

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

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Remit of the Complaints and Appeals Board

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; Richard Ayre is Chairman and Mehmuda Mian is Vice Chairman. The duties of the CAB are conducted by Panels of the Board consisting of at least three Trustees, including either the Chairman of the CAB or the Vice 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

Summary of findings

Complaint handling

The complainant initially complained about poor reception of the television signal and receiving the incorrect version of the local news. He believed the BBC procedure for handling such complaints was too complex and that, as a result, the BBC did not deal appropriately with his complaint.

The complainant said that he did not receive a proper television service for six months and, as such, he believed he was entitled to compensation for this inconvenience and a rebate for his licence fee.

This appeal concerned the BBC complaints process available on the BBC website and the subsequent handling of the complaint.

The Panel:

- noted that the reception issues had been resolved by the final part of the Stage 1 complaints process.
- acknowledged that the initial part of the Stage 1 complaints procedure had been unsatisfactory in dealing with the complainant's reception issues and it wished to apologise for this inadequate service.
- noted that at Stage 2 of the process the BBC Executive had accepted the failings in handling during Stage 1 and had said this would result in improved training and support for frontline staff in BBC Audience Services and better online tools and services for enquiries on reception problems.
- concluded that the handling issues arising from this case had been resolved.
- noted that TV Licensing will only recompense a viewer for the unexpired part of a licence which is no longer required and, as this was not the case, it was unable to provide the complainant with any compensation.

The complaint was found to be resolved with regard to handling and not upheld with regard to the request for compensation.

For the finding in full see pages 4 to 6.

Appeal Findings

Complaint handling

1. Background

The complainant initially complained about the poor reception of the television signal and receiving the incorrect version of the local news. He believed the BBC procedure for handling such complaints was too complex and that, as a result, the BBC did not deal appropriately with his complaint.

The complainant said that he did not receive a proper television service for six months and, as such, he believed he was entitled to compensation for this inconvenience and a rebate for his licence fee.

This appeal concerned the BBC complaints process available on the BBC website and the subsequent handling of the complaint.

2. The complaint

Stage 1

The complainant contacted BBC Audience Services three times to complain about poor reception when watching BBC One and BBC News. He also mentioned that he received the incorrect BBC local news programme when watching it on Freeview. Each time the complainant contacted the BBC he had to fill in the same information on a questionnaire as there was no mechanism for contacting anyone directly about his case.

On the first two occasions, the complainant was directed to websites dealing with the retuning of his receiver. He did not find this helpful and some of the information was incorrect. On the third occasion, he did not receive a response.

The complainant then contacted the BBC Trust Unit, who contacted BBC Audience Services to ask for a reply. The Trust Unit explained that, if he was unhappy with the BBC's initial responses, details were published on the BBC website on how to escalate a complaint.

The BBC Radio and Television Investigation Service then contacted the complainant and, after investigating the matter, provided the correct information which allowed the complainant to resolve the issue.

The complainant was not satisfied with the way his complaint had been handled and wished to refer his complaint to the BBC Trust.

Stage 2

The complainant contacted the BBC Trust Unit again wishing to escalate his complaint. He explained that, although the issue was now resolved, it had taken six months to sort it out and he wished to request some form of compensation, including a rebate on his licence fee.

The Trust explained that the complaints process has two stages before it reached the Trust in which the BBC management is given an opportunity to respond. The complaint would therefore be passed to the BBC Executive to investigate the reasons for the delay in receiving an appropriate response and the concerns about the handling of the

complaint. At this stage it was explained that it was “not the BBC’s practice to offer a licence fee refund for such a complaint”.

The BBC’s Head of Spectrum and Investigation contacted the complainant and apologised for the time taken in dealing with the issue in a satisfactory manner. He explained the structure of the BBC teams dealing with this issue and the outcome of his investigation. He accepted that there had been problems in the handling of the complaint and outlined the learning points and the subsequent new procedures that had been put in place to ensure that any similar query was handled satisfactorily.

