

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

January & February 2015 issued April 2015

Remit of the Complaints and Appeals Board	18
Rejected Appeals	20
Relocation of BBC Wales	20
Closure of a version of BBC iPlayer	24
Television Licensing appeal	28
BBC coverage of multi-option decision-making procedures	32
‘Burnistoun’ and ‘Mountain Goats’ BBC One	36
Complaints process	38
Decision of BBC Audience Services not to respond further to a complaint about BBC Radio 4 Great Lives – Matthew Parris	41
Decision of BBC Audience Services not to respond further to a complaint about the standard of pronunciation on the BBC	45
Decision of BBC Audience Services not to respond further to a complaint about the use of translators, BBC News Bulletins	48
Decision of BBC Audience Services not to respond further to a complaint about the scheduling of Great Continental Railway Journeys, BBC Two	51
Decision of BBC Audience Services not to respond further to a complaint about Steve Wright in the Afternoon, BBC Radio 2	54
Decision of BBC Audience Services not to respond further to a complaint about the poor quality of BBC output	57
Decision of BBC Audience Services not to respond further to a complaint about the BBC’s coverage of the Scottish Referendum	61
Decision of BBC Audience Services not to respond further to a complaint about Daily Politics, BBC One, 2 October 2014	64
Decision of BBC Audience Services not to respond further to a complaint about Any Answers? BBC Radio 4, 1 November 2014	66

Remit of the Complaints and Appeals Board

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

http://www.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_operate/committees/2011/cab_tor.pdf

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

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

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

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

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

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

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

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

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

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

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

It is published at bbc.co.uk/bbctrust or is available from:

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

Rejected Appeals

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

Relocation of BBC Wales

The complainant requested that the Complaints and Appeals Board (CAB) review the decision of the BBC Trust's Senior Complaints Adviser that the complainant's appeal did not qualify to proceed for consideration on appeal.

The complaint

The complainant contacted the BBC on 14 June 2014 to complain about the proposed move of BBC Wales to new headquarters in Capital Square, Cardiff, at a cost, he said, of 100 million pounds. He said this was a waste of the licence fee and requested a detailed breakdown of all the sites considered and the costs. The complainant stated that the former First Minister, Rhodri Morgan, had implied that an agreement had been made with the Welsh government about moving to Roath Lock which, the complainant said, would be cheaper and more cost effective.

The complainant was sent a response at Stage 1 which stated that no such agreement had been made, formally or otherwise, and in terms of the costs, he was informed:

"Unfortunately, due to the ongoing commercial nature of the project (we're still finalising legal terms with the developers for example) we cannot at this stage publish the cost of the project. However, we have committed to publishing the costs as soon as we no longer run the risk of compromising our commercial position with the developer or any other suppliers involved in the project."

Separately the complainant sent a Freedom of Information Act request to the BBC asking for a full breakdown of all the sites considered and the costs associated with each. This was declined because:

"...disclosure would be likely to prejudice the commercial interests of the BBC in respect of ongoing contractual negotiations with the developer."

Following the escalation of the complaint, a final response was sent from the Chief Operating Officer, BBC Wales. He agreed with BBC Wales that due to the ongoing commercial nature of the project, the BBC was not at that time in a position to publish the cost of the relocation. However, he said that the costs would be published when there was no longer a risk of compromising the BBC's commercial position with suppliers involved in the project. He also said that the decision of the Freedom of Information team not to disclose the financial arrangements of the relocation had been sent to a BBC lawyer for internal legal review.

Appeal

The complainant escalated his complaint to the BBC Trust on 26 September 2014 expressing dissatisfaction with the previous replies from the BBC and outlining his concerns that:

- The proposed move to central Cardiff was a waste of licence fee payers' money; and

- The BBC should be open and honest in publishing details of the proposed sites and their associated costs.

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) carefully read the correspondence that had passed between the complainant and the BBC. The Adviser acknowledged the strength of the complainant's feelings but decided that the complainant's appeal did not have a reasonable prospect of success.

The Adviser noted that the original complaint had been responded to by the Head of Marketing, Communications and Audiences, BBC Wales. Responding to the assertion that the proposed relocation site was a waste of the licence fee, he stated:

"Our relocation announcement followed a detailed three-year study prompted by the ageing facilities at our current base in Llandaff and the pressing need to modernise the outdated and unreliable technology. The fact is, our existing HQ in Llandaff has reached the end of its natural life with more and more problems affecting both production and output. Options to upgrade the current site were ruled out as they were costlier, more disruptive and would have taken longer to deliver.

"Having chosen to relocate to a new building in the Cardiff area, we undertook an open and competitive tender process which resulted in around a dozen sites in and around Cardiff being put forward for our consideration. The submissions included sites in the city centre, Cardiff Bay and elsewhere in the Cardiff area. We eventually identified Capital Square as the best possible location for our new headquarters based on a detailed evaluation process with around 50 separate criteria against which we judged each submission. The criteria included issues such as location, environmental sustainability, economic impact and cost.

"The commercial and competitive nature of the process ensured that we secured the best possible deal for licence fee payers. The value for money story is very evident through some of the numbers. For example, the new HQ will be 50% smaller than our current building, will be less expensive to run and will have approximately 70% less traditional television studio floor-space. In addition, we will generate around 30% savings in our energy costs, will cut the number of allocated car parking spaces by 60% and will see around 50,000 visitors a year entering the building – a huge increase on the numbers we currently get in Llandaff.

"We will also be disposing of our existing sites in Llandaff which occupy around 7 hectares of land. The proceeds from this disposal form part of the business case for the relocation."

The Adviser acknowledged the complainant's view that the relocation to the centre of Cardiff was a waste of licence fee payers' money. However, the Adviser noted that the BBC had set out in detail the reasons for the move and the process it had followed to achieve value for money for the licence fee payer. Furthermore she noted that the BBC Trust's Value for Money Committee, which oversees the budget, financial approvals and value for money processes at the Trust, had approved the business case for a new headquarters for BBC Wales in Cardiff in June 2014.

The Adviser then noted that the BBC had responded to the complainant's suggestion that there had been an alleged agreement between the BBC and the former First Minister, Rhodri Morgan that BBC Wales would relocate to Roath Lock:

"Firstly, it's important to state that there was no such agreement – formal or informal. Secondly, I'd reiterate the fact that our chosen site - Capital Square - was the strongest submission and was the one that offered the best possible deal to licence fee payers."

She also noted that in response to the complainant's request that he should be sent details of all the proposed sites and the costs associated with them, the BBC had stated:

"Unfortunately, due to the ongoing commercial nature of the project (we're still finalising legal terms with the developers for example) we cannot at this stage publish the cost of the project. However, we have committed to publishing the costs as soon as we no longer run the risk of compromising our commercial position with the developer or any other suppliers involved in the project."

The Adviser acknowledged that the complainant felt that in not publishing the costs the BBC was not being "open, fair and honest". She noted, however, that a Freedom of Information request by the complainant to obtain "a full breakdown of all sites considered and the costs associated with each" had been unsuccessful. She noted that, in its response, the BBC had recognised that there was a public interest in there being transparency in the accountability of the BBC for public funds. However, in this case, the Corporation considered the information to be exempt from disclosure because of the commercial nature of the project, and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

The Adviser noted that the complainant had appealed against the decision by the Freedom of Information team and that he would be notified separately about this process.

The Adviser finally noted that the BBC had stressed to the complainant in their replies of 2 July, 13 August and 25 September 2014 that it was committed to publishing the costs of the relocation process as soon as the Corporation no longer ran the risk of compromising its commercial position with the developer or any other suppliers involved in the project.

The Adviser concluded therefore that the appeal did not have any reasonable prospect of success and therefore she decided it should not proceed further.

Request for review by Trustees

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

In the complainant's challenge of the Adviser's decision, he said that the BBC Trust should review its decision to relocate the office premises of BBC Wales as he did not believe it represented value for money for licence fee payers.

The Panel's decision

The Panel noted the complainant's appeal to the Trust, the reply from the Adviser and the challenge to the Adviser's decision.

The Panel noted that the BBC had set out in detail the reasons for the move and the process that had been put in place to achieve value for money for the licence fee payer.

Furthermore it noted that the BBC Trust's Value for Money Committee had approved the business case for a new headquarters for BBC Wales in Cardiff in June 2014.

The Panel acknowledged that the complainant felt that in not publishing the costs the BBC was not being transparent. It further noted that the Freedom of Information request by the complainant to obtain "a full breakdown of all sites considered and the costs associated with each" had been unsuccessful because of the commercial nature of the project and because it was considered that the public interest in maintaining the exemption from disclosure outweighed the public interest in disclosing the information. The Panel noted that the complainant had appealed against this decision by the Freedom of Information team and that he would be notified separately about this process.

The Panel then noted that the BBC had recognised there was a public interest in transparency in relation to the accountability of the BBC for public funds. To this effect, it noted that the BBC had stressed on several occasions it was committed to publishing the costs of the relocation process as soon as it no longer ran the risk of compromising its commercial position with the developer or any other suppliers involved in the project.

In light of these considerations, the Panel concluded that were the complaint to come to it on appeal there would be no reasonable prospect of it being upheld.

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

Closure of a version of BBC iPlayer

The complainant requested that the Complaints and Appeals Board (CAB) review the decision of the BBC Trust's Senior Complaints Adviser that the complainant's appeal did not qualify to proceed for consideration on appeal.

The complaint

The complainant was unhappy that BBC iPlayer no longer supported his Sony BDPs570 device. On 12 September 2014 he asked the iPlayer support team why the BBC had excluded from its latest iPlayer update a very popular model such as his.

The BBC iPlayer support team responded on 18 September 2014 and explained that due to major infrastructure changes and limited financial resources, they had made the difficult decision to retire the 'Bigscreen' version of BBC iPlayer, which was only being used by 0.1% of BBC iPlayer users.

The complainant wrote again on 19 September 2014 to query the figure of 0.1%. He requested further details of how the decision was made and said he would like to make a complaint directly to the BBC Trust. He said he was unhappy that the complaint repeated information he had already found online and also complained that the process of making a complaint was complicated involving about 14 clicks, and that when the complaint was answered he appeared to have no right of reply.

The BBC iPlayer support team responded on 7 October 2014. They stated:

Since you have raised many points we have structured the response in the following format to make sure each point is addressed:

"1. Would like a copy of the data you use to say only 0.1% of devices impacted by this decision

Marcus Parnwell has answered this in his blog:

http://www.bbc.co.uk/blogs/internet/posts/New-BBC-iPlayer-for-Connected-TVs-update?postId=120256935#comment_120256935

The 0.1% was based on July 2014 date – 36,972 unique devices accessing Bigscreen iPlayer out of a total of 39,856,364

2. Would like the contact details and the minutes or link of where this decision was made

The closure of the HTML V2 Bigscreen version of iPlayer was required as part of a wider initiative to help towards the savings required by the Delivering Quality First Initiative. So we're unable to provide this specific iPlayer information.

3 Would like to make a further complaint direct[ly] to the BBC Trust

This complaint has already been looked into by the head of BBC iPlayer. You can contact the BBC Trust via the following link:

http://www.bbc.co.uk/bbctrust/contact_us/

4. Why does it take about 14 clicks to make a complaint that cannot be right can it and then when the complaint is answered to have no right of reply?

It's best that if you have a problem or complaint with iPlayer in the future, you use the iPlayer contact us form which is available from the iPlayer help site form, rather than the complaints website as the questions we ask throughout the journey are to help us replicate, investigate and respond accordingly. We

acknowledge that it can be improved however, and we have just started looking into improving the BBC iPlayer and BBC iPlayer Radio contact us experience: https://iplayerhelp.external.bbc.co.uk/tv/forms/?eid=programme_latest_issues&mid=latest_news"

Appeal

The complainant contacted the BBC Trust Unit on 8 October 2014. He stated the BBC had not:

"allow[ed] a direct reply and the fact [that in] the first answer the link doesn't work so I am not bothering to check the rest. Please take this as a complaint against the complaints service who do their best to put off complaints, delay answering and [are] disrespectful generally."

The Trust Unit responded on 9 October 2014 explaining that Audience Services had been asked to provide a further response.

