

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

May & June 2015 issued July 2015

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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; 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

Pre-broadcast – 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 complaint concerned plans for a new series. The complainant asked how the BBC could justify making another series when series one featured a company which had gone into liquidation owing him money.

The complaint was initially closed down by BBC Audience Services at Stage 1b but, following an appeal from the complainant to the Trust Unit, the Executive decided it wished to give a Stage 2 response.

Having consulted the production team on the complainant's behalf, a member of the BBC Television Complaints Management team responded at Stage 2 stating that the new series would aim to accurately set the scene for viewers before then following the company concerned in an observational capacity.

The Executive also explained that, as the complaint was about a series which had not yet been broadcast, the BBC was not prepared to make any further comment; however, if the complainant had concerns following the broadcast, the BBC would be happy to address these.

Appeal

The complainant appealed to the Trust Unit on 5 March 2015 saying that he was still concerned at the BBC's decision to continue with the filming for the new series, given that the company featured in the series owed thousands of pounds to creditors – including himself – and HM Revenue and Customs (HMRC).

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) carefully read the correspondence. She understood the complainant's situation – that a company that was likely to feature in future output had ceased trading, leaving many thousands of pounds owing to the complainant among others. While she was deeply sympathetic to the complainant's plight, she did not consider the appeal had a reasonable prospect of success.

She noted – as the BBC had done in its final response – that the BBC's Royal Charter drew a clear distinction between the role of the Trust, which determines the overall scope of the BBC's services and sets its standards, and that of the BBC Executive, which runs the Corporation and decides what to broadcast and publish.

The Adviser noted that having consulted the production team on the complainant's behalf, a member of the BBC Television Complaints Management team had sought to reassure the complainant that the new series would aim to accurately set the scene for viewers before then following the company in an observational capacity.

While the Adviser acknowledged the complainant's concerns, for the reasons outlined above she did not consider that this appeal had a reasonable prospect of success and she did not propose to put it before Trustees.

She noted that if the complainant still had concerns following the broadcast, it was open to him to pursue those concerns by opening another complaint at Stage 1 once the programme had been transmitted.

Request for review by Trustees

The complainant asked that Trustees review the decision of the Senior Complaints Adviser that the appeal should not proceed. He argued that the company concerned had changed its name, but still owed money to him, other creditors and HMRC. This was unfair to taxpayers.

The Panel's decision

The Panel observed that the Royal Charter sets out a division of responsibility between the BBC Executive and the BBC Trust. Trustees agreed that the decision whether to screen a programme or series and what to include in it was a decision for the BBC Executive. As the Royal Charter (article 38(1)(b)) sets out, "the direction of the BBC's editorial and creative output" is specifically defined 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 relates to a breach of the BBC's editorial standards.

The Panel also noted that the complainant would be free to complain post-broadcast.

The Panel did not consider that it was appropriate or proportionate to take this matter on appeal because the complaint was not a matter for the Trust. In other words, this appeal did not raise a matter of substance and it did not have a reasonable prospect of success.

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

iPlayer catch-up radio service and handling of complaint

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 complaint concerned the withdrawal of the iPlayer catch-up radio service from certain Smart TVs and "connected devices".

The complainant made the following points:

- He was unhappy with the removal of iPlayer radio content from connected devices in general and his Smart TV in particular.
- Audience Services had sent him a link to a blog by the BBC Executive Product Manager TV, on which more than 90% of comments were complaints about the removal of radio from the TV iPlayer – many by persons who had purchased a Smart TV specifically to have on-demand TV and radio.
- It was difficult to accept, and irrelevant, that the use of on-demand radio on TV was "consistently low". Radio 3 was acknowledged to have a minority audience. To remove radio from the TV iPlayer for this reason was a backward step, removed choice, and contravened the Trust's second and third strategic objectives.
- Audience Services' second response had merely repeated the official statement set out in its previous response, and had not specifically addressed the points he had raised.

BBC Audience Services made the following points:

- The separation of iPlayer Radio and TV reflected different needs between radio listening and TV watching.
- A significant proportion of the technology underlying iPlayer Radio and TV had been or was being replaced, because it was unreliable and/or too expensive to maintain. The previous systems needed to be rebuilt, leading to changes to iPlayer across all platforms.
- Approximately 8 million people per month used unconnected TVs to listen to BBC radio, but that service relied on old and unsupportable technology, which the BBC was planning to replace.
- The Smart TV application was one of the platforms affected by these changes. While the radio service was available on all other platforms, it was not currently available on Smart TVs.
- Live radio listening on TVs was very strong, whereas on-demand radio consumption on Smart TVs was extremely low.
- The cost of building an application for Smart TVs was significant, partly because of the large number of different TV platforms and the differences between them.
- The Head of R&M Product, Radio and Music, had therefore decided to end the catch-up radio service until a more cost-effective way of delivering it could be found.
- The BBC was looking at bringing back catch-up radio to Smart TVs, in the following ways:
 - On-demand radio listening could be made more suitable for TVs, by making it easier to find shows (via improved search and other mechanisms) and by intelligently suggesting content. The BBC was

working on these changes, and they would become available on web and mobile applications first, but the BBC was building them in such a way as to make it simpler to make them available on other platforms.

- The BBC had been working with the industry to simplify the process of building TV applications, by working on standard testing and functionality. The BBC continued to work hard on this, with the aim of driving down the costs of building applications for these platforms.
- The BBC had started work on the shared backend infrastructure, to make it cheaper to incorporate radio into Red Button+. That infrastructure would be shared with BBC web and mobile applications.
- The BBC had started work on defining the radio proposition on TV, whilst also reviewing the current service provided on “unconnected” (i.e., non-Smart) TVs.
- The BBC would then have to build, test and deploy these changes. This would most probably be part of Red Button+.
- The Head of R&M Product was therefore unable to indicate when the BBC expected to be able to provide on-demand radio to “connected” (i.e., Smart) TVs.