Appeal to the Complaints and Appeals Board

The complainant wrote to the BBC Trust on 26 January 2012 covering the following issues in relation to handling the complaint:

- the Stage 2 response failed to address the concerns about reception of the wrong local news;
- the first response did not provide instructions on how to respond to the email from BBC Audience Services without having to fill in the questionnaire again;
- the Stage 2 reply stated that the second response “correctly directed you to the instructions from the Digital UK web site” when this was untrue. The directions were to a link that did not exist; and
- although the stage 2 reply stated that the BBC’s responses were “appropriate”, it acknowledges that there were various deficiencies within their responses. As this led to being without “a proper television service for more than six months, a rebate of the licence fee and compensation for the inconvenience should be offered”.

3. The Panel’s decision

The Panel was provided with a report setting out the questions for it to consider during its determination and the complainant’s appeal letter to the Trust.

The Panel noted that the initial response from the Stage 1 complaints process did not adequately deal with the issue of receiving the incorrect regional news and reception problems that the complainant was experiencing. The Panel considered the response from the Head of Spectrum and Investigation during the Stage 2 investigation, which acknowledged the difficulties that had occurred and apologised for not processing this complainant satisfactorily. The Panel noted that, subsequently, the Head of Spectrum and Investigation had put various procedures in place to rectify these problems. This included the frontline team being given further training on the specific issues of retuning for the correct regional news and the standard response being improved when explaining why a Freeview box needed to be manually retuned. Both these issues were now explained more clearly on the BBC Help web site. It now contained FAQs dealing with these specific problems and fully explaining the need for a manual retune and what was involved. The Panel noted that the reception issues raised by the complainant had been resolved by the final part of the Stage 1 complaints process.

The Panel noted the complexity involved in the Stage 1 complaints process for contacting the BBC Radio and Television Investigation Service (RTIS) and Reception Advice (RA) team. The Head of Spectrum and Investigation explained in his response to the complainant that the frontline team should have passed the complaint on to the RTIS and RA team after the second response, but this had failed to happen. Again he apologised for this breakdown in communication. He said that if the complaint had been passed on at

this stage, the RTIS would have contacted the complainant directly, which would then not have necessitated him filling in the web form three times with the same information. The Head of Spectrum and Investigation accepted that contact with his teams could be improved and has since introduced a new on-line tool to allow contact with the RTIS and Reception Advice team more easily. This is now accessible through the 'Help Receiving TV and Radio' website and provides a direct link to the RTIS webpage which contains various tools when dealing with reception problems. The Panel noted this improvement in contacting these teams and considered that this element of the complaint had been resolved.

The Panel noted that the complainant had not been able to access the Digital UK website directly from the link provided by the frontline team. The Head of Spectrum and Investigation stated that the correct procedure by the frontline team had been followed but through lack of information had not resulted in a solution to the problem. The Panel noted that the BBC had said the correct link to Digital UK did exist now on the BBC Help website, along with an explanation of the reason for the link.

The Panel acknowledged that the initial part of the Stage 1 complaints procedure had been unsatisfactory in dealing with the complainant's reception issues and it wished to apologise for this inadequate service. However, the Panel noted that the final part of the Stage 1 process had fully resolved these reception issues and note had been taken by the BBC Executive at Stage 2 of the failings in handling during Stage 1. This had resulted in improved training and support for frontline staff in BBC Audience Services and better online tools and services for enquiries on reception problems.

The Panel regretted the inadequacies of the BBC's handling, but acknowledged the steps taken by the BBC Executive to rectify them and believed that appropriate action had been taken to remedy these deficiencies. The Panel concluded that the handling issues arising from this case had now been resolved and no further action was required.

The Panel noted that the complainant had requested compensation for the inconvenience caused by the lack of correct regional news and reception interference on BBC One. The Panel noted that TV Licensing will only recompense a viewer for the unexpired part of a licence which is no longer required. As this was not the case, the Panel was unable to provide the complainant with any compensation and on this point the complaint was not upheld.