Audience Services responded on 13 October 2014 by acknowledging the complainant's dissatisfaction and stating:

"We don't offer a direct response option, but it is possible to contact us again via our contact us forms. I understand you may feel inconvenienced by this, but this is how our support service is structured; to enable us to collect relevant information which helps us to respond effectively, delivering a cost effective service for the licence fee.

"When we respond, if we feel we have information online that addresses a particular point we do point a user to read this, whether it's a blog or an FAQ. In this instance there appears to be a formatting issue with the URL. I've checked the URL again and it should work but it looks like the spacing of the characters caused an issue. Try again ensuring there are no breaks in the URL:

http://www.bbc.co.uk/blogs/internet/posts/New-BBC-iPlayer-for-Connected-TVs-update?postId=120256935#comment_120256935

"Just in case you still cannot open the link, here's a copy of the information from Marcus Parnwell, Executive Product Manager that we were linking to:

"It wasn't based on a sample, our statistics systems provide us with anonymous device and version information for every device that uses iPlayer. This is how we report monthly usage of iPlayer. We used this data to determine total unique devices across all platforms (mobile devices, PCs etc) and the total unique devices using the version we will close. We took this for a full month as well to ensure that users who were away etc were counted.

The 0.1% figure points to the fact that in July 2014 - 39,856,364 unique devices used BBC iPlayer and the number of those devices still using big screen iPlayer in September will be 36,972."

Audience Services indicated that should the complainant wish to escalate his complaint further, this should be with the BBC Trust.

The complainant contacted the Trust again on 13 October 2013 saying that he was still unhappy with the response to his complaint. He also stated that he was "unhappy with the complicated way the BBC deals with complaints and wish to pursue this further".

The complainant further stated that he did not see why he had to trawl through the BBC site in order to pursue his complaint further.

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) carefully read the correspondence that had passed between the complainant and the BBC and acknowledged the strength of the complainant's feelings. However, the Adviser decided that the appeal did not have a reasonable prospect of success.

With regard to the complainant's substantive complaint about the BBC's decision to stop supporting iPlayer services on the Sony BDPs570 device, the Adviser noted that the complainant had received detailed responses from the iPlayer support team giving information obtained from the Heads of BBC iPlayer which attempted to answer his complaint.

The Adviser acknowledged that the complainant was unhappy with the BBC's responses but she noted that the iPlayer support team had provided further details about how they reached the decision to stop supporting iPlayer services on this type of device, and had explained that the decision was based on device user statistics and also on the need to make the best use of BBC resources for licence fee payers.

The Adviser noted that the Royal Charter and the accompanying Agreement between the Secretary of State and the BBC 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 the Charter (article 38, (1) (c)) as a duty that was the responsibility of the Executive Board, and one in which the Trust did not usually get involved unless, for example, it raised broader issues such as a breach of a station's Service Licence – which was not the case here.

The Adviser acknowledged the frustration caused by a service which the complainant had previously used no longer being available, but she considered that Trustees would be of the view that decisions relating to the means by which BBC iPlayer services were delivered to viewers were day-to-day operational matters for which the responsibility rested with the BBC Executive rather than the Trust.

The Adviser noted that the complainant was unhappy with the way his complaint had been handled, and that he felt he should have been able to correspond directly with a member of the iPlayer support team rather than having to submit his complaint using the webform and then not be able to reply to the responses he received.

The Adviser understood that the reason Audience Services ask people to use the webform, even when replying to an email they have sent, is because of the sheer volume of audience contacts received and the need to ensure each contact can be efficiently tracked using the handling system. The Adviser appreciated that this process could be frustrating; however, she understood the policy was designed to take into account what was operationally efficient and avoid the need to employ additional staff to process incoming emails. She also noted that the iPlayer support team had advised the complainant on the best way to make a complaint about the iPlayer service in future, and had explained that they were looking at ways to improve the contact service.

While the Adviser acknowledged the complainant was unhappy with the responses he had received and that he considered that his complaint had been treated in a way that was disrespectful, she considered that she had seen no evidence to confirm this assertion. The

Adviser held that Trustees would be of the view that the complainant had received reasoned and reasonable responses to his concerns, and she decided that for the reasons set out above, the appeal did not have a reasonable prospect of success and should not proceed further.

Request for review by Trustees

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

In the complainant's request to the Trust to review the Adviser's decision, he said the BBC had not considered specific issues such as the disproportionate impact that retiring the Bigscreen version of iPlayer may have on low income households and that the BBC should not have based its figures on devices using this version of iPlayer but on the hours that the version was being used. The complainant also questioned the BBC's environmental policy as he said that the decision to no longer support certain devices would mean that a large number of machines would become obsolete and require disposal.

The Panel's decision

The Panel noted the complainant's appeal to the Trust, the reply from the Adviser and the challenge to the Adviser's decision.

The Panel acknowledged the frustration caused to the complainant by a service which he had previously used no longer being available, but it considered that he had received detailed responses from the BBC iPlayer support team that sought to explain the reasoning behind the decision.

The Panel noted that decisions about the means by which BBC iPlayer services were delivered to viewers and which of these offered the best value for money for licence fee payers was for the Executive. As the Royal Charter (article 38, (1) (b) and article 38, (1) (c)) sets out, "the direction of the BBC's editorial and creative output" and its "operational management" are specifically defined as duties of the Executive Board and ones in which the Trust does not get involved, unless, for example, they relate to a breach of the BBC's standards. In this case, the Panel did not consider the complainant had raised any evidence that the BBC had breached these standards, and therefore the Panel did not consider that his complaint raised a matter for consideration by the Trust.

The Panel therefore concluded that, were the complaint to come to it on appeal, there would be no reasonable prospect of the complaint being upheld.

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

Television Licensing appeal

The complainant requested that the Complaints and Appeals Board (CAB) review the decision of the BBC Trust's Senior Complaints Adviser that the complainant's appeal concerning his request for a refund of 14 years' worth of licence fees did not qualify to proceed for consideration on appeal.

Complaint

The complainant contacted TV Licensing by phone on 6 January 2014 and said that he had discovered that he had been paying for two television licences since December 2000. One licence was in the name of a former partner at an old address and the other was in his own name at his new address. The complainant asked for a refund of £2,043 to cover the over subscriptions.

The original licence was not in the complainant's name and TV Licensing advised the complainant that any refund for monies paid for the original licence would need to be applied for by the person named on the licence.

The complainant escalated his complaint. The TV Licensing Operations Director wrote to the complainant. She said that TV Licensing records for 2000 stated that the complainant was going to cancel Direct Debit payments at his bank and take out a new licence at his new address. The TV Licensing Operations Director went on to note that there was discretion to issue a refund where a bank account holder provided evidence that the named licensee has not personally required the licence that is being paid for. The TV Licensing Operations Director noted that this refund was limited to two years of overpayments and that she had arranged for a cheque for £338.62 to be returned to the complainant.

The complainant escalated his complaint. The Head of Revenue Management wrote to the complainant and explained that due to the length of time that had passed since the original telephone call, TV Licensing were unable to provide copies of the original recording; however, she enclosed a screen print from their systems which recorded notes made of the call by the adviser who dealt with it at the time. The notes stated that the customer was to cancel the direct debit with the bank and set up a new licence at his new address. The Head of Revenue Management concluded that the information held on the TV Licensing systems did not indicate that they had made any error and this was why only a two year refund had been issued. She went on to say that she agreed with this decision and could find no grounds on which to consider a further refund.

The complainant escalated his complaint. The Managing Director, Finance and Operations wrote to the complainant and explained that the BBC has discretion under section 365(3) of the Communications Act 2003 to decide the basis on which refunds are given. She explained that if the error is shown to have been made by TV Licensing, a refund of up to six years' fees, subject to proof of payment and supporting evidence, can be made on a discretionary basis. The Managing Director, Finance and Operations noted that TV Licensing's records did not support the view that they had made an error in this case and it had been appropriate for them to limit the refund to two years. She went on to say that as an exception, and as a gesture of goodwill, she had asked TV Licensing to refund an additional four years of fees as she accepted that the complainant had made the duplicate payments in error. A further cheque for £582 was sent.

Appeal

The complainant said that between 2000 and 2014, TV Licensing had taken payment for two TV Licences by direct debit from his bank account. He said that TV Licensing were well aware that he required only one licence as he had tried to change the address on the first licence when he had moved house in November 2000.

The complainant said that he had discovered when trying to change the address on his licence in 2000, that it had been set up by a former partner and that the licence was issued in her name. The complainant said that he was assured at the time that if he set up a new licence at his new address, TV licensing would cancel the old licence and direct debit. He said that he disagreed with TV Licensing's view that they had instructed him to cancel the direct debit.

He asked for a full refund of the 14 years of overpayments and said he was not satisfied with the discretionary refund of six years' worth of overpayments that had been issued to him by TV Licensing.

Decision of the Senior Complaints Adviser, BBC Trust

The Senior Strategy Adviser (the Adviser) carefully read the correspondence that had passed between the complainant, TV Licensing and the BBC and noted the telephone calls and the actions taken thus far to resolve the complaint. She decided that the complainant's appeal did not have a reasonable prospect of success.

The Adviser reviewed Section 365(3) of the Communications Act 2003 that states that the BBC is entitled, in such cases as it may determine, to make refunds of sums received by way of licence fee payments. She went on to note that the BBC has a TV Licensing Refund Policy that sets out how it exercises this discretion. She noted that it states:

"Where there is an error on the part of TV Licensing, a refund for a period of up to six years may be paid. In all other cases, a refund may be paid for a period of up to two years"

The Adviser noted a Complaints and Appeals Board finding published in July 2013 which related to an appeal to refund 18 years' worth of duplicated TV Licence payments. In that case, TV Licensing's Operations Director gave a refund of two years' worth of payments, followed by an additional four years following the complainant's representations to the Operations Director, giving a total refund of six years. The Adviser noted that the finding showed a panel of the CAB had previously agreed that whilst it was very unfortunate that the complainant in that instance had paid for duplicate TV licence fees, there must be some responsibility placed upon the licensee to ensure they are not paying twice unnecessarily, and to contact TV Licensing.

The Adviser considered that Trustees would be of the view that TV Licensing and the Executive had acted reasonably, taking proper account of all relevant factors and had reached a decision that was within the published policies and represented a proper exercise of their discretion in respect of refunds. The Adviser therefore considered that the complainant's appeal did not have a reasonable prospect of success and should not therefore be put before the Trustees.

Request for review by Trustees

The complainant asked Trustees to review the decision of the Adviser that the appeal should not proceed. He argued that TVL took payments from his sole-named bank

account without his authorisation, after being advised that a licence was no longer required for his previous address. He considered that TVL had allowed his former girlfriend to set up a licence for his previous address in her name paid for from his bank account without his authorisation and it was unfair and unreasonable to expect him to correct TVL's error. He said that he was assured by TVL in 2000 that once a new direct debit had been set up for his new address, TVL would cancel the old licence and stop taking further payments. He was advised not to cancel the old direct debit so as to ensure uninterrupted continuation of the TVL payment. The complainant followed these instructions and assumed that he was no longer paying the TV licence fee for his previous property. He received no service or paper licence for his previous property as he no longer resided there. However, unbeknownst to the complainant, his previous property was mistakenly being licensed by payments directly debited from his bank account. He understood TVL are now pursuing the occupants of his old address for non-payment of the licence.

He insisted that he was owed a refund of all 14 years of over payment, or that he should not be required to pay the next 14 years' worth of TV licence fee payments. He objected to the onus being placed on him to correct what he saw as TVL's mistakes. He said he was a disabled vulnerable adult and gave further information about his circumstances. Furthermore, the complainant highlighted that the sum being reclaimed was significant to him and his children in light of the abovementioned personal circumstances.

Trust Unit decision

Given the fresh information about the complainant's personal circumstances the complaint was returned to the BBC Executive for further consideration.

BBC Executive

The Head of Revenue Management said that notes from 2000 indicated that the complainant was advised to cancel his direct debit and to set up a new licence at his new address. This was standard advice given to customers where the caller was the payer for a licence in someone else's name. As no cancellation was received TVL continued to claim debits in good faith.