Appeal

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

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser, BBC Trust (the Adviser) acknowledged the complainant’s frustration that he could no longer access on-demand radio to his Smart television and that he did not have a time frame for when new technology would be introduced. However, she decided that the complainant’s appeal did not have a reasonable prospect of success.

The Adviser acknowledged that the complainant remained dissatisfied with the BBC’s responses. However, she noted that he had been given a considerable amount of information on the rationale behind the decision, and on the work that was being done to reinstate catch-up radio to Smart TVs. The Adviser also noted that the complainant had been informed that it was not possible to give him a date when catch-up radio would be available again.

The Adviser noted that:

- Article 38(1)(c) of the BBC’s Royal Charter states that the operational management of the BBC is the responsibility of the Executive Board
- Article 9(3) prohibits the Trust from exercising or seeking to exercise the Executive Board’s functions.

In the Adviser’s view, the provision of the iPlayer catch-up radio service to Smart TVs and other connected devices was a matter concerning the operational management of the BBC. It was therefore the responsibility of the Executive Board, not the Trust.

The Adviser then considered the complaint that the withdrawal of the iPlayer catch-up radio service from Smart TVs and other connected devices was a breach of the Trust’s second and third strategic objectives. The Adviser noted that these were:

- to innovate online to create a more personal BBC; and
- to serve all audiences.

The Adviser noted that the catch-up radio service had been withdrawn as part of a programme of technological updating, restructuring and innovation, that the service was still available on other platforms, and that this was an interim arrangement until a more cost-effective way of delivering the service could be found. The Adviser could not therefore agree that any potential breach of the Trust's strategic objectives had arisen.

With regard to the complainant's procedural complaint, the Adviser noted that Audience Services' first and second responses were pro forma or standard replies. In the Adviser's view, where a number of complaints were received on the same subject, it was an appropriate and cost-effective use of licence fee resources for Audience Services to send a standard reply to complainants, provided that the reply adequately addressed the points of complaint that had been raised. In the Adviser's view, Audience Services' standard replies were an adequate response to the complainant's concerns.

With regard to the complaint that Audience Services had sent duplicate replies, the Adviser noted that the complainant's initial contact (12 November 2014) was by telephone, while his second contact (1 December 2014) was by letter. The Adviser also noted the complainant's argument that he had written a letter because his attempt to follow the BBC's online complaints procedure was blocked when he selected "iPlayer" as the source of his complaint. The Adviser also noted that, immediately after Audience Services' initial reply, the complainant had initiated a parallel correspondence with the Trust.

The Adviser considered that, while it was unfortunate that duplicate responses had been sent, this was likely to have been as a result of the separate and overlapping complaints made about this matter. She considered Trustees would be likely to conclude the duplication was an understandable error and a relatively trivial one. She also noted that the complainant had subsequently received very detailed and helpful responses from the Head of R&M Product.

Taking all this into account, the Adviser considered that Trustees would be likely to conclude that the appeal did not have a reasonable prospect of success. She therefore did not consider it was appropriate, proportionate or cost-effective to proceed with the appeal and did not propose to put it before Trustees.

Request for review by Trustees

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

The complainant stated the following grounds:

1. To justify the removal of catch-up radio from the iPlayer of connected TVs as an "interim arrangement" and therefore not a breach of the BBC Trust's objectives was untenable. Catch-up radio was removed a year before and still there was no prospect of its being restored in the foreseeable future. Its removal before any prospect of a replacement was a breach of the Trust's objectives.
2. It was incorrect to state that this decision "was ... the responsibility of the ... [Executive] Board, not the Trust" because the Board was responsible to the Trust for meeting the Trust's objectives.

3. The Adviser's defence of issuing standard replies was only acceptable "provided (they) adequately addressed the points of complaint" but in the complainant's case it did not. It failed to answer the points about the removal of choice being a breach of the Trust's objectives, and about Radio 3 serving a minority audience.

4. The Adviser's response also completely omitted any mention of the Head of R&M Product's failure to reply to the complainant's enquiry of 22 January until 10 April and then only after he lodged his appeal on 31 March.

The Panel's decision

The Panel noted the points made by the complainant, the BBC and the Adviser.

The Panel noted that the Royal Charter draws a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General.

The Panel agreed that the removal of the catch-up facility from Smart TV was an operational matter. The Royal Charter (Article 38, (1) (c)) set out that the BBC's "operational management" was a responsibility of the Executive Board, and one in which the Trust did not get involved.

Trustees were aware that the strategic objectives the Trust had set for the Executive included:

- to innovate online to create a more personal BBC; and
- to serve all audiences.

The objectives covered far more than the provision of radio through Smart TVs. The Executive had withdrawn this service because:

- the cost of building an application for Smart TVs was significant, partly due to the large number of different TV platforms and the differences between them; and
- the Head of R&M Product, Radio and Music, had therefore decided to end the catch-up radio service until a more cost-effective way of delivering it could be found.

The BBC was looking at bringing back catch-up radio to Smart TVs, in the following ways:

- On-demand radio listening could be made more suitable for TVs, by making it easier to find shows (via improved search and other mechanisms) and by intelligently suggesting content. The BBC was working on these changes, and they would become available on web and mobile applications first, but the BBC was building them in such a way as to make it simpler to make them available on other platforms.
- The BBC had been working with the industry to simplify the process of building TV applications, by working on standard testing and functionality. The BBC continued to work hard on this, with the aim of driving down the costs of building applications for these platforms.
- The BBC had started work on the shared backend infrastructure, to make it cheaper to incorporate radio into Red Button+. That infrastructure would be shared with BBC web- and mobile applications.

Trustees did not agree that the Executive was failing to meet its objectives by withdrawing this service. As an operational issue, this was not a matter for the Trust.