Finding: Resolved/Not upheld

Rejected Appeals

Vegetarian cookery programming

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

The Complaint

Stage 1

The complainant wrote saying that he believed the BBC devoted too much time to cookery programmes targeted at meat-eaters as opposed to vegetarians.

The complainant argued that BBC cookery programmes which described cuts of meat as "delicious and succulent" were promoting the view that people should be eating meat. He asked if more programmes showing cruelty committed in abattoirs towards animals and more cookery programmes featuring vegetarian cooking could be produced.

BBC Audience Services responded saying that BBC cookery programmes covered a wide range of foods, and vegetarian, vegan and meat dishes had all been prepared in the past. The response noted that the recent series of MasterChef had set a meat free challenge for the contestants which involved Yotam Ottolenghi (a chef who specialised in vegetarian cookery).

Audience Services also advised that the programme which had referred to cuts of meat as "succulent and delicious" was specifically looking at how parts of animals that might otherwise go to waste could be incorporated into everyday menus. They said that the BBC was committed to impartiality on all subjects and sought only to provide the information that would enable viewers to make up their own minds.

The complainant wrote again saying that he felt the response did not address his concerns. He said he was unable to find a single programme in the schedules that was exclusively devoted to the preparation of vegetarian meals, without the addition of meat or fish as the main item. He reiterated that more young people were turning to vegetarianism and that the vast majority of cookery programmes on the BBC were aimed at meat eaters. He concluded by asking if the BBC could provide more vegetarian cookery programmes.

Audience Services, replied saying that there was no set BBC policy to omit vegetarian meals from its programmes. The BBC did try to feature meat-free recipes across the year and whilst some shows may not feature vegetarian or vegan dishes, there were often tips on how they could be adapted to be made so. On some occasions BBC cookery programmes had also featured exclusively vegetarian dishes cooked in the studio. The suggestion for a programme wholly dedicated to vegetarian dishes had been passed on to the BBC's programme makers.

Stage 2

The complainant wrote again saying that his complaint had not been properly addressed. It was not satisfactory to say that many of the recipes shown could be made appropriate for vegetarians by simply leaving the meat out. He also repeated his claim that vegetarianism was growing and more programmes should be scheduled.

The complaint was considered by a manager at BBC Vision who added to the list of BBC programmes where vegetarian dishes were regularly cooked that had previously been provided in responses to the complainant. He acknowledged the suggestion that the BBC should broadcast a cookery programme exclusively catering for vegetarians but said that it was important that all of the BBC's cookery programmes included vegetarian food and either devoted certain whole episodes or included recipes appealing to both vegetarians and meat-eaters. The response also pointed out that the output of BBC food included a significant online presence which, on current reckoning, contained 6,814 vegetarian recipes. Thus, the contention that the BBC under-served its vegetarian audience could not be sustained.

Appeal to the BBC Trust

The complainant escalated his complaint to the BBC Trust, arguing that there was an apparent lack of understanding by those who had responded to date. He said that one reply had seemed to suggest that all recipes were appropriate for vegetarians as long as the meat was left out, which he felt was patronising. He reiterated that more people were becoming vegetarian and therefore there should be a programme aimed specifically at them.

The Trust's Senior Editorial Strategy Adviser replied explaining that the BBC's 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. She explained that the direction of the BBC's editorial and creative output is the responsibility of the Executive Board, and one in which the Trust does not get involved unless, for example, it related to a breach of the BBC's editorial standards.

She said that decisions relating to the content of programmes fell within the category of editorial and creative output and were therefore the responsibility of the BBC Executive. She therefore determined that there was no reasonable prospect of success for the appeal and it was not appropriate that it should proceed to the Trust for consideration.

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

The Panel's decision

The Panel was provided with the decision of the Senior Editorial Strategy Adviser and the complainant's letter asking the Trustees to review the Senior Editorial Strategy Adviser's decision.