She understood the complainant felt it was unfair and unreasonable to put the onus on him to contact his old girlfriend to claim a refund but TVL had been right in the first instance to request this, given that the licence belongs to the person named regardless of who pays for it.

TVL will only accept a third party direct debit instruction with the authority of the bank account holder by signed mandate or by speaking to the bank account holder on the phone. There was no evidence to suggest that this had not happened, and records of telephone calls are kept for up to 13 months.

The complainant stated he had received no service, product or goods for the years he had paid the TV licence fee at his previous address. However, the Head of Revenue Management highlighted that the TV licence fee is not a payment for goods or services but for legal permission to use a television receiver. Paper copies of the licence would have been sent to the complainant's previous address in the name of his former girlfriend.

After considering all the factors of the complainant's case, the Head of Revenue Management believed six years was a reasonable amount of time for a person to identify that they had been wrongly debited and that it would be unfair on all other licence fee payers to agree a further discretionary refund beyond that six-year limit.

The Head of Revenue Management expressed that she was sorry to learn of the very difficult circumstances the complainant had experienced in the period since 2000, but felt that it would not be appropriate to agree to a further goodwill gesture payment on the grounds of health and personal circumstances.

Request for review by Trustees

The complainant requested the Trustees consider this matter on appeal. The complainant stated that he had not given permission verbally or in written form for a direct debit to be set up for payment of the TV licence fee at his previous address. The complainant also stated that as he no longer resided at the address in question, he would not have received a paper copy of the licence which he was unknowingly paying.

The Panel's decision

The Panel noted the complainant's appeal to the Trust, the reply from the Trust Unit and the subsequent correspondence from the complainant, the Trust Unit and the Head of Revenue Management. It noted the complainant had received a refund for six years of licence fee overpayment. The complainant received two years' repayment in line with TVL's discretionary policy to compensate for up to two years of overpayment. The complainant was then subsequently awarded four years discretionary repayment by way of goodwill gesture from TVL. The Panel noted TVL's Refund Policy sets a limit of a maximum six years' refund on licence fees paid.

The Panel agreed that there is a responsibility on individuals to monitor their personal financial affairs. Trustees noted the difficult personal circumstances of the complainant and sympathised with these circumstances. Trustees further noted the Licence Fee Unit's consideration of the complainant's difficult personal circumstances and its determination that it would be unable to agree a further goodwill gesture payment on the grounds of health and personal circumstances.

The Panel agreed that six years was sufficient time for the complainant, taking into consideration his difficult personal circumstances, to realise two direct debits were being paid to TVL. Trustees understood the complainant had no personal recollection of having agreed to a direct debit at his former property but saw no evidence to suggest that the direct debit for his former property had been set up improperly by TVL. The Panel agreed that there was evidence in the form of contemporaneous notes by TVL to suggest the complainant had been advised to cancel his direct debit and set up a new licence when he moved property.

The Panel further acknowledged that TVL had offered a discretionary payment of six years, in accordance with TVL's policy. Trustees noted there was no indication that the BBC had omitted to consider relevant information or had considered irrelevant factors in reaching its decision. The Panel agreed the decision was reasonable, in line with the relevant policy and took into consideration the complainant's difficult personal circumstances. Therefore, the Panel agreed there was no reasonable prospect of success for this appeal.

The Panel agreed the complaint did not qualify to proceed for consideration.

BBC coverage of multi-option decision-making procedures

The complainant requested that the Complaints and Appeals Board (CAB) review the decision of the BBC Trust's Senior Complaints Adviser that the complainant's appeal did not qualify to proceed for consideration on appeal.

Complaint

Stage 1a

The complainant emailed the Trust Unit on 19 July 2014. He complained that Radio 4 often debated electoral systems such as alternative vote, first-past-the-post and proportional representation, but seldom discussed more sophisticated decision-making systems such as plurality voting, two-round votes and preferential systems like the Borda and Condorcet rules. It seemed to the complainant that the BBC believed that – if a decision was to be considered democratic, and if that decision was to be arrived at by means of a vote – the voting procedure must be a simple, weighted, qualified, twin or consociational, majority vote. The complainant provided a detailed account of his years of campaigning to bring multi-option decision-making procedures to the attention of the BBC and others.

In a subsequent webform submission, the complainant noted that the *Today* programme presenter had recently stated (correctly) that elections in Syria – “Assad, yes or no?” – were “silly”, but not that decisions in Scotland – “independence, yes or no?” – were equally primitive. The complainant complained that the BBC discussed election systems, but not decision-making. It seemed to the complainant as if the BBC believed that disputes must be subject to a simple or weighted majority vote, and that multi-option voting in general and preferential voting in particular did not exist.

In response to the complainant's email, BBC Audience Services stated that it was not for the BBC to question or support majoritarianism, or to debate the notion of alternative systems, unless there were compelling reasons of newsworthiness and relevance for doing so, which was not currently the case. As the BBC was merely a broadcaster, the complainant's views on electoral reform would be better addressed to the relevant Government officials.

In response to the complainant's webform submission, Audience Services stated that BBC News did not have an opinion on electoral systems, but sought to report on realities of an election or referendum, allowing the audience to make up its own mind.

Stage 1b

Further correspondence ensued, in which Audience Services and the complainant reiterated and expounded upon their arguments. The complainant made the following additional points:

- in failing to distinguish between elections and decision-making, Audience Services had failed to understand his position;
- Radio 4 documentary *The Referendum Question* had contravened Editorial Guidelines 1.2.2 and 1.2.3, in that it inaccurately and misleadingly implied that referendums are always dichotomous; and

- by discussing only binary forms of decision-making, the BBC was misleadingly promoting the notion that decision-making, if subject to a vote, had to be subject to a binary vote.

In response to the complainant's request that his complaint be reconsidered, Audience Services stated that it had nothing to add to its previous replies, that it did not believe the complaint had raised a significant issue of general importance that might justify further investigation, and that it would not correspond further.

Appeal

In pre-appeal correspondence with the Trust Unit, the complainant made the following points.

- The 9 September 2014 editions of BBC Radio 4's *Today* programme and *The World Tonight* had both asked whether or not the outcome of the (then forthcoming) Scottish independence referendum would be different if the ballot were multi-optional.
- The "winning" option in the Scottish referendum (i.e., "devo-max") was not on the ballot paper, therefore it was an exaggeration to claim the vote was "a triumph of democracy".
- A survey commissioned by the complainant's institute showed that people were capable of casting preferences in decision-making, just as they were capable of so doing in proportional-representation/single-transferable-vote elections.

On 16 October 2014, the complainant confirmed that he wished to appeal against Audience Services' decision not to investigate or respond further. He did not make any additional substantive points.

Decision of the Senior Complaints Adviser

The complaint correspondence was reviewed by the Trust Unit. The Senior Complaints Adviser (the Adviser) and an independent editorial adviser also read the complaint correspondence. The Adviser considered the appeal did not have a reasonable prospect of success.

The Adviser noted that Article 9(3) of the BBC's Royal Charter stated that the Trust must not exercise or seek to exercise the functions of the Executive Board, and that Article 38(1)(b) states that the Executive Board is responsible for the direction of "the BBC's editorial and creative output". The Adviser noted that the Trust regards editorial decisions as concerning the BBC's editorial and creative output, and as therefore falling beyond its remit – as long as the output meets the requirements set out in the Editorial Guidelines.

In the Adviser's view, decisions concerning the newsworthiness or relevance of a given issue, and what content to include in – and exclude from – news and factual output, were editorial decisions. Consequently, as the Executive's judgement (that there were currently no compelling reasons of newsworthiness or relevance for examining multi-option decision-making procedures) was an editorial decision, the Trust would not consider it unless it raised a potential breach of the Editorial Guidelines.

With regard to whether any such potential breach had arisen, the Adviser noted that, in relation to the Scottish independence referendum, two items of BBC output (namely, the *Today* programme and *The World Tonight*) had, on the same day, discussed multi-optional decision-making. In the Adviser's view, this tended to support the BBC's

assertion that the issue would be discussed if there were compelling reasons of newsworthiness and relevance for doing so.

The Adviser agreed with Audience Services that it was not for the BBC to have an opinion, but to report on reality and allow the audience to make up its own mind. In the Adviser's view, the discussion of multi-optional decision-making only when the topic was newsworthy and/or relevant would not mislead audiences into believing that binary forms of decision-making were the only possible approach, or that multi-option and preferential alternatives did not exist. The Adviser therefore concluded that no potential breach of the Accuracy guidelines had arisen.

Similarly, the Adviser took the view that there was no evidence to suggest that the BBC was biased in favour of majoritarianism or binary forms of decision-making, and against preferential voting systems or multi-option decision-making procedures. The Adviser therefore concluded that no potential breach of the Impartiality guidelines had arisen.

With regard to the allegation that *The Referendum Question* had contravened Editorial Guidelines 1.2.2 and 1.2.3 by inaccurately and misleadingly implying that referendums are always dichotomous, the Adviser noted that the complaint was made over three years after the programme was broadcast.

The Adviser noted that paragraph 2.1 of the BBC's Editorial complaints and appeals procedures states:

"You should make your complaint within 30 working days of the date on which the content was broadcast ... If you contact the BBC after that time, please explain why your complaint is late. Exceptionally, the BBC Executive may still decide to consider your complaint, but only if it decides there was a good reason for the delay."

This point of complaint was clearly out of time, and in the Adviser's view there were no good reasons for the delay.

For these reasons, the Adviser concluded that Trustees would be likely to decide that this appeal did not raise any potential breach of the Editorial Guidelines. She therefore decided that this appeal did not raise a "matter of substance", and that it should not proceed for consideration by Trustees.

Request for review by Trustees

The complainant asked that Trustees review the decision of the Senior Complaints Adviser that his appeal should not proceed for consideration. He restated his opinion that talking about multi-option voting might help keep the peace internationally, may help sort out the electoral process in Westminster, and restated what are, in his opinion, the myriad benefits of multi-option voting. He also commented that complaints should be forwarded to Trustees not just if they may succeed, but if they raise important points of principle.

The Panel's decision

The Panel reviewed the complainant's appeal to the Trust, the reply from the Trust's Senior Complaints Adviser and the request to review the Senior Complaints Adviser's decision. It also had access to the complainant's correspondence with the BBC.

The Panel noted that the decision concerning which news stories to cover is for the Executive to take. As the Royal Charter (article 38(1)(b)) sets out, "the direction of the

BBC's editorial and creative output" is specifically defined as the responsibility of the Executive Board.

The Panel noted the strength of the complainant's passion for the topic, but agreed that the debate centred around matters of editorial choice and that therefore there was no reasonable prospect of success for this appeal.

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

'Burnistoun' and 'Mountain Goats' BBC One

The complainant requested that the Complaints and Appeals Board (CAB) review the decision of the BBC Trust's Senior Complaints Adviser that the complainant's appeal did not qualify to proceed for consideration on appeal.

Complaint

The complainant contacted the BBC on 27 October 2014 to express his concern that he had been characterised in a series called *Burnistoun* between 2009 and 2012 without his consent and more recently had also been characterised in a new series called *Mountain Goats*, again without his consent. He referred to correspondence dating back to 2009 in which he spoke of his creative ideas. His concerns in the current complaint focused on his allegation that the BBC had characterised him personally in programmes following his original complaint that his ideas had been plagiarised.

The Commissioning Editor for BBC Scotland explained that the series *Burnistoun* and *Mountain Goats* were made by separate production teams; he believed it would be very unlikely that both of them would be trying to characterise the complainant, and he put forward his view that any similarities between the complainant and the fictional characters would be likely to be a coincidence. However, he assured the complainant that the BBC took matters like this very seriously and would investigate the matter further if the complainant could provide further details.