The Panel noted the complainant's dissatisfaction with the standard replies he had received at Stage 1. Trustees agreed that standard letters are a cost-effective use of licence fee resources. Trustees noted the complainant's point that, as an avid listener of classical music on Radio 3, he objected to the suggestion that the use of on-demand radio was consistently low as this was an irrelevant reason for ending the service given Radio 3 audiences were a minority. Trustees agreed that there was no need to deal with individual arguments of this nature given the detailed and helpful strategic reasoning he had been given. In their view, the Adviser had provided a satisfactory response to his assertion that the Trust was in breach of its strategic objectives. The Panel agreed that the issuing of duplicate responses at Stage 1 was a relatively trivial matter and was not a matter of substance.

The Panel regretted that the complainant's final response was not answered until the complainant had appealed to the Trust. It noted, however, that this followed a considered reply in January and that an apology had been received. Trustees considered that this resolved the matter.

The Panel concluded that there was no reasonable prospect of success for an appeal, on the substance or complaints handling aspects of 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 Jonathan Ross standing in for Steve Wright

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 complaint concerned the decision to invite Jonathan Ross to be a guest presenter on BBC Radio 2, standing in for Steve Wright. The complainant made the following points:

- He did not want Jonathan Ross in BBC output, and he believed that the general public did not want this either. He was concerned that allowing him on air was a step to him being a regular presenter. The BBC did not consider the licence fee payer.
- He wanted to know why he was unable to reply to comments sent by Audience Services. He felt it was a waste of time to have to go through the whole online process again when he wanted to reply to an email from Audience Services.

BBC Audience Services made the following points:

- They acknowledged the complainant did not want Jonathan Ross on the BBC.
- They said that Jonathan Ross had apologised for his mistake and since that time had returned to Radio 2 for over a year after the incident, before leaving the BBC in 2010. He was an experienced and talented broadcaster, who over the years had attracted a strong following of fans. During his 10 years as a Radio 2 presenter he was very popular with audiences and the BBC hoped that during his recent few days standing in for Steve Wright listeners had enjoyed hearing him on the network.
- There were no current plans to bring Jonathan Ross back to Radio 2 permanently.

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

Appeal

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

Decision of the Senior Complaints Adviser

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

The Adviser acknowledged the complainant's views; however, she decided that the complainant's appeal did not have a reasonable prospect of success for the following reasons:

- A. The Adviser noted that the Royal Charter and accompanying Agreement between the Secretary of State and the BBC draw a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. "The direction of the BBC's editorial and creative output" and "the operational management of the BBC" are defined as duties that are the responsibility of the Executive Board under article 38, (1)(b) and (1)(c) respectively. The Adviser believed Trustees would consider that decisions about the employment of BBC presenters were editorial and operational and that responsibility for these decisions lay with the Executive rather than the Trust.
- B. The Adviser acknowledged the complainant's concerns about the BBC complaints handling procedure. She noted that the reason Audience Services ask people to use the webform, even when replying to an email they have sent, is because of the volume of audience contacts received and the need to ensure they can be efficiently tracked using the handling system. She appreciated this might 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. For more information, a report published by the Trust which tested the complaints system can be found at:
http://www.bbc.co.uk/bbctrust/news/press_releases/2014/mystery_shopping_2014.html

Overall, 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 asked that Trustees review the decision of the Senior Complaints Adviser. He repeated his substantive concerns in his request for review.

The Panel's decision

The Panel noted that the decisions concerning which presenters to use and whether to use a webform for complaints are for the Executive to take (as long as the use of a webform is consistent with the Complaints Framework and complaints procedures set by the Trust). As the Royal Charter (article 38(1)(b) and (c)) sets out, "the direction of the BBC's editorial and creative output" and "the operational management of the BBC" are specifically defined as the responsibility of the Executive Board.

The Panel did not consider that it was appropriate, proportionate or cost effective to take this matter on appeal because the choice of presenters and the use of webforms for complaints were not matters for the Trust to decide and the complainant had had reasonable replies from Stage 1 of the procedure. In other words, this appeal did not raise a matter of substance and it did not have a 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 an out of time complaint regarding Nick Robinson's referendum report

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 complaint concerned two news items featuring the BBC's Political Editor, Nick Robinson. The complainant made the following points in an email sent to BBC Trust Enquiries dated 27 September 2014:

1. In the first item, Nick Robinson had been reporting on a press conference given by Alex Salmond and had indicated that Mr Salmond had not answered his question. The complainant said that Mr Salmond did answer the question, but perhaps not quite as fully as Mr Robinson wanted. The complainant noted this output had been broadcast on a date near to 18 September 2014 in both the *News at Six* and *News at Ten*.
2. In the second item, Mr Salmond was walking outside being pursued by reporters and Mr Robinson had responded to Mr Salmond in a "very biased, aggressive tone/and what was actually said did not uphold the BBC standard of journalism". The complainant could not recall when this was transmitted, although it had taken place before the item referred to above.

He asked the Trust how he should make a formal complaint to the BBC. The Trust Unit responded on 8 October 2014 giving information about how to make a complaint through the BBC's complaints process.

The Trust Unit also directed the complainant to a general response from BBC News to complaints about Nick Robinson's report of Alex Salmond's press conference at <http://www.bbc.co.uk/complaints/complaint/alexsalmondrbsquestion> .

Stage 1a

The complainant made a formal complaint at Stage 1a on 25 November 2014. He stated that he was making this complaint as a Stage 2 complaint according to the complaint procedure as outlined from the Trust in its email of 8 October 2014.

Audience Services responded to his complaint on 30 November 2014.

Audience Services responded to the substance of the complaint and also explained that the complaint was still at Stage 1, not Stage 2, as the complaint submitted on 25 November was the first complaint to Audience Services via the complaints procedure. Therefore, according to the complaints procedure the complainant should receive a Stage 1 response before the complaint could be escalated to Stage 2, and the complainant could not bypass Stage 1 and go directly to Stage 2.

Stage 1b

The complainant made a follow-up complaint to Audience Services on 25 February 2015 via the Trust Unit.