The Panel noted the complainant's strongly held convictions regarding animal welfare and his view that the BBC should produce at least one cookery programme dedicated to vegetarian food. The Panel noted that the complainant had not been satisfied with the BBC's responses which pointed out that vegetarian recipes were frequently included across the BBC's output, including the website.

The Panel noted that the Trust's Senior Editorial Strategy Adviser had explained to the complainant that the direction of the BBC's editorial and creative output is the responsibility of the Executive Board, and one in which the Trust does not normally get involved. The Panel agreed that a decision to produce a cookery programme dedicated to vegetarian food would fall within the category of editorial and creative output and was therefore the responsibility of the BBC Executive. The Panel agreed that there was no

reasonable prospect of success for the appeal and it should not proceed to the Trust for consideration.

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

BBC coverage of manufacturing and the need for a balanced economy

The complainant appealed to the Complaints and Appeals Board following the decision of the Head of Editorial Standards that the complainant's appeal did not qualify to proceed for consideration by the Board.

The complaint

Stage 1

The complainant wrote to the BBC noting that, under the Royal Charter, the BBC's main object was the promotion of its public purposes. These included sustaining citizenship and civil society. He also noted the BBC's mission to inform, educate and entertain. He complained that, by ignoring the plight of manufacturing and those who worked in it, the BBC had not sustained citizenship and civil society; and that, over a thirty-year period, the BBC had not informed and educated about the need for a balanced economy.

BBC Audience Services replied saying that the BBC had covered the recent downturn in manufacturing output in detail across its services; in support of this, three recent web articles were cited. These detailed the shrinking of UK manufacturing output as demand for exports fell, a decline in output in the Eurozone, and a drop in manufacturing after the Royal Wedding.

Audience Services said that it would be impossible to review coverage over a thirty-year period but offered two examples of recent web articles about the current balance of the UK economy: one included comments by the Government on its attempt to rebalance the economy; the second was a recent blog by the BBC's Business Editor entitled "Banks and the Balanced Economy."

The complainant wrote again expressing concern that the BBC had failed to adequately cover:

- the UK's system of hostile takeover regulation
- the significance of the balance of payments deficit; in particular the huge deficit in manufacturing weighed against the relatively modest surpluses from the financial sector
- the social effects of the loss of manufacturing jobs over the last 30 years

Audience Services replied saying that they could not take the matter any further.

Stage 2

The complainant wrote to the Director of BBC News requesting that his complaint proceed to Stage 2 of the BBC's complaints process.

The Head of Editorial Compliance and Accountability for BBC News replied suggesting that the complainant had misunderstood the BBC's obligations under the Royal Charter. Whilst there was an obligation to build greater understanding of public institutions, the BBC was

under no stipulation to cover any particular subject matter. She was confident that the BBC had examined the role of manufacturing in the deindustrialisation of the UK at different times and in a variety of ways.

Appeal to the BBC Trust

The complainant escalated his complaint to the BBC Trust, saying that he felt his specific points of complaint had not been answered.

In reply the Head of Editorial Standards explained that the Trust did not adjudicate on every appeal that was brought to it, and part of her role was to check that appeals qualified for consideration by the Trust (or one of its complaints committees) under the Complaints Framework. The Head of Editorial Standards had read the relevant correspondence and considered that the appeal did not have a reasonable prospect of success and should not proceed to the Trust's Editorial Standards Committee.

The Head of Editorial Standards said that the BBC's public purposes were set out in the Royal Charter and Agreement. They outlined the values which the BBC held when striving to achieve its mission to inform, educate and entertain.

The first of the purposes related to 'Sustaining citizenship and civil society':

The BBC provides high-quality news, current affairs and factual programming to engage its viewers, listeners and users in important current and political issues.

There was no specified requirement for the BBC to provide coverage of particular topics (aside from an objective to "build greater understanding of the parliamentary process and political institutions governing the UK").

She therefore did not consider that the complainant had provided evidence that the BBC had breached its public purpose in sustaining citizenship and civil society.