The complainant made the following points in support of his complaint:

- He believed he had been characterised in *Burnistoun* following his allegation that a sketch he had submitted to a BBC producer in 2009 had been adapted for inclusion in *Burnistoun*.
- He believed that the character in *Mountain Goats* was based on himself, and that the problem of his being characterised had started to spread. He gave details of the similarities he perceived between the character and himself.
- He suggested that the BBC should look at his previous correspondence in 2009 in which he referred to ideas he planned to submit to the BBC. At that time he gave a link to a video he had put on Youtube [now unavailable to access].
- He considered the BBC's request for a link to the Youtube video he had referred to in his complaint. He said it was not relevant as the current complaint was about him being characterised, not his video being plagiarised. He said it would be more meaningful to consider who at the BBC he had sent the video to and named the producer involved.

The complaint was escalated to Stage 2 and investigated by the Head of Public Policy & Corporate Affairs, BBC Scotland who did not uphold the complaint.

Having read all the correspondence dating back to 2009, he did not consider there was evidence to support the complainant's allegation that characters in *Burnistoun* and *Mountain Goats* were based on himself. He noted that the programmes referred to were written and produced by different production teams and he concluded that any similarities of programme characters to the complainant would most likely be a coincidence.

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) carefully read the correspondence that had passed between the complainant and the BBC.

The Adviser believed that Trustees would be of the view that the complaint had been considered as fully as was reasonable in the circumstances, and would consider there was a lack of evidence to support the complaint. She noted that the programmes had been made by two separate production teams. The Adviser believed that Trustees would be likely to conclude that no evidence had been submitted to contradict the supposition that any perceived character similarities were a coincidence.

The Adviser noted that the Royal Charter and the accompanying Agreement between the Secretary of State and the BBC 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 the Charter (article 38, (1) (b)) as a duty that was the responsibility of the Executive Board, and one in which the Trust did not get involved unless, for example, it related to a breach of the BBC's editorial standards which did not apply in this case. The Adviser considered Trustees would be likely to conclude that decisions relating to the content of the BBC Scotland series *Burnistoun* and *Mountain Goats* rested with the BBC Executive rather than the Trust.

She therefore considered that the appeal did not have a reasonable prospect of success and decided that it should not be placed before Trustees.

Request for review by Trustees

The complainant asked that Trustees review the decision of the Senior Complaints Adviser that his appeal should not proceed for consideration.

The Panel's decision

The Panel reviewed the complainant's appeal to the Trust, the reply from the Senior Complaints Adviser and the request to review the Senior Complaints Adviser's decision. It also had access to the complainant's previous correspondence with the BBC.

The Panel expressed regret that the shows caused concern and upset to the complainant, but it had seen no evidence to suggest that the similarities the complainant perceived between himself and the characters was anything other than coincidence. It would not be proportionate, appropriate or cost effective to take this matter further on appeal.

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

Complaints process

The complainant requested that the Complaints and Appeals Board (CAB) review the decision of the BBC Trust's Senior Complaints Adviser that the complainant's appeal did not qualify to proceed for consideration on appeal.

Complaint

The complainant stated that the complaints process is flawed as complaints about output made on the phone via Audience Services get added to a log that is not sent round until the next day and so any inaccuracies in output are not picked up or rectified in a timely manner.

The complainant had previously contacted Audience Services three times between August 2014 and November 2014. Dissatisfied with being told that his comments about News programmes would be added to the overnight logs, he complained to Audience Services about the process on 25 January 2015.

The following response was sent by Audience Services on 1 February 2015:

"Thank you for contacting us. I understand you have concerns about the BBC complaints procedure. I have noted that you are unhappy that audience feedback is compiled and sent to the relevant teams on an overnight report.

"Due to the volume of contacts we receive on a daily basis, it would not be feasible to contact programmes directly while they are transmitting, but please be assured that we do value feedback from our audience to help us create enjoyable programming for all.

"All complaints that we receive are placed on our audience feedback report which is sent to programme producers and senior management each morning. These reports are among the most widely read sources of feedback in the BBC and ensures that your complaint has been seen by the right people quickly. This helps inform their decisions about current and future programmes."

Appeal

The complainant contacted the Trust by telephone on 30 January 2015 to appeal. He requested a reasonable adjustment which was to communicate by phone. His appeal was as follows: that the complaints process is flawed as complaints about output made on the phone via Audience Services get added to a log that is not sent round until the next day and so any inaccuracies in output are not picked up or corrected in a timely manner.

Trust Unit decision

The Head of Editorial Standards made the following decision which was read to the complainant by phone:

"Trustees are aware of the overnight log system for telephone complaints. Also the Trustees are aware that stage 1 can red flag complaints for urgent consideration. That can mean on the day or even in that hour. There are a set of criteria. For example a complaint by e.g. a company that the BBC had transposed their words so that they seemed to be saying they opposed a new government policy when in fact they supported it would be dealt with straight away. A member of the public ringing in to say George Osborne was being referred to in a news package that was

being reused as the former Chancellor of the Exchequer would also get a fast reaction. But stage 1 complaints handlers have to use their judgement. An accuracy complaint that involved a contentious subject and shades into a matter of opinion e.g. 'climate change is not happening', would not be dealt with on the day but go into the log.

"Stage 1 may not always make the right decision but a complaints process has to be proportionate. There are a quarter of a million complaints contacts a year. There has to be a system which relies on human judgement for sorting out immediate urgent complaints because they affect output going out that day. It is not possible to put every accuracy complaint straight through to programme makers who are working on that day's output. Many if not most complaints can be read later and taken into account for future coverage."

Request for review by Trustees

A phone call took place between the Senior Complaints Adviser and the complainant on 6 February 2015, confirming his appeal, setting out the Head of Editorial Standards' decision to not proceed with the appeal, and noting the complainant's request to review her decision.

The complainant gave some examples of when he thought complaints needed to be dealt with better. His overarching point was that the complaints system doesn't serve the public and does not work in the interests of the public who fund the BBC. He believed that too much is left to the discretion of the person who handles the complaint. He said that BBC staff are too politically correct and words are being hijacked by liberals. He said too much focus is given to minorities, like gay and lesbian people, whereas using words like 'bigot' to describe UKIP candidates is considered acceptable. He said this means that errors go uncorrected and the same content that triggered the complaint appears again and again.

He said that when a complaint is lodged, there is no immediate response. The error goes on and on without correction and complaints handling staff sit on a complaint rather than responding. He said there is no point in having a complaints system that records a complaint and instead of taking action, circulates the report the following day to senior managers. He said it's not clear who receives and who is charged with acting on these reports. He doesn't believe that senior managers or anyone else read or act on these reports as they will believe it's a job for someone else.

The Panel's decision

The Panel noted the notes of the complainant's contacts with the BBC and Trust Unit.

The Panel noted that the current complaints framework and associated complaints procedures had been put in place in 2012 having been set by the Trust following a public consultation and audience research.

Trustees agreed that a broadcast complaints system needed to be able to respond to serious accuracy concerns urgently. They were satisfied that the red flag system which had been explained by the Head of Editorial Standards in her reply to the complainant did that. They also agreed that in a system which took a great many complaints contacts daily, as the BBC did, there had to be a system to set down and share telephone complaints. That this was done in the next 24 hours would be appropriate in almost every case. They noted the BBC aimed to respond to complaints within ten working days and that this was met in over 90% of cases. The Trust had tested this by mystery shopping in 2013 and had been satisfied with the outcome.

The Panel regretted the complainant's concern that the system was not responsive but agreed that the complaint had no reasonable prospect of success.

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

Decision of BBC Audience Services not to respond further to a complaint about BBC Radio 4 Great Lives – Matthew Parris

The complainant requested that the Complaints and Appeals Board (CAB) review the decision of the BBC Trust's Senior Complaints Adviser that the complainant's appeal did not qualify to proceed for consideration on appeal.

Complaint

The complainant contacted the BBC on 5 August 2014 to say he believed that Matthew Parris should not be employed by the BBC because "his comments in 2008 that Cyclists should be decapitated have stayed with me to this day ... he has caused great offence to a huge number of bicycle riding BBC licence fee payers in the UK."

BBC Audience Services responded on 13 August 2014 by noting that *Great Lives* was a long-running series and Matthew Parris had been part of the programme for many years. They noted that the range of tastes and opinions held by the BBC audience was so diverse that it was inevitable some listeners would dislike or disapprove of certain presenters. However, they said the off-air (non-BBC) activities of BBC presenters should not undermine the public's perception of the impartiality, integrity and objectivity of the BBC and there were strict guidelines to uphold this.

The complainant replied on 13 August to say he believed Audience Services was attempting to "sideline" his concern by saying that he felt Mr Parris had made inappropriate comments about cyclists when it was a fact that Mr Parris had made such comments. The complainant drew the attention of Audience Services to the nearly 600 complaints that had been made to the Press Complaints Commission (PCC) about Mr Parris's 2008 article. The complainant said it was irrelevant whether he disliked or disapproved of Mr Parris; the issue was "that an individual who incited a hate crime ... against a huge section of the UK population is employed by the BBC".

Audience Services responded on 23 August 2014 to say that the BBC had reported on Mr Parris's comments about cyclists in 2008 and, in so doing, had made clear that in a subsequent column in *The Times*, Mr Parris explained:

"I offended many with my Christmas attack on cyclists. It was meant humorously but so many cyclists have taken it seriously that I plainly misjudged. I am sorry."

Audience Services suggested that if the complainant had views on the original article, it should contact the newspaper, the PCC or Mr Parris directly. Audience Services said that, while they were sorry to learn that the complainant was unhappy and felt Mr Parris should not be on the BBC airwaves, the BBC could only entertain a complaint about something Mr Parris had said or done on-air in one of its programmes. They said that the comments in Mr Parris's article which he explained were meant to be humorous but were misjudged had no bearing upon his ability to present programmes for Radio 4.

The complainant wrote again on 26 August 2014 to say that Mr Parris's initial comments incited hate crimes against cyclists. He said Mr Parris had subsequently made it clear that he was not sorry for his earlier comments that cyclists "should be killed in a violent manner". He said Matthew Parris's employment by the BBC did require scrutiny as he was a "bigoted, hate crime committing individual".

Audience Services replied again on 14 September 2014 stating that they had nothing to add to their previous response and would not engage in further correspondence on the issue as 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 17 September 2014. He said Matthew Parris had a strong anti-cyclist prejudice that had been expressed in print in 2008 when he incited others to kill/garrote cyclists. He said Mr Parris had not made a sincere apology about these comments. As a result, he questioned how the BBC could justify employing someone who had incited hate crimes and was unrepentant about it.

Decision of the Senior Editorial Complaints Adviser

The Senior Editorial Complaints Adviser (the Adviser) carefully read the correspondence that had passed between the complainant and the BBC. The Adviser acknowledged the strength of the complainant's feelings but decided that the appeal did not have a reasonable prospect of success.

The Adviser noted that BBC Audience Services had ceased handling this complaint at Stage 1 and that the complaint had not gone to Stage 2. She therefore decided that the point she should consider was whether an appeal against the decision of BBC Audience Services not to correspond further with the complainant had a reasonable prospect of success.

The Adviser noted that the complainant objected to Matthew Parris being employed by the BBC on any project, not just the Radio 4 series *Great Lives*, but she acknowledged that it was the promotional trails for this series which had prompted him to object in the strongest possible terms that Mr Parris was not a suitable person to present any programme because of ill-judged comments he made in 2008 in his regular column for The Times newspaper.

The Adviser acknowledged that Mr Parris's comments had caused considerable anger and distress in 2008. She noted that the BBC News report on the issue could be found at: http://news.bbc.co.uk/1/hi/wales/north_east/7168530.stm

She noted that this report also stated that Mr Parris had apologised for his remarks in a subsequent column for The Times.

The Adviser noted that the complainant did not believe that Mr Parris had shown any contrition for his comments, but she was unable to agree that evidence had been presented to that effect. Nor did she agree that evidence had been presented to suggest that Mr Parris had intended to incite hatred and violence with his comments.

The Adviser noted that Audience Services had explained the context of the comments and noted the apology given by Mr Parris, as reported by the BBC in 2008.

The Adviser believed that Trustees would consider that Audience Services had given a reasoned and reasonable response to the complaint and that it was appropriate for them to conclude:

"All we can do is note your views on Mr Parris. We are naturally sorry to learn that you are unhappy and feel he should not be on the BBC airwaves, but we could only entertain a complaint about something he had said or done on-air in a BBC

programme rather than elsewhere. Mr Parris's article comments, which he explained were meant to be humorous but were misjudged and thus for which he apologised, have no bearing upon his ability to present programmes for Radio 4 not about cycling, nor his experience as a journalist and presenter of many years."