Audience Services responded on 28 February 2015 and said that:

- As highlighted on the BBC Complaints website, return complaints must be made within 20 working days of the date of Audience Services' response; therefore the complaint was now out of time and would not be addressed further.

Appeal

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

The complainant made the following points in his appeal:

- The reason there was some delay in making his complaint was due to a family illness.
- His complaint went to the "very heart of BBC impartiality and balanced reporting and it is important if the BBC's integrity is to be maintained".
- His original complaint and several further emails were then exchanged in progressing the complaint and were all made within the required timescale.

Decision of the Senior Complaints Adviser

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

The Adviser acknowledged that the delay in the complainant escalating his concerns was due to a family illness and said she was sorry to read of this.

However, she noted that nearly three months had passed between Audience Services' Stage 1a response to the complaint on 30 November 2014 and the submission of the return complaint on 25 February 2015. This was well beyond the 20 working days stipulated in the complaints procedure. She noted that the timescales set out on the BBC Complaints Procedure were designed to allow the investigation of complaints to proceed efficiently; complaints became more difficult and costly to investigate the longer the interval between the broadcast and the complaint, due to factors such as staff moving on to work on other productions.

The Adviser noted that a considerable amount of resources had already been spent investigating this BBC News report by the Editorial Complaints Unit (ECU). The ECU had concluded that the output had not been biased and that the Political Editor had not intentionally misled audiences. However, it decided that the report had not been duly accurate.

The ECU normally puts its findings into the public domain when a complaint is upheld and a link to the finding in this case can be found here:

<http://www.bbc.co.uk/complaints/comp-reports/ecu/news6pm10pm11sept14>.

The Adviser noted that a number of complainants who had received this response from the ECU had gone on to appeal to the Trust as they considered the item was in breach of the Editorial Guidelines on Impartiality. Trustees had considered those complaints in their

meeting in April. [The Trustees' decision has since been published and is available on the Trust website, through this link:

http://www.bbc.co.uk/bbctrust/our_work/complaints_and_appeals/editorial]

The Adviser believed Trustees would believe it was neither proportionate nor cost effective to investigate the complaint further at this point. She also considered they would be likely to conclude that Audience Services had applied the terms of the complaints procedure appropriately in declining to consider the complaint further because it was out of time.

The Adviser noted that the complainant had not received a substantive response to the second element of his complaint. She noted the Complaints Framework had set out that complainants should identify the output and the time, date and service it was broadcast on. She noted that this requirement was intended to allow the complaints process to function smoothly and efficiently and she considered that on this matter too, Trustees would consider that Audience Services had acted reasonably in not responding on this point.

The Adviser therefore did not consider the appeal had a reasonable prospect of success and she did not propose to put it before Trustees.

Request for review by Trustees

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

The Panel's decision

The Panel was sorry to learn of the complainant's family illness. However, the Panel noted that the 1b reply came well beyond the 20 working days stipulated in the complaints procedure. The timescales set out in the complaints framework were intended to promote the efficient use of licence fee payers' money. The Panel noted that complaints about the press conference had been investigated by the ECU and partially upheld in relation to accuracy and had then been appealed to the Trust and admissibility had been considered by a Trust Committee. It would be a disproportionate use of resources to ask the ECU and Trust Committee to consider the matter again in relation to the complainant's points given he had been significantly outside the 20 working days allowed by the procedure.

The Panel took the view that Audience Services had acted reasonably in considering the further complaint "out of time". The Panel did not consider that it was appropriate, proportionate or cost effective to take this matter on appeal as it did not raise a matter of substance and it did not have a reasonable prospect of success.

The Panel 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 Weather reports

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 complaint concerned the BBC's weather reporting which the complainant believed was often unduly depressing. He made the following points:

- People planned their activities around weather reports and would decide not to do something if there was a poor weather outlook.
- The BBC's undue pessimism about the weather played a part in child obesity because people chose not to go outside as a result.
- He said that he understood that weather reporting was not always accurate, but please could the BBC be "more positive and uplifting" in its weather reporting.
- He asked the BBC to refrain from spending so much time telling people what the weather had been like already that day, and instead spend more time on actual forecasts of what was to come.

BBC Audience Services made the following points:

- They acknowledged the complainant's concerns and said the BBC tried very hard to produce a wide range of high quality news and weather reports to inform audiences.
- The BBC was confident that it was using the best source of forecast data, which was obtained from the Met Office – who have an extremely good record globally.
- The BBC did give feedback to the Met Office about audience concerns regarding weather reports.
- The BBC's role in weather reporting was to be neither "positive" nor "negative" but simply to report the forecast as accurately as possible. The nature of a "forecast" was that it was a "best guess" based on data and was not guaranteed.

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

Appeal

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

The complainant made the following points in his appeal:

- He believed the BBC website was regularly biased negatively in its weather forecasts which led to many people not taking part in outdoor activities that would help the campaign against obesity and lack of exercise.
- He sent many further examples of forecasts as evidence to support his complaint.

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) understood that BBC Audience Services had decided not to correspond further with the complainant after Stage 1. She decided that the point she should consider was whether the complainant's appeal against the decision of Audience Services not to correspond further had a reasonable prospect of success.

She considered that decisions about how to present the weather forecasts were operational ones, and that the operational management of the BBC was the responsibility of the BBC Executive rather than the Trust.

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

Request for review by Trustees

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

The complainant asked for common sense to be applied, and pointed out that the BBC London weather page on that day forecast dark cloud and heavy rain, but he was seeing sunny skies and no rain at the time of writing.

The Panel's decision

The Panel noted that decisions concerning the presentation and content of weather reports are decisions for the Executive under the Royal Charter, which sets out, at article 38 (1)(b) and (1)(c) that "the direction of the BBC's editorial and creative output" and its "operational management" are 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 editorial standards. Given that weather forecasts are simply forecasts the Editorial Guidelines on accuracy and impartiality were not engaged. Trustees did not agree with the complainant that BBC Weather had a responsibility to put a positive slant on weather reports.