This first public purpose specified the nature of the BBC's journalism and how it should be delivered:

BBC journalism should be independent, accurate and impartial – providing news and current affairs of relevance, range and depth which audiences trust. BBC journalism should offer a range and depth of analysis not widely available from other UK providers....

All BBC journalism will display the core values of independence, truth and accuracy, impartiality, fairness, and diversity of opinion. The BBC will maintain the strong reputation of its journalism across its portfolio of services and range of output....

The BBC's coverage of the UK economy, and the role played by manufacturing, was therefore required to be impartial, with journalists weighing all material facts and reflecting all significant views, rather than promoting the need for a balanced economy.

The public purpose also specified that:

All BBC journalists will operate within an overarching framework of editorial processes, guidance and 'checks and balances' which are designed to ensure the accuracy, impartiality and balance of BBC output.

The Head of Editorial Standards said that this framework was, essentially, the BBC's Editorial Guidelines, which set out the standards to which BBC journalists and programme-makers adhered.

The Head of Editorial Standards suggested that the complainant may have misunderstood the role of the BBC's public purposes and that he had in fact considered that there had been a breach of the guidelines relating to impartiality; namely that the BBC had in some way been partisan in being 'pro-financial sector'. If this were the case, the BBC's complaints process stated that he could make a complaint within 30 working days from the transmission or publication date of the item that caused concern.

She noted that in the current case the complainant had made a general allegation and had not cited a specific programme.

The complainant requested that the Committee review the decision of the Head of Editorial Standards not to proceed with the appeal, saying that his specific question about why the BBC had barely, if at all, reported various topics relating to hostile takeovers, the balance of payments deficit and the loss of jobs in manufacturing had not been addressed.

The Panel's decision

The Panel was provided with the Head of Editorial Standards' decision and the complainant's letter asking the Trustees to review the Head of Editorial Standards' decision.

The Panel noted the complainant's view that the BBC had, over a period of years, failed to report the UK's system of hostile takeover regulation, the significance of the balance of payments deficit and the social effects of the loss of manufacturing jobs over the last 30 years. The Panel noted the complainant's contention that this was in breach of the BBC's public purposes.

With regard to the public purposes relating to "sustaining citizenship and civil society", the Panel agreed that there was no specific requirement for the BBC to provide coverage of particular topics.

The Panel noted that the first public purpose covered the requirements of the BBC's journalism. The Panel agreed that the BBC's coverage of the UK economy, and the role played by manufacturing, was required to be impartial, with journalists weighing all material facts and reflecting all significant views, rather than promoting the need for a balanced economy.

The Panel agreed that the complainant had made a general allegation and had not cited a specific programme which could be tested against the Editorial Guidelines. The Panel noted that the Head of Editorial Standards had informed the complainant that if he wanted to make a complaint that the BBC had breached the guidelines relating to impartiality; namely that the BBC had in some way been partisan in being 'pro-financial sector', then he could make a complaint within 30 working days from the transmission or publication date of the item that caused concern.

The Panel agreed that the complainant had not made a case that the BBC's public purposes were not being met and there was no reasonable prospect of success for an appeal on those grounds.

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

BBC News Coverage of Select Committee's Report on "Operations in Afghanistan"

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

The complaint

Stage 1

The complainant wrote to the BBC about its coverage of the recently published Defence Select Committee's Report. He said that there were many important concerns and findings raised by the report which were not covered by the BBC (as opposed, for example, to the Daily Telegraph which had published a detailed article on 17 July 2011 headed "Armed forces too weak to defeat Taliban").

In reply, BBC Audience Services explained that what was, or was not, included in the news was an editorial decision.

When the complainant expressed dissatisfaction with this response BBC Audience Services sought to reassure him that the report had been covered by BBC News. However, the complainant was able to demonstrate that the references made in the letter did not address the issues he had raised, which remained absent from BBC news coverage.