The Adviser then noted that the Royal Charter and the accompanying Agreement between the Secretary of State and the BBC 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 the Charter (article 38, (1) (b)) as a duty that was the responsibility of the Executive Board, and one in which the Trust did not get involved unless, for example, it related to a breach of the BBC's editorial standards which did not apply in this case. Decisions relating to the choice of programme presenters fell within the "editorial and creative output" of the BBC. The Adviser believed Trustees would be of the view that the responsibility for the decision to engage Matthew Parris as a presenter rested with the BBC Executive.

The Adviser considered that Trustees would be of the view that Audience Services had responded appropriately to the complaint and it was reasonable for them to say they could not engage in further correspondence on the issue. She therefore decided that the appeal did not have a reasonable prospect of success and she did not propose to put it before Trustees.

Request for review by Trustees

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

In the complainant's request to the CAB to review the Adviser's decision, he said that Mr Parris's comments about cyclists in 2008 had incited hatred and violence and were intended to do so. He said the BBC had a history of failing to tackle abusers whilst in their employment and cyclists faced abuse every day from drivers influenced by comments such as those made by Mr Parris. The complainant said he did not believe the BBC had taken his concerns seriously as hate crimes against cyclists were not recognised by the BBC or society in general. He said it was up to the BBC, as the UK's public service broadcaster, to take a lead on the issue.

The Panel's decision

The Panel noted the complainant's appeal to the Trust, the reply from the Adviser and the challenge to the Adviser's decision.

The Panel noted that the complainant objected to Matthew Parris being employed by the BBC and acknowledged that he felt strongly about the issue.

The Panel then considered the article that Mr Parris had written for The Times about cyclists in 2008. It noted that Mr Parris had apologised for the comments in a subsequent column for The Times newspaper.

The Panel noted that the complainant did not believe that Mr Parris had shown any contrition for his comments, but that the Adviser was unable to agree that evidence had been presented to that effect. The Panel concurred with the Adviser on this issue and also agreed that there was no evidence to suggest that Mr Parris had intended to incite hatred and violence with his misjudged comments.

The Panel then noted that the choice of programme presenters was for the Executive to decide. As the Royal Charter (article 38, (1) (b) and article 38, (1) (c)) sets out, “the direction of the BBC’s editorial and creative output” and its “operational management” are specifically defined as duties of the Executive Board and ones in which the Trust does not get involved, unless, for example, they relate to a breach of the BBC’s standards. In this case, the Panel did not consider the complainant had raised any evidence that *Great Lives* had breached the BBC’s standards, and therefore the Panel did not consider that his complaint raised a matter for the Trust.

The Panel therefore concluded that, were the complaint to come to it on appeal, there would be no reasonable prospect of it upholding the complaint.

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

Decision of BBC Audience Services not to respond further to a complaint about the standard of pronunciation on the BBC

The complainant requested that the Complaints and Appeals Board (CAB) review the decision of the BBC Trust's Senior Complaints Adviser that the complainant's appeal did not qualify to proceed for consideration on appeal.

The complaint

The complainant contacted the BBC on 30 July 2014 to express his concern about the general standard of pronunciation in BBC output following the relocation of several production departments to Salford. He said he found "the encroachment of a strong northern accent and the poor pronunciation of standard English at best distracting". He said he also found the speed of delivery added to the problem of understanding different accents.

Audience Services responded on 8 August 2014. They said the BBC had an obligation to reflect the whole of UK society including its many accents and cultures. They said presenters were expected to have a good command of standard English, but that it was also important they came across as approachable and easy for viewers to identify with. Audience Services said that, in such contexts, it may be considered appropriate for them to speak "colloquially" rather than formally.

Audience Services said that the BBC's presenters were appointed on the basis of their experience and talent and they would not expect viewers to agree with every choice made.

The complainant replied on 27 August 2014 to say he felt the BBC's response had been formulaic. He said it appeared that unless he provided dates, times and specific evidence to support his complaint it would be rejected and he felt that was to be regretted. He said the problem was an ongoing one, so it would not be difficult for BBC staff to obtain examples of the poor presentation he was referring to.

Audience Services responded on 18 September 2014 stating that they did not have anything further to add to their previous response. They did not believe the matter raised a significant issue of general importance that might justify further investigation and said they could not correspond further on the issue.

Appeal

The complainant appealed to the BBC Trust on 23 September 2014. He referred to previous complaints he had made on the same issue over recent years and said he found it disappointing to have the issues he had raised "dismissed without reasonable consideration". He said the responses he received appeared formulaic which was unacceptable. In particular, he objected to the reply he had received from Audience Services to this complaint stating it was not of general importance. He reiterated his complaint which was that "... poor pronunciation, high speed of delivery coupled with a strong regional accent can make complete comprehension impossible".

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) carefully read the correspondence that had passed between the complainant and the BBC, and she acknowledged the strength of the

complainant's feelings. She sympathised with the difficulties he was experiencing in understanding some BBC output because of the way people spoke, but she decided that the appeal did not have a reasonable prospect of success.

The Adviser noted that BBC Audience Services had ceased handling this complaint at Stage 1 and that the complaint had not gone to Stage 2. She therefore decided that the point she should consider was whether an appeal against the decision of BBC Audience Services not to correspond further with the complainant had a reasonable prospect of success.

The Adviser noted that the complainant said he had given his feedback on this issue several times over an extended period of time but he did not feel that his views were being taken into account. She also noted that he did not feel he should have to present specific instances of poor pronunciation because there were so many, and BBC staff should therefore be able to identify them.

The Adviser noted that the Complaints Procedure was designed to be efficient and to provide good value for all BBC licence fee payers. The Complaints Procedure stipulated that complaints should refer to specific instances of output in order to make the most efficient use of the licence fee as complaints were very costly to investigate. She noted that asking members of BBC staff to go back through BBC output to find instances of poor pronunciation would not only take up a good deal of their time, but would be extremely difficult to carry out objectively because of the subjective nature of the material – some people might find certain accents easier to understand than others.

The Adviser noted that Audience Services had explained to the complainant that the BBC had to reflect the whole of UK society – including its many accents and cultures – and that while presenters were expected to have a good command of English, there would also be times when it was considered acceptable for them to speak colloquially.

The Adviser noted that the Royal Charter and the accompanying Agreement between the Secretary of State and the BBC 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" is specifically defined in the Charter (article 38, (1) (c)) as a duty that is the responsibility of the Executive Board, and one in which the Trust does not usually get involved unless, for example, it raised broader issues such as a breach of a station's Service Licence. The Adviser considered there was no evidence that the Service Licence had been breached in this instance. She believed Trustees would consider that decisions relating to presenters and pronunciation were day to day operational matters and were the responsibility of the BBC Executive.

The Adviser acknowledged the complainant's dissatisfaction with the responses he had received from Audience Services which he described as "formulaic". She agreed that some responses appeared to be written using standard wording. She regretted that this meant the complainant felt his concerns were being dismissed as unimportant, but hoped to assure him that this was not the case. She noted that the BBC received around a million contacts each year and hoped he would appreciate that using a degree of standard wording enabled complaints to be handled efficiently while achieving good value for licence fee payers.

The Adviser believed Trustees would consider that Audience Services had responded reasonably to the complaint, and that it was reasonable for the BBC to say that it could not respond any further to the complainant's correspondence on this issue. She did not believe the appeal had a reasonable prospect of success and she decided that it should not proceed further.

Request for review by Trustees

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

The complainant said that he now understood it was his responsibility to produce specific examples in order to have the matter investigated properly. To this end, he cited an interview on the 17 November 2014 edition of BBC Breakfast in which he said it was easier to understand what the interviewees were saying rather than what the interviewer was saying. The complainant also highlighted another interview on that programme which he criticised.

The Panel's decision

The Panel noted the complainant's appeal to the Trust, the reply from the Adviser and the challenge to the Adviser's decision.

The Panel noted that Audience Services had explained to the complainant that the BBC had to reflect the whole of UK society.

The Panel noted that the Adviser had explained the BBC's Complaints Procedure and that it stipulated that complaints should refer to specific instances of output in order to make the most efficient use of the licence fee as complaints were very costly to investigate and the nature of the complaint was inherently subjective. It further noted that the complainant had now specified in his Request for Review an example of what he saw as poor pronunciation in an edition of BBC Breakfast on 17 November 2014.

The Panel noted that, under the BBC Complaints Framework, the BBC Trust only considers appeals against the decisions and actions of the BBC Executive. As the Executive had not been able to consider this edition of BBC Breakfast, the Panel concluded that it was unable to determine any concerns raised about this particular programme.

The Panel then noted that the choice of programme presenters would be for the Executive to decide. As the Royal Charter (article 38, (1) (b) and article 38, (1) (c)) sets out, "the direction of the BBC's editorial and creative output" and its "operational management" are specifically defined as duties of the Executive Board and ones in which the Trust does not get involved, unless, for example, they relate to a breach of the BBC's standards. In this case, the Panel did not consider the complainant had raised any evidence of a breach in the BBC's standards, and therefore the Panel did not consider that his complaint raised a matter for the Trust.

The Panel therefore concluded that, were the complaint to come to it on appeal, there would be no reasonable prospect of it upholding the complaint.

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

Decision of BBC Audience Services not to respond further to a complaint about the use of translators, BBC News Bulletins

The complainant requested that the Complaints and Appeals Board (CAB) review the decision of the BBC Trust's Senior Complaints Adviser that the complainant's appeal did not qualify to proceed for consideration on appeal.

The complaint

The complainant contacted Audience Services on 26 August 2014. She asked why, when the BBC interviewed a non-English speaker and they were dubbed into English, they were dubbed in a strong, hard-to-understand accent, sometimes with incorrect English. She wrote:

"It's to give them an 'authentic' quality, but why not dub them in Standard English? Dubbing them in strong accents is offensive as it tries to emphasise that they are foreign and 'uneducated'."

Audience Services responded substantively on 19 September 2014 and said that when dubbing foreign language speakers in news bulletins, the BBC used trained translators. It said that when these same translators provided voiceovers they used their natural accents. It apologised to the complainant if she found them hard to understand.

The complainant renewed her complaint, and Audience Services replied on 1 October 2014 to say they had nothing to add to their previous reply and that 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 1 October 2014. The complainant appealed on the substance of her complaint stating that she found the use of translators with bad accents offensive when dubbing non-English speaking interviewees on BBC news bulletins as it made the interviewee appear uneducated.

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) carefully read the correspondence that had passed between the complainant and the BBC. She acknowledged the strength of the complainant's feelings but decided that the appeal did not have a reasonable prospect of success.

She noted that BBC Audience Services had ceased handling this complaint at Stage 1 and that the complaint had not gone to Stage 2. She therefore decided that the point she should consider was whether an appeal against the decision of BBC Audience Services not to correspond further with the complainant had a reasonable prospect of success.

The Adviser noted that Audience Services had explained how BBC News dubbed foreign language speakers in news bulletins. She noted that the BBC had explained that they used trained translators who then provided the voiceover for the interviewee they were translating. The Adviser believed it therefore followed that the translator would use their own natural accent when dubbing the interviewee.

The Adviser did not consider this was unreasonable in a fast moving news environment and she therefore considered that Audience Services had been correct when they assessed that the complainant had not raised a significant issue of general importance justifying further investigation. Nor did she consider that it implied the interviewee was uneducated.

The Adviser noted the Royal Charter and the accompanying Agreement between the Secretary of State for Culture, Media and Sport and the BBC 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 the Charter (article 38, (1) (b)) as a duty that was the responsibility of the Executive Board, and one in which the Trust did not get involved unless, for example, it related to a breach of the BBC's editorial standards which did not apply in this case. She noted that decisions relating to contributors used in news bulletins fell within the "editorial and creative output" of the BBC - and were the responsibility of the BBC Executive.

The Adviser considered Trustees would conclude 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 the appeal had a reasonable prospect of success and 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 her appeal.