The Panel did not consider that it was appropriate, proportionate or cost effective to take this matter on appeal because the matters raised at Stage 1 had received reasonable replies and were not matters for the Trust. In other words this appeal did not raise a matter of substance and it did not have a 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 sports presenters and coverage of climate change

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 made the following points:

- The BBC wasted money by sending too many journalists on location and by using too many presenters to read news bulletins.
- Some BBC output was repetitious - for example weather forecasts.
- Too many former sports men and women were employed by the BBC - often because they were famous rather than for their expertise as presenters. This contradicted the BBC's claim to be an equal opportunities employer.
- BBC science programmes reported man-made climate change as fact and failed to reflect all aspects of the debate.

BBC Audience Services made the following points:

- Providing value for money for the licence fee was a priority for the BBC. Programme makers working overseas and on location worked within a tight budget and produced their programmes as economically and efficiently as possible.
- It was inevitable that some listeners and viewers would not like certain presenters. Programme contributors and presenters were employed on the basis of their experience and talent and were only engaged if they were able to meet the specific demands required of them.
- The BBC was committed to impartial and balanced coverage of climate change and reflected the broad scientific agreement on the issue. The number of scientists and academics who supported the mainstream view far outweighed those who disagreed with it.
- The complainant was invited to provide specific examples of output where he felt that the BBC had been biased or factually inaccurate. These would then be investigated.

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

Appeal

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

Decision of the Senior Complaints Adviser

The Adviser noted that BBC Audience Services had decided not to correspond further with the complainant after Stage 1. She decided that the point she should consider was whether the complainant's appeal against the decision of Audience Services not to correspond further had a reasonable prospect of success.

The Adviser noted that the Trust was separate from the Executive Board which is led by the Director-General and which is responsible for the operational delivery of BBC services. Day-to-day decisions such as the employment of presenters were operational decisions and therefore were the responsibility of BBC management and were not issues in which the Trust would normally become involved.

In addition the Adviser noted the response from Audience Services which had explained to the complainant that the range of tastes and opinions held by the BBC audience were very varied and that views on individual presenters would therefore be likely to vary considerably. Sports commentators in particular, she considered, would attract a wide range of strong opinions.

She noted too that Audience Services had pointed out that presenters were engaged by the BBC not just because of their talent but also because of their experience. She considered this to be a particularly important consideration when employing presenters and commentators in specialist areas such as sport.

The Adviser then noted that the complainant felt that the BBC did not broadcast "open and honest debate" about man-made climate change. She acknowledged that he had included in his correspondence information which he felt supported his view that there was much to be debated about the issue. She noted that Audience Services had explained that the BBC reflected in its coverage the broad scientific agreement on the subject and had invited the complainant to refer to any specific output he had concerns about.

The Adviser noted that the direction of BBC editorial and creative output – which included the choice of stories which were covered – was the responsibility of the BBC Executive and not one in which the Trust would become involved unless it raised the possibility of a breach of editorial standards. She noted that the complainant had not referred to any specific examples of output that he considered might have breached the standards set out in the BBC's Editorial Guidelines.

The Adviser considered Trustees would be likely to conclude that BBC Audience Services had given a reasoned and reasonable response to the complaint and had acted appropriately in declining to enter into further correspondence. She therefore did not consider it was appropriate, proportionate or cost effective to proceed with the appeal as it did not have a reasonable prospect of success. The Adviser did not propose to put it before Trustees.

Request for review by Trustees

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

The complainant wrote on 12 May 2015 to record his disappointment with the Adviser's decision, maintaining:

1. Former sports people are chosen because they are famous, which denies talented non-famous presenters opportunities, and that this means that the BBC is not an equal opportunities employer.
2. Climate change consensus shuts down debate and that the BBC is too biased in its reporting.
3. The BBC uses too many news presenters, and that different programmes reporting the same story means that there is an overlap in the information provided. Sending reporting teams around the world when there are correspondents based there already presents poor value.

The Panel's decision

The Panel observed that the Royal Charter sets out a division of responsibility between the BBC Executive and the BBC Trust. Trustees agreed that the selection of presenters, staffing of news programmes and coverage of climate change were decisions for the BBC Executive. As the Royal Charter (article 38(1)(b) and 38(1)(c)) sets out, "the direction of the BBC's editorial and creative output" and its "operational management" are specifically defined as responsibilities 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. It would be disproportionate to take this further.

The Panel did not consider that it was appropriate, proportionate or cost effective to take this matter on appeal because the matters raised at stage 1 were not matters for the Trust and had received reasonable replies from BBC Audience Services. In other words this appeal did not raise a matter of substance and it did not have a 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 the BBC Midlands Today Twitter account

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 22 October 2014 and made follow-up complaints on 30 October, 5 November and 7 November 2014. He expressed his concern that BBC staff had blocked him on Twitter.

BBC Audience Services responded on 10 November 2014 stating that the member of BBC staff referred to by the complainant said she had no knowledge of allegations he had made; had not been involved with the complainant being "blocked" by other Twitter users and that her Twitter account was not a BBC one but a personal one. They said the programme received hundreds of emails, texts and messages every day and, unfortunately, could not reply to them all.

The complainant was not satisfied and believed *Midlands Today* should have replied to his questions about the identity of the day's news presenters. Audience Services responded on 30 November 2014, closing down the complaint.

Appeal

The complainant appealed to the BBC Trust on 29 December 2014 regarding:

1. The behaviour of a BBC member of *Midlands Today* staff whom he believed had told another worker to block his Twitter account. He considered he had not been given an honest response by the BBC.
2. He had not received a response to the question he asked *Midlands Today* via Twitter about the identity of the news readers. He thought Audience Services should have given him this information, but they were unwilling to do so.

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 decided that the appeal did not have a reasonable prospect of success.