A further response was then sent by BBC Audience Services reiterating the BBC's belief that the report was sufficiently covered across the BBC's news output.

Stage 2

The complainant wrote to the Director of BBC News. In reply, the Head of Editorial Compliance and Accountability for BBC News detailed the BBC's coverage of the Defence Select Committee Report. She concluded that coverage online, on television and on radio was extensive, including various BBC One news bulletins and coverage on the News Channel. The complainant's suggestion that the BBC had acted as a "propaganda machine" was also rejected. The Head of Editorial Compliance and Accountability cited many examples of impartial coverage which showed how the war had taken its toll on UK forces and which had examined the conduct of the war.

Appeal to the BBC Trust

The complainant escalated his complaint to the BBC Trust, saying that he was dissatisfied with the Stage 2 response. He said that the essence of the report, plus the key facts, were not given sufficient exposure on mainstream, prime time television.

The Trust's Senior Editorial Strategy Adviser replied saying that in arriving at her decision it had not been necessary for her to consider what was and what was not included in the BBC news coverage of the Report. The reason for this was that the BBC Executive had full editorial and creative control over its output and the Trust had no authority to intervene in respect of such matters unless there had been a breach of editorial standards. As the appeal concerned what the BBC decided to include in its news reports and did not allege a specific breach of the editorial guidelines (such as inaccuracy or lack of impartiality), it was not possible for the Trust to consider the complaint further. This was in accordance with the terms of the Royal Charter which provided the constitutional basis for the BBC.

Accordingly, the Senior Editorial Strategy Adviser determined that there was no reasonable prospect of success for the appeal and it was not appropriate that it should proceed to the Trust for consideration.

The Senior Editorial Strategy Adviser also noted the points made by the complainant about the delays he had experienced in making his complaint, and she apologised on behalf of the Trust. In view of the fact that the delays had been recognised, and that the complainant had now received apologies from the Executive and from herself on behalf of the Trust, she felt it would be disproportionate to proceed with this matter further. She therefore considered this matter to have been resolved.

The complainant requested that the Board review the Senior Editorial Strategy Adviser's decision not to proceed with the appeal, saying that the BBC's coverage of the report was inaccurate and biased. He quoted various examples of how the BBC's reporting differed from the findings of the Select Committee.

The Panel's decision

The Panel was provided with the complainant's appeal to the Trust, the response from the Senior Editorial Strategy Adviser and the complainant's letter asking the Trustees to review the Senior Editorial Strategy Adviser's decision.

The Panel noted the complainant's view that the essence of the report, plus the key facts, was not given sufficient exposure on mainstream, prime time television. It noted the detailed evidence that the complainant had provided in support of his view. The Panel noted that the Head of Editorial Compliance and Accountability for News had argued that the coverage of the Defence Select Committee report had been extensive online, on television and on radio.

The Panel noted that the Trust's Senior Editorial Strategy Adviser had explained to the complainant that what was and was not included in the BBC's output was not a matter for the Trust as the BBC Executive had full editorial and creative control over its output.

The Panel noted that the complainant's appeal to the Trust had been based on the level of exposure given to the findings and facts contained in the Defence Select Committee Report, and specifically his view that these had not been given "the appropriate oxygen of publicity".

The Panel agreed that the BBC's choice of how to cover the DSC report fell within the category of editorial and creative output and was therefore the responsibility of the BBC Executive. The Panel agreed that there was no reasonable prospect of success for the appeal and it should not proceed to the Trust for consideration.

In considering the complainant's challenge to the Senior Editorial Strategy Adviser's decision, the Panel noted that the complainant had raised various points which he cited as examples of inaccuracy and bias in the BBC's coverage of the DSC report, including comparisons with coverage in the Daily Telegraph. The Committee considered that differences between the approaches to covering the report taken by the BBC and other news outlets was not necessarily evidence of bias on the part of the BBC.