The complainant said she believed the issue had been dealt with inaccurately and callously. She said that dubbing non-English speakers in such a way was incredibly harmful as it perpetuated the idea that those who could not speak English were uneducated. She said the BBC was reinforcing racist stereotypes by using non-standard English accents when dubbing interviewees and the Corporation should consider racism a significant issue.

The Panel's decision

The Panel noted the complainant's appeal to the Trust, the reply from the Adviser and the challenge to the Adviser's decision.

The Panel noted that the choice of programme contributors, including translators, would be for the Executive to decide. As the Royal Charter (article 38, (1) (b) and article 38, (1) (c)) sets out, "the direction of the BBC's editorial and creative output" and its "operational management" are specifically defined as duties of the Executive Board and ones in which the Trust does not get involved, unless, for example, they relate to a breach of the BBC's standards.

In this case, the Panel noted that the complainant believed there had been a breach of the BBC's standards as she considered the dubbing used on BBC News bulletins were offensive as they reinforced racist stereotypes.

The Panel noted when dubbing foreign language speakers in news bulletins, the BBC used trained translators and then these same translators provided voiceovers, using their natural accents. The Panel believed this was appropriate in the fast moving environment of news.

Furthermore, the Panel considered that having an accent did not define whether a person was educated or not.

Given this, the Panel did not believe this complaint raised a matter which engaged the BBC Guidelines. This was an operational issue. The Panel therefore concluded that, were the complaint to come to it on appeal, there would be no reasonable prospect of it upholding the complaint.

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

Decision of BBC Audience Services not to respond further to a complaint about the scheduling of Great Continental Railway Journeys, BBC Two

The complainant requested that the Complaints and Appeals Board (CAB) review the decision of the BBC Trust's Senior Complaints Adviser that the complainant's appeal did not qualify to proceed for consideration on appeal.

The complaint

The complainant contacted the BBC on 22 August 2014 to ask why the last episode in the repeated series, *Great Continental Railway Journeys*, had not been scheduled. He considered this was very poor and asked why the BBC would show the rest of the series but not the last episode.

BBC Audience Services responded on 2 September 2014 to explain that when series are repeated, sometimes schedulers take the decision not to show certain episodes. They said that the BBC's repeats policy inevitably represented a compromise between different interests and was kept under constant review; the scheduling team made changes if they believed they were necessary in light of audience feedback.

The complainant replied on 4 September 2014 to say he believed that the response from Audience Services had been vague and did not explain why the decision had been taken not to show the final episode in the series. He said he did not think the fact that it was a repeated series was relevant and said that no other broadcaster would repeat nine episodes and not the tenth of a series.

Audience Services responded on 18 September 2014 apologising for the fact that their previous correspondence did not fully address the complainant's concerns. They said they had discussed the complaint with the BBC scheduling teams who had provided the following comment:

"I'm afraid it isn't always possible to repeat an entire series in the same slot, and occasionally episodes that were previously part of a longer series may be grouped into smaller runs or even aired as stand-alone programmes. This is particularly true of factual programmes which, while sometimes having a common theme across a series, can also be enjoyed individually.

"In this particular case, other scheduling commitments meant that it wasn't possible to air the final episode of *Great Continental Railway Journeys* within the same daytime slot, but we do hope to find a space for it in the coming weeks. I'm afraid we don't have any more specific information at this stage, but I would encourage you to keep an eye on the television listings (or the programme's website as mentioned previously) for the latest updates."

The complainant replied on 2 October 2014 to say he did not accept the logic behind the scheduling of the series and felt that there was no acceptable reason for not showing the final episode, even if it had to be aired on another channel.

Audience Services responded on 8 October 2014 explaining that they had nothing to add to the previous reply and that 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 10 October 2014. The complainant appealed on the substance of his complaint, that there was no reason for the BBC not to have scheduled the last episode of the *Great Continental Railway Journeys* series.

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) carefully read the correspondence that had passed between the complainant and the BBC. She acknowledged the strength of the complainant's feelings but decided that the appeal did not have a reasonable prospect of success.

She noted that BBC Audience Services had ceased handling this complaint at Stage 1 and that the complaint had not gone to Stage 2. She therefore decided that the point she should consider was whether an appeal against the decision of BBC Audience Services not to correspond further with the complainant had a reasonable prospect of success.

The Adviser acknowledged the complainant's concern that he had not been given an adequate explanation for why the last episode of *Great Continental Railway Journeys* had not been shown. She noted that Audience Services had explained that repeated programmes in particular were subject to change within the schedule in response to scheduling priorities and audience feedback.

The Adviser also noted that the scheduling team had explained to the complainant that although the programmes were made as part of a series and were connected by a common theme, they could also be enjoyed as individual stand-alone programmes.

The Adviser then noted that the Royal Charter and the accompanying Agreement between the Secretary of State and the BBC 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" is specifically defined in the Charter (article 38, (1) (c)) as a duty that is the responsibility of the Executive Board, and one in which the Trust does not usually get involved unless, for example, it raised broader issues such as a breach of a station's Service Licence – which did not apply in this instance.

The Adviser noted that decisions relating to the scheduling of programmes fell within "the operational management of the BBC" and so were the responsibility of the BBC Executive.

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 the appeal had a reasonable prospect of success and did not propose to put it before Trustees.

Request for review by Trustees

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

The Panel's decision

The Panel noted the complainant's appeal to the Trust, the reply from the Adviser and the challenge to the Adviser's decision.

The Panel acknowledged the complainant's frustration that he had not been able to watch the final episode of *Great Continental Railway Journeys*, but noted that Audience Services had explained that repeated programmes in particular were subject to change within the schedule in response to scheduling priorities and audience feedback.

The Panel noted that the scheduling of programmes was for the Executive to decide. As the Royal Charter (article 38, (1) (b) and article 38, (1) (c)) sets out, "the direction of the BBC's editorial and creative output" and its "operational management" are specifically defined as duties of the Executive Board and ones in which the Trust does not get involved, unless, for example, they relate to a breach of the BBC's standards. In this case, the Panel did not consider the complainant had raised any evidence that *Great Continental Railway Journeys* had breached the BBC's standards, and therefore the Panel did not consider that his complaint raised a matter for the Trust.

The Panel therefore concluded that, were the complaint to come to it on appeal, there would be no reasonable prospect of it upholding the complaint.

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

Decision of BBC Audience Services not to respond further to a complaint about Steve Wright in the Afternoon, BBC Radio 2

The complainant requested that the Complaints and Appeals Board (CAB) review the decision of the BBC Trust's Senior Complaints Adviser that the complainant's appeal did not qualify to proceed for consideration on appeal.

The complaint

The complainant contacted the BBC on 2 September 2014 regarding the "non-stop oldies" section of the Steve Wright programme. He said he was concerned to hear an advertisement for another BBC programme during this section, which meant, he said, that the segment was not "non-stop oldies".

He received a response from BBC Audience Services on 18 September 2014 which misunderstood the focus of the complaint and answered a criticism about broadcasting programme trails.

The complainant remained dissatisfied and renewed his complaint on 30 September 2014.

Audience Services responded on 13 October 2014 to say that the phrase non-stop, as used in the Steve Wright show, was simply a universally understood shorthand to refer to the fact that all the music played within the segment was of the same genre. It said that meant that the programme would only be playing oldies during this time and not any other form of music ordinarily heard on the show or on the radio station.

Audience Services added:

"It doesn't mean that literally all that will be heard is a list of oldies music because clearly Steve Wright talks between the records to say what they are and to talk about the listener who has requested them and to add context. ... It's perhaps worth adding that the segment is very well established, and we don't appear to have received feedback from any other listeners at all on the segment's name. We therefore have to assume that there is no audience confusion and no audience concern over the name of the segment nor the premise of it."

Appeal

The complainant appealed to the BBC Trust on 15 October 2014. The complainant appealed on the substance of his complaint, stating that the "non-stop oldies" segment of the Steve Wright show was not as it was described. He added that the BBC was becoming more like a commercial radio station by advertising television programmes

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) carefully read the correspondence that had passed between the complainant and the BBC. She acknowledged the strength of the complainant's feelings but decided that the appeal did not have a reasonable prospect of success.

The Adviser contacted Audience Services who confirmed they had nothing further they wished to add. The Adviser therefore considered the appeal as if it were an appeal against a decision by Audience Services to close down a complaint. Where a complainant

appealed to the Trust in these circumstances, if Trustees upheld the appeal, the complaint was sent back to the BBC for a further response. The Adviser therefore decided that the point she should consider was whether an appeal against the decision of BBC Audience Services not to correspond further with the complainant had a reasonable prospect of success.

The Adviser noted that Audience Services had explained that the term “non-stop oldies” related to the genre of music that would be played:

“...That is to say we will only be playing oldies during this time and not any other form of music.”

The Adviser noted that the complainant was not a regular listener of the programme. The Adviser further noted the complainant was not sure of the relevance of Audience Services’ statement that:

“...the segment is very well established, and we don’t appear to have received feedback from any other listeners at all on the segment’s name.”

The Adviser considered that audience expectations played a significant role when output producers were deciding what was and what was not appropriate to broadcast. She noted that Audience Services had informed the complainant that this was a well-established feature and, while she appreciated he may not have been familiar with it, the indication that no other listeners had raised similar concerns was helpful because it suggested that it would be fair to conclude it had not caused general confusion.

The Adviser further noted that the Royal Charter and the accompanying Agreement between the Secretary of State for Culture, Media and Sport and the BBC 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 the Charter (article 38, (1) (b)) as a duty that was the responsibility of the Executive Board, and one in which the Trust did not get involved unless, for example, it related to a breach of the BBC’s editorial standards which the Adviser considered did not apply in this case.

The Adviser considered that decisions relating to the use of promotional trails on Radio 2 fell within the “editorial and creative output” of the BBC and were the responsibility of the BBC Executive. She considered that Trustees would be likely to conclude that Audience Services had given a reasoned and reasonable response to the complaint and had acted appropriately in closing down the correspondence.

Therefore, the Adviser decided the complainant’s appeal did not have a reasonable prospect of success and did not propose to put it before Trustees.

Request for review by Trustees

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

The complainant said that all BBC radio programmes were interrupted by advertisements and that this was frustrating for listeners.

The Panel's decision

The Panel noted the complainant's appeal to the Trust, the reply from the Adviser and the challenge to the Adviser's decision.

The Panel noted that Audience Services had said "non-stop oldies" was a well-established segment in the programme and that there had been no other feedback about the name of this feature, implying that it would be fair to conclude it had not created general confusion with the audience.

The Panel then noted that the use of promotional trails on Radio 2 would be for the Executive to decide. As the Royal Charter (article 38, (1) (b) and article 38, (1) (c)) sets out, "the direction of the BBC's editorial and creative output" and its "operational management" are specifically defined as duties of the Executive Board and ones in which the Trust does not get involved, unless, for example, they relate to a breach of the BBC's standards. In this case, the Panel did not consider the complainant had raised any evidence that *Steve Wright in the Afternoon* had breached the BBC's standards, and therefore the Panel did not consider that his complaint raised a matter for the Trust.

The Panel therefore concluded that, were the complaint to come to it on appeal, there would be no reasonable prospect of it upholding the complaint.

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

Decision of BBC Audience Services not to respond further to a complaint about the poor quality of BBC output

The complainant requested that the Complaints and Appeals Board (CAB) review the decision of the BBC Trust's Senior Complaints Adviser that the complainant's appeal did not qualify to proceed for consideration on appeal.

Complaint

The complainant has been writing to the BBC for a number of years about the poor quality of BBC output. He was concerned about editorial omissions, particularly in areas such as climate change. He felt that these omissions could partly be addressed by improving the standing of engineers and scientists and by making BBC presenters and editors more aware of science and technology. He felt BBC management was failing by not being aware of the part it needed to play in this respect.

The correspondence on the current complaint began on 28 June 2014. The complainant said he believed the BBC was failing to fulfil its responsibility to inform and educate. He made the following points:

- The BBC appeared to be in denial of scientific and engineering matters relevant to current affairs. He said there had been major omissions over many years on global growth and consumption that causes climate change in particular, but other things also.
- He referred to two items on the 26 June 2014 edition of the *Today* programme. One was to do with the death of a child from sepsis which he said illustrated his concern about the NHS's inability to identify and correct its failures. The other was the need for those studying humanities to know appropriate science. He said the item got nowhere near identifying that the BBC is at the forefront of those needing education.