The complainant appealed on the substance of his complaint regarding his Twitter account and his inability to get responses from *Midlands Today* staff. The Adviser noted, however, that BBC Audience Services had closed down the complaint. The Adviser 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 BBC had explained that the Twitter account used by the member of BBC staff in question was a personal one, it was not administered by the BBC and the BBC was not responsible for it. She also noted that the member of BBC staff in question denied the allegations made by the complainant.

The Adviser noted that the complainant was of the view that *Midlands Today* should have responded to his tweeted query about the identity of news presenters and that if they were too busy, then Audience Services should have found out the information on his behalf when he sent in his complaint.

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 did not consider there was any evidence to suggest that was the case here.

She believed that Trustees would be of the view that Audience Services had given a reasoned and reasonable response to the complaint and it was appropriate for them to say they could not correspond further on the matter. She therefore considered 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 asked that Trustees review the decision of the Senior Complaints Adviser that the appeal should not proceed.

The complainant wrote on 12 May 2015 to re-state his request to find out who presented the News on BBC Midlands Today on 16 September 2014.

The Panel's decision

The Panel noted that the BBC was not responsible for the way in which a personal Twitter account of a BBC staff member is administered.

It was observed that the Royal Charter sets out a division of responsibility between the BBC Executive and the BBC Trust. As the Royal Charter (article 38(1)(b) and (1)(c)) sets out, "the direction of the BBC's editorial and creative output" and its "operational management" are specifically defined as responsibilities 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.

The Panel did not consider that it was cost effective, appropriate or proportionate to take this matter on appeal. Trustees agreed that *Midlands Today* and BBC Audience Services had acted reasonably and proportionately in their handling of the complaint. The complaint was not a matter for the Trust. In other words, this appeal did not raise a matter of substance and it did not have a 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 the use of the term “the Prophet Muhammad”, BBC News

Complaint

The complainant made the following points:

- He was unhappy about the use of the term “the Prophet Muhammad”.
- He asked why the BBC felt “the need to elevate Muhammad to a higher standing than any other prophet by calling him “the Prophet”. The word “the” was giving the next word a sense of being greatest.
- He said that, to him, Muhammad was not “the Prophet” and he expected an impartial BBC to respect this.

BBC Audience Services made the following points:

- The BBC’s approach was guided by the fact that all Muslims would refer to Muhammad as the “Prophet Muhammad” or the equivalent in their respective languages. Usually, he was not called just Muhammad, and Muslims have kept that tradition alive in a very strong way.
- Accordingly the scripting of BBC News reports took into consideration how Muhammad was culturally referred to in both written and verbal form. Going further, this pattern was evident in other religions where a Sikh would always refer to Guru Nanak and not Nanak and a Hindu would always refer to Lord Ram or Shri Ram.
- Christianity did not seem to have the same uniform approach to Jesus; for example, he was not referred to with a title by all Christians as the other examples above. In fact, Muslims also referred to Jesus as the Prophet Jesus.

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

Appeal

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

The complainant made the following points in his appeal:

- He referred to the substantive concern described in his original complaint.
- He said that his original complaint was about using the term “the Prophet”, but the reply he received from Audience Services indicated that his complaint was not upheld because they believed the term “Prophet Muhammad” was acceptable.
- His complaint was about the term “the Prophet”, not “Prophet Muhammad”; he said these were two completely different terms. He believed this suggested that either Audience Services did not read his complaint fully, or misread the reasons for his complaint.

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) noted that Audience Services had ceased handling the complaint at Stage 1 and that the complaint had not gone to Stage 2. She decided that the point she should consider was whether the complainant’s appeal against

the decision of Audience Services not to correspond further had a reasonable prospect of success.

The Adviser decided that the complainant's appeal did not have a reasonable prospect of success.

She acknowledged the complainant's concern about the use of the term "the Prophet" when referring to Muhammad. She noted that he did not agree with the term "Prophet" being applied to Muhammad at all, but would find it acceptable if the BBC used the term "Prophet Muhammad" instead of prefacing it with "the" which he felt implied that Muhammad was the "greatest" prophet.

She noted the replies from Audience Services which sought to explain the BBC's use of the term "the Prophet Muhammad". She did not agree with the complainant that the BBC's terminology implied that Muhammad was the "greatest" prophet and she did not consider that she had seen any information which indicated audiences generally understood the term in the way he suggested. She noted Audience Services' response that BBC News reports took into consideration the cultural context of references to religious leaders and that they used the same approach with other religions.

She noted that decisions about such references were editorial ones made by BBC News teams. Under the terms of the Royal Charter the direction of the BBC's editorial and creative output was defined as a duty that was the responsibility of the BBC Executive Board rather than the BBC Trust.

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

Request for review by Trustees

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

In his email of 16 May 2015, the complainant set out his reasons for the request. He stated:

- His objection was to the term "The Prophet", rather than "Prophet Muhammad", which Audience Services had not specifically addressed.
- Audience Services therefore based their decision not to proceed on the wrong terminology.
- The correspondence was over complex. This should be addressed on the "grammatics".
- The audience would normally be composed of a higher number of non-Muslims than Muslims.
- "The Prophet" is a term used mainly by Muslims and only applies to Muhammad and not to other prophets.
- The BBC uses the full name when dealing with other religions' prophets, Gurus or Lords.
- He believed that the BBC used a term which implied superiority, and considered that supremacy and legitimacy were a matter of personal faith and that his own views should be respected.

The Panel's decision

The Panel noted the points made by the complainant, the BBC and the Adviser.

The Panel recognised that decisions about appropriate terminology in the BBC's output are a matter for the Executive under the Royal Charter, which sets out, at Article 38, (1) (b) that "the direction of the BBC's editorial and creative output" is a duty of the Executive Board and one in which the Trust does not get involved unless, for example, it relates to a breach of the BBC's editorial standards. Trustees did not agree that the use of the word "the" before "prophet" engaged the Editorial Guidelines as a point of general principle. It was a well-recognised term. Its use did not imply that the BBC was asserting the supremacy of one religion over another.