The Panel noted that some of the specific issues mentioned in the complainant's challenge appeared to have been previously raised with the BBC, while some appeared to be new complaints which had not been raised before. In relation to the new points of complaint, the Panel noted that it could not consider these as it does not normally have a role in

handling or determining individual complaints in the first instance. It therefore agreed that, if the complainant now wanted to raise these points, he should raise them at the first stage of the complaints process. However, the Panel was mindful that, by the time the complainant would be informed of this, the revised BBC Complaints Framework would be in place, which provides that complaints about website articles will normally not be considered if they are made more than 30 working days after the date stamp on the page. The complainant would therefore be out of time for bringing these complaints. For this reason, the Panel agreed that the complainant should be allowed 30 working days from receipt of the Panel's decision to take any complaints he wishes to make about inaccuracy or bias in specific BBC content to the first stage of the process, if he has not already done so. The Panel agreed that this should also apply to complaints about the website and broadcast content. In relation to issues that had previously been raised with the BBC Executive, and were specific complaints about bias or inaccuracy in BBC content, the Panel considered that these would have to be escalated through the complaints procedure according to the usual timeframe.

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

Television Licensing

The complainant appealed to the Complaints and Appeals Board following the decision of the Trust's Head of Finance that the complainant's appeal did not qualify to proceed for consideration by the Board.

The Complaint

The complaint was about the decision taken by TV Licensing to prosecute the complainant for watching "live" television without a licence. The complainant was prosecuted, pleaded guilty and was found guilty in court of watching television without a licence. The complainant claimed that the decision to prosecute her was unfair and wanted the matter re-opened and withdrawn by TV Licensing.

The complainant went through Stages 1 & 2 of the TV Licensing Complaints & Appeals Procedures and received a number of responses from the BBC's Head of Revenue Management and Executive Board member responsible for TV licence fee collection.

The complainant appealed to the BBC Trust in April 2011. The appeal was made on behalf of the complainant by her MP. The complaint was initially rejected by the Trust Unit as the complainant had not met the time limit for appealing to the Trust following a Stage 2 decision.

The complainant contacted the Trust again in November 2011 and stated that she had not been able to meet the original deadline as she had been unwell. The complainant was therefore invited to resubmit her appeal.

The Chief Financial Adviser's decision

The Trust Unit reviewed the complainant's correspondence with TV Licensing and the BBC Executive, with the aim of determining whether there had been a serious breakdown in the BBC's collection procedures and, therefore, whether the appeal was one which would normally be considered by the Trust.

The Trust Unit did not find any evidence of a serious breakdown in collection procedures or any evidence of the BBC Executive handling the complaint poorly. The Trust's Chief Financial Adviser therefore decided there were no grounds to accept the appeal for Trust consideration as the appeal did not raise a matter of substance.

The Panel's decision

The Panel was provided with the complainant's letter of appeal to the Trust, the Chief Financial Adviser's decision and a letter of support for the complainant from a local councillor. The Panel was also provided with a paper setting out the background to the complaint and the points the complainant had raised in her appeal to the Trust.

The Panel noted the complainant's view that she had been treated unfairly by TV Licensing and the BBC in being prosecuted. The Panel noted in particular the points made by the complainant in explaining how she had come to be watching television without a license and why she had pleaded guilty in court.

The Panel also noted that in the supporting information the complainant had sent to the Trust Unit, she stated that she first contacted TV Licensing for help in paying for her TV

licence in May 2010. The Panel noted that the complainant said she spoke to a TV Licensing adviser and asked him to defer her Direct Debit payments, but claimed the adviser did not tell her that this would mean her TV licence would be cancelled.

The Panel noted, however, that this element of the complaint had not been raised as an issue before and that there was no record of the May 2010 telephone conversation. The Panel agreed that it would not consider this element of the complaint as it had not been previously raised with TV Licensing or the BBC Executive as part of the complaint process.

The Panel agreed that, as there was no evidence of error in the TV Licensing collection procedure and no evidence of the BBC Executive handling the complaint poorly, there were no grounds to accept the appeal for Trust consideration.

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