made the following points:

- BBC Weather national forecasts were quite short and tried to give the weather for a broad geographical spread for a useful time frame.
- Specific information was given for a range of areas and when weather was likely to be impactful BBC forecasts might focus more on a particular area.

- The local BBC Scotland forecast would provide more detail – this could be found on the BBC Weather website along with the data for each specific area.
- In their response to a follow-up complaint, they said it was not the case that the BBC never gives the night temperature for Aviemore or other Scottish Highlands locations. They attached a screengrab of a fairly typical graphic use in BBC weather reports, showing rural overnight temperatures, including a Scottish Highlands temperature of -4C. They said the BBC did this whenever they believed it was editorially relevant to show temperatures outside the larger populated areas, but said it was not always editorially justified to do this, as time was limited in the forecasts and the BBC believed it was generally understood that rural overnight temperatures were lower than in towns. However, Audience Services said they would remind the BBC Weather team of the usefulness of rural temperatures for a large part of the audience.

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 her complaint. She said that Audience Services had not addressed her concerns and the screen grab referred to in their response was the only graphic that had been shown for a long time. She said there had been no on-screen information given when temperatures in the Central Highlands dropped to -10 or below. She said that sometimes weather was even more severe than the weather forecasters mentioned verbally, but it was not reported by BBC Weather and she asked why this was.

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 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. This meant that the BBC was entitled to make editorial and operational decisions without the Trust's intervention unless a potential breach of editorial standards or operational commitments, such as a Service Licence, was identified. Trustees had not seen evidence that the BBC was discriminating against the Central Highlands by not regularly highlighting very low temperatures in this area by means of a printed temperature placed on the weather map.
- Trustees considered that decisions about how and when to refer to different regions of the United Kingdom during BBC national and regional weather broadcasts and online forecasts were part of the editorial and operational responsibilities of BBC Weather.
- They considered that Audience Services had given reasoned and reasonable responses to the complaint.

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 BBC news coverage of the US presidential election

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 changes to the advertised BBC broadcast schedule in order to provide extensive news coverage of the US presidential election.

The complainant made the following points:

- He felt there was too much US presidential election coverage and a simple five minute news bulletin announcing who had won and who had lost would have sufficed.
- He was unhappy that the coverage had interfered with the advertised programme schedule and felt that had been unnecessary as the election news coverage was just repeating the same things over and over again.
- Given that the BBC knew the election was happening, why were the schedules not planned to take account of this instead of implementing short notice schedule changes which interfered with people's advance programme recording settings?
- This was not the only occasion when the BBC had made unnecessary changes to the programme schedule when reporting on breaking news stories or accommodating over-running sporting events. He suggested that the BBC use the BBC News Channel and leave BBC One alone.
- He thought that perhaps the BBC was trying to save money by effectively closing down BBC One for the day and wondered how much money had been spent in sending BBC staff to cover the US election. He felt they could have done just as good a job by covering it from Britain.

BBC Audience Services made the following points:

- The recent US presidential election had been one of the most extraordinary in history, and had generated huge public interest and media coverage globally. BBC News believed this was a significant news story, not just because of the nature of this particular campaign, but because the election of a new president in the USA has implications not just for America but for the United Kingdom, Europe and the whole world. The BBC believed its reporting of this event had been proportionate to its significance and it had continued to report on other significant national and international news stories during this period.
- The US Presidential Election was one of the most talked about ever and because of that, time had been built into the BBC Two daytime schedule to accommodate reaction to the results. This was always unpredictable given the time differences involved.
- When it transpired that Donald Trump had secured what most media outlets reported as a "shock victory" to become president-elect, the BBC took the decision to shift news coverage to BBC One.
- The BBC News Channel was covering the event, but BBC One was the flagship channel. It was part of BBC One's role to cover momentous occasions such as the

US presidential election result and it was always reactive to breaking news and live sporting events.

- The BBC had tried as best it could to navigate viewers in the midst of this rolling news story on the morning of the election result. Despite some earlier conflicting announcements the BBC was pleased to be able to bring *The People Remember* to BBC One viewers at the later time of 11.00am. The BBC believed this series was important to BBC One as each episode was scheduled to play on that channel throughout the week in the run-up to Remembrance Sunday.
- The schedule was again disrupted during the afternoon because media outlets were informed that Hillary Clinton would be making a speech at 2.30pm and BBC News was therefore extended after News at One. In the event, this speech was delayed until 4.40pm. However, by that stage, BBC One had committed to showing this speech live. To minimise any further disruption the BBC took the decision not to revert back to the billed BBC One schedule until *Pointless*.
- They hoped this explained some of the rationale behind the changes to the BBC One schedule on 9th November 2016.
- In terms of staffing – the BBC deployed nearly 20% fewer staff than the last US Election, with just 25 on-air journalists covering the BBC’s television, radio and online news services in 13 different languages including Welsh and Gaelic.
- BBC News was reducing deployments on big foreign stories for coverage across the UK to ensure best value.