The Panel agreed with the Adviser that Audience Services had provided a reasoned and reasonable response to the complainant's concerns, and had acted appropriately in declining to enter into further correspondence. It was not appropriate proportionate or cost-effective to take this on appeal.

The Panel concluded that there was no reasonable prospect of success for an appeal.

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 Homes under the Hammer

Complaint

The complaint concerned the pronunciation of the place name, "Rhondda Valley". The complainant made the following points:

- The word "Rhondda" should have been spoken with the correct Welsh pronunciation of "Rhonthar".
- He wanted confirmation that the BBC was aware of the correct pronunciation.
- He expected the BBC to get the pronunciation right.
- He wanted to know why the BBC did not investigate the mispronunciation, and a guarantee that it would be pronounced correctly in future.
- He felt the mistake was insulting – especially when the BBC took trouble and care to pronounce the names of other international locations correctly.

BBC Audience Services made the following points:

- The BBC regretted mispronunciations and grammatical errors when these happened despite the best endeavours of experienced editors. The BBC tried to be as accurate as possible when pronouncing place names.
- They apologised if the BBC got the pronunciation wrong on this occasion.

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

Appeal

The complainant appealed to the BBC Trust on the substance of her complaint. He asked the Trust whether the BBC thought "the repeated incorrect pronunciation was the correct pronunciation".

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) noted the strength of the complainant's feelings; however, she decided that the appeal did not have a reasonable prospect of success.

The Senior Complaints Adviser (the Adviser) noted that Audience Services had ceased handling the complaint at Stage 1 and that the complaint had not gone to Stage 2. She decided that the point she should consider was whether an appeal against the decision of Audience Services to end the correspondence had a reasonable prospect of success.

The Adviser noted that the complainant had requested confirmation that the BBC knew how to pronounce the place name "Rhondda" correctly and had stated that the correct pronunciation should be Rhon-thar, not Rhond-da.

The Adviser noted that the BBC's Pronunciation Unit gave the following recommended pronunciation: "RON-dhuh (-dh as in there)". She noted that this was broadly in line with the pronunciation preferred by the complainant. However, she noted that the

Pronunciation Unit's database also allowed for variations in pronunciation – for example where anglicised variations had become widely used – and in this instance, it included the anglicised pronunciation: "RON-duh (-d as in day)". She sought further information from the Unit, which responded:

"The pronunciation RON-duh is attested, alongside the Welsh-like pronunciation, in the following British dictionaries: the Longman Pronunciation Dictionary, the Cambridge English Pronouncing Dictionary (both specialist pronunciation dictionaries) and Collins Online.

"...Where more than one pronunciation is established, the Pronunciation Unit would not attempt to prohibit the use of a pronunciation which is widely accepted (and codified) as a legitimate variant in British English. Where we would draw the line would be in cases where a pronunciation is considered to be incorrect or stigmatised, for example, the pronunciation of 'nuclear' as NYOO-kill-uhr instead of NYOO-kli-uhr or 'mischievous' as miss-CHEE-vi-uhss instead of MISS-chiv-uhss."

"There are many British place names which have more than one pronunciation. In some cases, the local pronunciation is at odds with the accepted national pronunciation. In other cases, there is more than one pronunciation accepted locally – and pronunciations can also change over time so we constantly revisit our database recommendations and update them as new information comes to light."

The Adviser hoped this information was helpful; while it recommended the pronunciation preferred by the complainant, it noted that an anglicised pronunciation was also acceptable. The Adviser noted that Audience Services had acknowledged the complainant's concern and apologised if a mistake had been made. She noted that decisions about pronunciation in BBC output were editorial ones made by BBC programme makers. Under the terms of the Royal Charter the direction of the BBC's editorial and creative output was defined as a duty that was the responsibility of the BBC Executive Board rather than the BBC Trust.

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

Request for review by Trustees

The complainant requested a review by Trustees on several grounds, but mainly because "the 3rd complaint was not looked at by the BBC at all".

He stated that the "the incorrect 'RonDar' pronunciation is not accepted locally"; rather, it is "of great irritation locally and across Wales".

He objected to a lack of acknowledgement that the pronunciation was wrong, commenting: "in fact the phrase '...if the pronunciation' was wrong. It seems that the BBC believes it is acceptable as an anglicised pronunciation, this was my suspicion".

The Panel's decision

The Panel noted the points made by the complainant, the BBC and the Adviser.

The Trustees agreed this was a sensitive matter in the context of the United Kingdom and its devolved nations. There was a Welsh pronunciation and an anglicised one and both were deemed acceptable by the BBC's pronunciation unit. However, Trustees understood that to someone who used the Welsh pronunciation the anglicised version would feel wrong.

However, the Panel also noted that the matter of pronunciation is the responsibility of the Executive Board alone. 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. This did not engage the Editorial Guidelines.

The Panel therefore concluded that, were the complaint to come to it on appeal, there was no reasonable prospect of it upholding the complaint. It was not appropriate to take this on appeal.

However, the Panel did note that the pronunciation policy set out that matters regarding pronunciation should be reviewed on a regular basis. Trustees would write to the Director of BBC News and ask him to consider whether this decision requires a review¹.

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

¹ As this matter was cross-divisional, the Trust Unit wrote to the BBC's Chief Complaints Adviser instead of the Director, BBC News on behalf of the Board.

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

Complaint

The complainant said that the BBC had failed to cover stories relating to unemployment and the job search market. He detailed in his complaint a list of subjects he said had been ignored by the BBC. These included stories relating to Jobcentre Plus closures, the misuse by employers of the minimum wage, job creation, apprenticeships and problems dealing with recruitment agencies. The complainant outlined difficulties he had experienced when searching for articles about unemployment on the BBC website.