BBC Audience Services responded on 8 July 2014. They said the BBC welcomed outside ideas for its programmes and provided the relevant website contact details. Regarding the omissions referred to by the complainant, Audience Services said they valued the feedback but said that he had not "specified in what way our full range of scientific and engineering productions, articles and reports negate all current affairs". They added that one particular report on the *Today* programme did not reflect the BBC's entire coverage of NHS news.

The complainant replied on 17 July 2014. He said that it was clearly the case that the BBC word limit restriction on making complaints online had prevented him from putting over his case to BBC management effectively. He asked for a postal address to which he could send a longer complaint and include copies of his previous correspondence which Audience Services had said they could not locate. He said he had once been given the address of BBC Audience Services in Darlington but had not had an acknowledgement from them.

Audience Services sent a further response on 4 August 2014 giving the BBC Complaints address in Darlington. They also stated that, while welcoming feedback, they had to be mindful of their obligations to ensure value for money for everyone who required their services, meaning that they were unable to deal with lengthy correspondence or multiple issues. They also explained how to lodge a complaint about a particular programme and assured the complainant that all general comments were noted, logged and circulated.

The complainant wrote again on 12 August 2014. He said he would try to be brief but what he had to say was important. He said that:

- His complaints were only about BBC omissions.
- He explained how he came to coin the word 'tcreate'.
- He felt it would be good for the country if the standing of engineers and scientists was lifted, and their education could be extended into the humanities to make them better communicators. It was even more important that those well-educated in the humanities could learn sufficient technical matters to make them 'tcreate'.
- He referred again to the *Today* programme item about the death of a child from sepsis, and his view that the programme's editors and presenters could improve public understanding of important matters if they were more 'tcreate'. He said BBC management must become aware of the part it needed to play and its failures in this respect.

Audience Services sent a final response on 1 October 2014 explaining that they had nothing more to add to their previous response and that 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 22 October 2014. He reiterated his concerns and included ten papers with his appeal. He stated that he did not expect the BBC to try to answer them in detail but he believed they showed that BBC management was "a million miles from welcoming outside suggestions on really important serious matters". However, the complainant believed the papers made his case. The complainant said that it was part of his case that BBC standards were "shamefully low".

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) carefully read the correspondence that had passed between the complainant and the BBC. She acknowledged the strength of the complainant's feelings but decided that the appeal did not have a reasonable prospect of success.

She noted that BBC Audience Services had ceased handling this complaint at Stage 1 and that the complaint had not gone to Stage 2. She therefore decided that the point she should consider was whether an appeal against the decision of BBC Audience Services not to correspond further with the complainant had a reasonable prospect of success.

The Adviser acknowledged that the complainant had been trying to bring his concerns to the attention of BBC management for a considerable time and that he felt his points were significant.

She noted that Audience Services had explained that the BBC did value feedback, and feedback reports were circulated to senior managers on a daily basis. However, Audience Services had also explained that they had to be "mindful of our obligations to ensure value for money for everyone who requires our services, meaning we're unable to deal with lengthy correspondence or multiple issues". The Adviser understood that the complainant felt his feedback was very valuable and wished to have his suggestions acted on.

However, the Adviser noted that the Royal Charter and the accompanying Agreement between the Secretary of State and the BBC 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 the Charter (article 38, (1) (b)) as a duty that was the responsibility of the Executive Board, and one in which the Trust did not get involved unless, for example, it related to a breach of the BBC's editorial standards which she did not believe applied in this case.

The Adviser believed Trustees would be of the view that decisions relating to programme commissioning or the manner in which content was presented in BBC output fell within the "editorial and creative output" of the BBC and that the responsibility for these decisions rested with the BBC Executive.

The Adviser noted that the complaints process was intended to consider complaints about specific items of BBC output. While the Editorial Guidelines acknowledged that the omission of a particular perspective could jeopardise perceptions of the BBC's impartiality, the Adviser noted that this related to the specific context around an individual broadcast item. She considered that a general view that a particular subject should be given greater attention was not a matter that could be assessed against the Guidelines.

The Adviser noted that Audience Services had explained the BBC's complaints process. She further noted that the complainant had referred to specific items on an edition of the *Today* programme, but he had cited these as examples of more general concerns rather than raising any specific breach of the BBC Guidelines. She noted that Audience Services had explained that one particular report on the *Today* programme did not reflect the BBC's entire coverage of NHS news.

She considered that Trustees would be of the view that Audience Services had provided a reasoned and reasonable response to the complainant's concerns and that it was appropriate for them to say that they could not engage in further correspondence on the issues raised. For these reasons, the Adviser believed the appeal did not have a reasonable prospect of success and she decided that it should not proceed further.

Request for review by Trustees

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

The complainant said that the Adviser had failed to emphasise how unresponsive the BBC was to outside ideas. He said she had also failed to mention those who worked for the BBC but were critical of it.

The complainant said that, as the complaints process was only set up to deal with specific programmes, then it failed to be relevant to the points he was raising about general omissions in BBC coverage, such as climate change and global leadership. He said that these issues were of great importance and he believed that the Trustees would see them as such.

The Panel's decision

The Panel noted the complainant's appeal to the Trust, the reply from the Adviser and the challenge to the Adviser's decision.

The Panel began by acknowledging that the complainant felt his feedback was valuable and wished to have his suggestions acted on. It then noted that Audience Services had

explained that the BBC did value feedback, and feedback reports were circulated to senior managers on a daily basis.

The Panel then noted that decisions relating to programme commissioning or the manner in which content was presented in BBC output would be for the Executive to decide. As the Royal Charter (article 38, (1) (b) and article 38, (1) (c)) sets out, “the direction of the BBC’s editorial and creative output” and its “operational management” are specifically defined as duties of the Executive Board and ones in which the Trust does not get involved, unless, for example, they relate to a breach of the BBC’s standards. In this case, the Panel did not consider the complainant had raised any evidence that a specific programme had breached the BBC’s standards, and therefore the Panel did not consider that his complaint raised a matter for the Trust.

The Panel noted the complainant’s frustration with the complaints framework as he believed his concerns were of general omission by the BBC rather than about specific programmes. It noted that the Adviser had explained that the omission of a particular perspective could jeopardise perceptions of the BBC’s impartiality and so could be judged against the BBC’s standards. However, it further noted that she had made clear that a general view that a particular subject should be given greater attention was not a matter that could be assessed against the Guidelines.

The Panel therefore concluded that, were the complaint to come to it on appeal, there would be no reasonable prospect of it upholding the complaint.

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

Decision of BBC Audience Services not to respond further to a complaint about the BBC's coverage of the Scottish Referendum

The complainant requested that the Complaints and Appeals Board (CAB) review the decision of the BBC Trust's Senior Complaints Adviser that the complainant's appeal did not qualify to proceed for consideration on appeal.

Complaint

The complainant contacted the BBC Trust on 9 September 2014 asking why the BBC had failed to broadcast information about the 'limited legal status' of the referendum. The BBC Trust Unit forwarded the complaint to BBC Audience Services.

In his complaint, the complainant stated that the referendum was a survey and that the mandates of the MPs elected in 2010 remained intact regardless. He said that this constituency election determined the representation in or abstention from the House of Commons.

The complainant said that the BBC had not mentioned that the legislation setting up the referendum contained no provision to reverse the mandate provided by the 2010 General Election. The effect of this, he said, was that the BBC had given the incorrect impression that a 'yes' result contained the authority to reverse the mandate provided by the 2010 general election and remove Scotland from the Union.

BBC Audience Services responded on 20 September 2014 to say the BBC had produced many hours of coverage on the referendum and had highlighted that it had major implications for the future of the United Kingdom, affecting everything from the economy to the constitution, politics to defence.

Audience Services said that, while only those in Scotland were able to vote, the result of the referendum would have great significance either side of the border. It said that, as a national broadcaster, the BBC's role was to provide coverage which equipped audiences with as much information as possible, and it felt that the BBC's discussions on the legality of the referendum had been more than sufficient.

Audience Services said the BBC had heavily debated the legal status of the referendum and consistently reported on the legality of the referendum and the perceived effect it would have by both the Yes Scotland and Better Together campaigns. They said the BBC was determined to be impartial and fair in its coverage and to bring a range of views to its audiences.

The complainant replied the same day expressing his dissatisfaction with the response.

Audience Services sent a further reply on 17 October 2014 to say that the BBC had reported on the constitutional implications of the referendum throughout its coverage, including what would happen to Scottish MPs in the event of a successful 'Yes' vote. It cited as an example a news report a link to which can be found below:

<http://www.bbc.co.uk/news/uk-politics-26052514>

Following correspondence between the complainant and the Trust Unit, Audience Services sent a further reply to the complainant on 29 October 2014 saying they had nothing to

add to their previous replies. They 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 29 October 2014 on the substance of his complaint, namely that the BBC had failed to make clear the legal and constitutional status of the Scottish referendum in its coverage.

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) carefully read the correspondence that had passed between the complainant and the BBC. She acknowledged the strength of the complainant's feeling but decided that the appeal did not have a reasonable prospect of success.

The Adviser noted that BBC Audience Services had ceased handling this complaint at Stage 1 and that the complaint had not gone to Stage 2. She therefore decided that the point she should consider was whether an appeal against the decision of BBC Audience Services not to correspond further with the complainant had a reasonable prospect of success.

The Adviser acknowledged that the complainant was frustrated by what he considered to be the BBC's failure to examine in detail the precise legal status of the referendum.

The Adviser then considered the responses sent by BBC Audience Services. She noted that the BBC had set out the depth and breadth of the BBC's coverage on the Scottish referendum. They had referred to extensive coverage of the implications for the United Kingdom of a 'yes' vote, and had pointed out that the BBC had produced "hundreds, if not thousands, of hours worth of coverage of referendum discussion, debate, political broadcast and analysis".

She noted that, on the specific complaint the BBC had not broadcast information concerning the limited legal status of the referendum, Audience Services had explained that the BBC had reported on the legal and constitutional implications of the referendum throughout their coverage, including what would happen to Scottish MPs in the event of a successful 'yes' vote.

She noted that the online article cited by Audience Services was entitled "What happens to Scottish MPs after referendum yes vote?" The Adviser noted that the article's first paragraph stated:

"The Scottish independence debate is in full swing, but one question that has yet to be properly answered is: what happens to the 59 MPs representing Scottish seats at Westminster if September's referendum results in a 'yes' vote?"

She noted it explained that because there would be a general election in 2015, there would be no effect on the current MPs elected in 2010:

"In the SNP White Paper entitled Scotland's Future, the answer was clear: the 2015 general election would take place as normal, but Scotland's candidates would be competing for curtailed, 10-month terms.

“Sovereignty will be fully exercised by the people of Scotland from the point Scotland becomes independent on 24 March 2016,” it explained.”

She noted that the article then went on to discuss the constitutional implications of a ‘yes’ vote.

The Adviser noted that the Royal Charter and the accompanying Agreement between the Secretary of State for Culture, Media and Sport and the BBC 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 the Charter (article 38, (1) (b)) as a duty that was the responsibility of the Executive Board, and one in which the Trust did not get involved unless, for example, it related to a breach of the BBC’s editorial standards which the Adviser considered did not apply in this case. Decisions relating to the content of BBC news coverage fell within the “editorial and creative output” of the BBC and were the responsibility of the BBC Executive rather than the BBC Trust.

The Adviser therefore considered that Trustees would be likely to conclude that Audience Services had given reasoned and reasonable responses to the complainant. She considered they would be likely to conclude that Audience Services had acted appropriately in declining to enter into further correspondence. She therefore did not consider the appeal had a reasonable prospect of success and 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

The Panel noted the complainant’s appeal to the Trust, the reply from the Adviser and the challenge to the Adviser’s decision.