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.

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 agreed that the matter was not admissible having concluded that:

- Audience Services had explained the rationale behind the editorial and scheduling decisions taken by the BBC in relation to the US presidential election coverage.
- 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. This meant that the BBC was entitled to make editorial and operational decisions without the Trust’s intervention unless a potential breach of editorial standards or operational commitments, such as a Service Licence, was identified. Trustees had not seen evidence of such a breach here.
- Trustees considered that decisions about the duration and content of BBC News programmes and scheduling changes in response to breaking news events were part of the editorial and operational responsibilities of BBC News and the BBC’s scheduling teams.

- They considered that Audience Services had responded fully and reasonably to the complainant's concerns.

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 Final Score, BBC One, 1 October, 2016

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 on-screen shortening of the name Dunfermline Athletic to Dunfermline during the 5.00 p.m. football score report.

The complainant made the following points:

- He thanked the BBC for now providing football scores on screen from the top and for including all Scottish latest scores.
- He requested the BBC to put the full name, "Dunfermline Athletic", on the screen. As Airbus UK Broughton and Haverfordwest County were written on the screen in full, he did not think that lack of space could be an issue.
- Following the first response from Audience Services, the complainant understood that the name would be listed in full in future as a result of his request. However, he said that two weeks later, this had not happened and therefore he contacted Audience Services again.
- He disagreed with the BBC's second response. He acknowledged that DAFC did just state "Dunfermline" on fixtures on its website. However, he had looked at three clubs at random: Newcastle United, Tottenham Hotspur and Peterborough United. In each fixture listed, they only spelled out the name of the town they were from, not the full club name. Therefore, he said, would the BBC please stop trying to find excuses not to do something which was very easy, namely showing Dunfermline Athletic or even Dunfermline Ath. on the 5pm Saturday football results programme.

BBC Audience Services made the following points:

- They agreed with the complainant that space could not be an issue as teams with longer names had them listed in full on the screen.
- They noted that giving Dunfermline Athletic's full name would bring it into line with BBC sports online coverage of the team.
- They thanked the complainant for his feedback which would be seen by the right people quickly via the overnight audience feedback report, and asked him to bear with them while this was looked into.
- Following a second contact about the issue, Audience Services investigated the issue further. They apologised for the fact that the complainant had had to come back to them and appreciated why he had done so. They said they always aimed to address the specific points raised by the audience and regretted any cases where they failed to do this.
- They noted that the first response had not addressed the issue appropriately and asked for their second response to be considered as a first response.
- They said that the shortening of the team name simply reflected the official Championship table at <http://spfl.co.uk/championship/table/>
- The DAFC website also listed the team in this shortened way (their fixtures were listed as Dunfermline v Opponents at <http://www.dafc.co.uk>, so the club themselves sometimes dropped the Athletic title).

- The BBC's longer team reports offered more variety in the wording (usually offering the Athletic too at some point), but this fixture/score/table issue was largely dependent on how the team was already represented elsewhere in the official statistics. The BBC pulled its information in from these external sources and they were in line with the SPFL.

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:

- His request for the BBC to spell out "Dunfermline Athletic", or even "Dunfermline Ath" on the 5pm football scores on Saturday evenings rather than just listing the club as "Dunfermline" had been dismissed and he wished the BBC to regard it now as a complaint.
- He said that no other Scottish football club had a name that was shortened in this way, and he felt the BBC was therefore discriminating against Dunfermline Athletic.

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 agreed that the matter was not admissible having concluded that:

- Audience Services had explained why the BBC considered the shortened name, "Dunfermline", to be an appropriate description in football score reports. Trustees considered that the BBC had given a reasonable explanation for the shortening of the name and had not seen evidence that the BBC was discriminating against Dunfermline Athletic.
- 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. This meant that the BBC was entitled to make editorial and operational decisions without the Trust's intervention unless a potential breach of editorial standards or operational commitments, such as a Service Licence, was identified. Trustees had not seen evidence of such a breach here.
- Trustees considered that decisions about how to refer to football teams on-screen were part of the editorial and operational responsibilities of BBC Sport.
- Audience Services had apologised for the fact that their first response did not address the issue appropriately.

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