The Panel noted that Audience Services had explained that, within the BBC’s wide-ranging coverage of the Scottish referendum, the Corporation had considered the legal and constitutional implications of the referendum, including what would happen to Scottish MPs at Westminster in the event of a successful ‘yes’ vote. As a result, the Panel concluded that Audience Services had given a reasoned and reasonable response to the complainant.

The Panel then noted that the choice of news content was for the Executive to decide. As the Royal Charter (article 38, (1) (b) and article 38, (1) (c)) sets out, “the direction of the BBC’s editorial and creative output” and its “operational management” are specifically defined as duties of the Executive Board and ones in which the Trust does not get involved, unless, for example, they relate to a breach of the BBC’s standards. In this case, the Panel did not consider the complainant had raised any evidence that there had been a breach in the BBC’s standards, and therefore the Panel did not consider that his complaint raised a matter for the Trust.

The Panel therefore concluded that, were the complaint to come to it on appeal, there would be no reasonable prospect of it upholding the complaint.

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

Decision of BBC Audience Services not to respond further to a complaint about Daily Politics, BBC One, 2 October 2014

The complainant requested that the Complaints and Appeals Board (CAB) review the decision of the BBC Trust's Senior Complaints Adviser that the complainant's appeal did not qualify to proceed for consideration on appeal.

Complaint

The complainant contacted BBC Audience Services on 3 October 2014 to complain about the appearance on *Daily Politics* of Shami Chakrabarti, the Director of Liberty. He said there was no reason that listeners "should be subjected to the influence of pressure groups such as Liberty". He did not consider she was a reasonable guest for BBC programmes.

Audience Services replied on 6 October 2014 stating that contributors were booked on the basis of their experience and talent, but that their judgments were often subjective and the BBC did not expect everyone to agree with every choice it made. Audience Services said the BBC made no editorial comment or judgment on the views expressed by contributors and its aim was to provide enough information for listeners to make up their own mind. It added that this may include hearing opinions which some people may personally disagree with but which individuals may be fully entitled to hold in the context of a legitimate debate.

The complainant remained dissatisfied and renewed his complaint on 10 October 2014.

Audience Services responded on 24 October 2014 explaining that they had nothing to add to the previous reply and that 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 3 November 2014. The complainant appealed on the substance of his complaint, that Shami Chakrabarti was an unsuitable guest for the *Daily Politics* programme. The complainant also referred to several other people who he felt had been inappropriate guests for the BBC.

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) carefully read the correspondence that had passed between the complainant and the BBC. She acknowledged the strength of the complainant's feelings but decided that the appeal did not have a reasonable prospect of success.

She noted that BBC Audience Services had ceased handling this complaint at Stage 1 and that the complaint had not gone to Stage 2. She therefore decided that the point she should consider was whether an appeal against the decision of BBC Audience Services not to correspond further with the complainant had a reasonable prospect of success.

The Adviser acknowledged that the complainant did not consider certain individuals to be suitable guests for the BBC. However, she noted that in their reply, Audience Services had clearly outlined the BBC's policy on the role of contributors and had explained that this was a subjective judgment and one which was designed to provide a forum for debate.

They stated that this meant opinions would be voiced which people might disagree with in the interest of legitimate debate.

The Adviser noted that the Royal Charter and the accompanying Agreement between the Secretary of State for Culture, Media and Sport and the BBC 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 the Charter (article 38, (1) (b)) as a duty that was the responsibility of the Executive Board, and one in which the Trust did not get involved unless, for example, it related to a breach of the BBC's editorial standards. The Adviser did not consider that this had applied in this case. Decisions relating to the choice of contributors on BBC programmes fell within the "editorial and creative output" of the BBC and were the responsibility of the BBC Executive rather than the BBC Trust.

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 the appeal had a reasonable prospect of success and did not propose to put it before Trustees.

The Adviser noted that the complainant had also referred in his appeal to other interviewees he felt were inappropriate guests. She noted these complaints had not been raised with the BBC – but for the sake of completeness, considered that these too were matters of creative and editorial judgment that rested with the BBC.

Request for review by Trustees

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

The complainant referred to additional interviewees he felt were inappropriate guests.

The Panel's decision

The Panel noted the complainant's appeal to the Trust, the reply from the Adviser and the challenge to the Adviser's decision.

The Panel noted that the choice of programme contributors was for the Executive to decide. As the Royal Charter (article 38, (1) (b) and article 38, (1) (c)) sets out, "the direction of the BBC's editorial and creative output" and its "operational management" are specifically defined as duties of the Executive Board and ones in which the Trust does not get involved, unless, for example, they relate to a breach of the BBC's standards. In this case, the Panel did not consider the complainant had raised any evidence that *Daily Politics* had breached the BBC's standards, and therefore the Panel did not consider that his complaint raised a matter for the Trust.

The Panel therefore concluded that, were the complaint to come to it on appeal, there would be no reasonable prospect of it upholding the complaint.

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

Decision of BBC Audience Services not to respond further to a complaint about *Any Answers?* BBC Radio 4, 1 November 2014

The complainant requested that the Complaints and Appeals Board (CAB) review the decision of the BBC Trust's Senior Complaints Adviser that the complainant's appeal did not qualify to proceed for consideration on appeal.

Complaint

The complainant contacted the BBC on 4 November 2014 to raise her concerns about the way the presenter spoke to victims of abuse who had rung the programme, *Any Answers?* She said:

"I could not believe her asking survivors of abuse what had happened to them, this is just another form of abuse. You do not need to know what happened to those lovely people; it seemed really voyeuristic and unpleasant."

The complainant also expressed her concern about the complaints process. She felt that limiting the amount of space on the webform for submitting complaints stifled free debate. She was also unhappy that Complaints staff did not reply directly to emails sent; she felt this also stifled free debate and came across as controlling and unpleasant.

BBC Audience Services responded on 13 November 2014 to say that the callers to the programme had done so under their own volition. They said the first gentleman to call volunteered information without being asked, and the second was asked politely what had happened to him and seemed willing to give details. They said the discussion was generally reasonable and considered and very sympathetic to the abused.

BBC Audience Services said all complaints were answered and the BBC sought to do so within 10 working days. It asked the complainant to resend any concerns that she felt had not been addressed.

The complainant replied on 15 November 2014. She said she disagreed with Audience Services stating:

"I work with very vulnerable people who are conditioned by society and their abusers, in ways you really do not seem to understand ... I did not want to listen to that question being asked by [the presenter] about abuse. I did not want the first caller to be asked the question before going on 'air', conditioned like an abuser would condition nor did I want them to be conditioned into disclosing the nature of their suffering."

Audience Services responded on 18 November 2014 stating that they did not have anything to add to their previous reply. They did not believe the complaint raised a significant issue of general importance that might justify further investigation and said they were unable to take the complaint further.

Appeal

The complainant appealed to the BBC Trust on 18 November 2014 reiterating her concerns. She made the following points:

- The BBC's web based complaints system stifled free debate, as indicated by the limited number of characters that could be used to complain.
- The BBC did not seem able to understand that it had an abusive culture and was not the 'font' of all knowledge. The BBC did not even acknowledge this as a problem, which she said was truly frightening.
- The BBC needed to realise that it was not acceptable to ask a survivor of serious crime the intimate details of their abuse; it was voyeuristic.
- The tone of the BBC complaints department was authoritarian and vaguely abusive in that they judged the complainant's points not to be valid.

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) carefully read the correspondence that had passed between the complainant and the BBC and listened to the programme in question. She acknowledged the strength of the complainant's feelings but decided that the appeal did not have a reasonable prospect of success.

The complainant had appealed on the substance of her complaint which was that survivors of abuse phoning to contribute to the programme *Any Answers?* had not been treated appropriately or with sensitivity by the presenter.

The Adviser noted, however, that BBC Audience Services had ceased handling this complaint at Stage 1 and that the complaint had not gone to Stage 2. She therefore decided that the point she should consider was whether an appeal against the decision of BBC Audience Services not to correspond further had a reasonable prospect of success.

The Adviser listened to the programme at the centre of the complaint and noted the sections where two survivors of abuse phoned in and spoke to the presenter. She noted that the programme was introduced by the radio announcer as "your chance to share your thoughts about some of the issues raised on *Any Questions?*"

She noted that the presenter only identified the abuse survivors by their first names. The first of two such callers started to give some information about what had happened to him and the presenter said "We won't dwell on that". The Adviser agreed with Audience Services' statement that this caller volunteered information and was not asked for it.

The Adviser then listened to the exchange (partially transcribed below) between the presenter and the second abuse survivor. She introduced him by his first name and gave the name of the county he lived in.

Presenter: I'm not giving any more names, and there's a very good reason for that, isn't there John?

Caller: Yes, there is. I wanted to speak about the perspective of those of us who have been through these awful, horrific events as children which very often don't last any time at all but which stay with you for the rest of your life.

Presenter: May I ask what happened to you John?

Caller: Yes, I was in the care.....
The Caller then went on to describe what happened to him.

Presenter: I'm very sorry [name], really sorry.

The Adviser considered that the presenter had asked the caller very politely what had happened to him and noted that the caller had previously said that he had rung the programme because he wanted to speak from the perspective of a sufferer of abuse. The Adviser considered that Trustees would be likely to agree with Audience Services when they said that the second gentleman had been asked politely what had happened to him and seemed willing to give some details and that the discussion was generally reasonable and considered and very sympathetic to the abused.

The Adviser considered that it was clear that the interviewee chose to ring *Any Answers?* in order to discuss the subject of abuse and she did not consider the tone of the presenter was intrusive or insensitive.

The Adviser acknowledged the complainant's concerns about the way in which survivors of abuse were treated in general by society and the psychiatric system, but in terms of the specific complaint about the content of *Any Answers?* she did not consider that Trustees would be likely to conclude the BBC had a case to answer.

The Adviser acknowledged the complainant's concerns about the BBC complaints procedure and noted in particular that the complainant felt unable to express her concerns effectively on the web form due to the limited number of characters. However, she noted that complainants were also able to contact the BBC by post and by phone if they felt constricted by the webform.

Overall, the Adviser believed that Trustees would consider that Audience Services had given a reasoned and reasonable response to the complaint and that it was appropriate for them to say they could not respond to any further correspondence on the issue. For these reasons she did not believe the appeal had a reasonable prospect of success and she decided that it should not proceed further.

Request for review by Trustees

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

The complainant said that the BBC complaints department should not be making judgments about such matters as they clearly did not understand the nature of abuse. As a result, she believed all complaints should go to the BBC Trustees.

The complainant said that *Any Answers?* had been exploiting vulnerable people and that the BBC was an abusive organisation that needed to change. She said that she did not wish to phone or write to the BBC but would like the webform for BBC complaints to be made more accessible as it currently stifled free debate.

The Panel's decision

The Panel noted the complainant's appeal to the Trust, the reply from the Adviser and the challenge to the Adviser's decision.

The Panel began by acknowledging that the issue of abuse had always to be reported with great sensitivity and that the BBC needed to bear in mind the vulnerability of those involved.

The Panel then noted the sections of *Any Answers?* where the two survivors of abuse had phoned in. It noted that the callers had only been identified by their first names and that the callers themselves had chosen to call in to the programme.

The Panel noted that the first caller had given details of what had happened to him without being asked. The Panel noted that the second caller had been asked politely about what had happened to him and that he had appeared willing to give some details. The Panel felt it was important to note that this caller had previously said that he had rung the programme because he wanted to speak from the perspective of a survivor of abuse.

The Panel agreed this complaint did not engage the BBC's Editorial Guidelines. The decision to put survivors of abuse to air if they called the BBC and invite them to talk on air about their past was an editorial decision. The Agreement between the Secretary of State and the BBC 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 the Charter (article 38, (1) (b)) as a duty that was the responsibility of the Executive Board, and one in which the Trust did not get involved.

The Panel then noted the complainant's concern about the limited amount of space available on the web form for lodging a complaint and how this stifled debate. However, the Panel noted that it had been explained to the complainant that she was also able to write or phone the BBC if she felt she needed to set out her complaint in greater detail and that this information was freely available on the BBC website.

The Panel therefore concluded that, were the complaint to come to it on appeal, there would be no reasonable prospect of it upholding the complaint.

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