BBC Audience Services made the following points:

- Not everyone would agree with the BBC's choices on which stories to cover. These were subjective decisions made by news editors and the BBC accepted that not everyone would think that they were correct on each occasion.
- Several factors were taken into consideration when deciding how to put together news output. These included whether the story was new and required immediate coverage, how unusual the story was, and how much national interest there was in the story.
- They pointed to a few recent examples where the BBC website had covered news relating to Jobcentre Plus, benefits sanctions and the minimum wage and articles relating to unemployment as part of the BBC's general election coverage.
- They noted that the BBC News website acted as an archive and the complainant should be able to find stories using the search box on the site.

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

Appeal

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

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) noted that Audience Services had ceased handling the complaint at Stage 1 and that the complaint had not gone to Stage 2. She decided that the point she should consider was whether the complainant's appeal against the decision of Audience Services not to correspond further had a reasonable prospect of success.

The Adviser decided that the complainant's appeal did not have a reasonable prospect of success.

She acknowledged the difficulties and frustrations the complainant had experienced in searching for a job.

The Adviser noted, however, that issues relating to the choice of stories that the BBC covered were editorial and creative decisions which were the responsibility of the BBC's Executive Board and not a matter for the BBC Trust unless they involved a breach of editorial standards. She noted that such decisions were matters where news editors were

free to exercise editorial judgment and that it was bound to be the case that not everyone would agree with each decision.

She also noted that Audience Services had directed the complainant to several stories on the BBC website which were related to unemployment. One of these featured the naming of 48 employers who had paid their workers less than the minimum wage; one explained how the jobless figures are calculated and one was a Reality Check article on the Election 2015 pages which examined government claims that it had created 1,000 jobs a day since it took office in 2010. The Adviser also noted that there was a Reality Check article which looked at the creation of apprenticeships.

She noted the complainant would have preferred there to be more coverage of these subjects, but she considered Trustees would not agree that the BBC had ignored the range of stories mentioned in the complaint.

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

Request for review by Trustees

The complainant asked that Trustees review the decision of the Adviser that the appeal should not proceed.

He felt that "despite repeatedly showing proof of the way that the unemployed have been treated the BBC STILL refuses to publish the whole set of issues, so the viewer gets the full facts". He highlighted the following topics as being under-reported on BBC News: Jobcentre Plus closures, sanctions that are unfair and used to better the statistics, and ONS statistics.

The Panel's decision

The Panel noted the points made by the complainant, the BBC and the Adviser.

Trustees understood that the complainant found BBC coverage of unemployment to be lacking.

However, the Panel noted that decisions concerning news coverage would be 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 a duty of the Executive Board. The Trust does not get involved, unless, for example, such a decision relates 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's Editorial Guidelines had been breached.

The complainant had received reasoned and reasonable replies. It was not appropriate, proportionate or cost-effective to take the complaint on appeal.

The Panel concluded that there was no reasonable prospect of success for an appeal.

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 seating arrangements for BBC Breakfast presenters

Complaint

The complaint concerned seating arrangements for presenters on *BBC Breakfast*. The complainant made the following points during her correspondence with the BBC:

- She queried why the male presenter always sat so that he appeared on the left-hand side of the screen.
- She considered the pattern was so well established that it was not accidental.
- She acknowledged that the BBC said it was committed to equal opportunities, but considered that this did “not justify seating presenters on the basis of their sex”.
- She queried who was responsible for the policy.
- She asked for the reasoning behind it.

BBC Audience Services made the following points in response:

- They assured the complainant that there was no policy of seating presenters in a particular position on the basis of their sex.
- The BBC was committed to equal opportunities for all, irrespective of ethnic or national origins, gender, marital status, sexuality, disability or age.
- In selecting contributors and staff, the BBC aimed to employ those with the most suitable talents for the role.
- They regretted that the complainant felt the need to complain and hoped this helped to clarify the situation.

Audience Services said they had nothing further to add and did not consider the complaint raised a significant issue of general importance that justified further investigation.

Appeal

The complainant appealed to the BBC Trust on the substance of her complaint. She said her questions had not been answered and she wished to know who had decided the policy to seat presenters according to their sex and what was the reason behind it. She considered the policy was “biased”.

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) noted that Audience Services had ceased handling the complaint at Stage 1 and that the complaint had not gone to Stage 2. She decided that the point she should consider was whether the complainant’s appeal against the decision not to correspond further had a reasonable prospect of success.

The Adviser acknowledged that this was a point the complainant felt strongly about; however, she considered her appeal did not have a reasonable prospect of success.

She noted that the complainant considered she had identified a seating pattern in which the male *BBC Breakfast* presenter always sat so that viewers saw him on the left-hand side of the screen. She noted that Audience Services had explained that it did not have a policy in relation to the seating pattern of *BBC Breakfast* presenters.

The Adviser noted that decisions about programme sets, including seating arrangements, were operational matters that rested with the BBC rather than the Trust.

While she noted that the complainant considered the policy was indicative of "bias" the Adviser had not seen any information which supported this suggestion.

She considered Trustees would be likely to conclude that Audience Services had given a reasoned and reasonable response to the concerns that had been raised and, in the interests of all licence fee payers, had behaved appropriately in deciding to close the correspondence. She therefore did not consider it was appropriate, proportionate or cost-effective to proceed with the appeal as it did not have a reasonable prospect of success. The Adviser did not propose to put it before Trustees.

Request for review by Trustees

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

The complainant provided what she felt was additional evidence to support her opinion that the seating arrangement was not happening "by accident". She suggested that the left side, according to ancient belief, was thought to be sinister and associated with evil, and that the practice of seating women to the left of men is a consequence of this belief. She felt that this arrangement on *Breakfast* was therefore inappropriate and placed women in an out-dated stereotypical role.

The Panel's decision

The Panel noted the points made by the complainant, the BBC and the Adviser.

The Panel considered this issue was trivial. In any event "the operational management of the BBC" which would include the seating for presenters, is a duty that is the responsibility of the Executive Board (Royal Charter, Article 38, (1) (c)).

It was not appropriate, cost-effective, or proportionate to take this appeal. The Panel concluded that there was no reasonable prospect of success for an appeal.

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 changes to the BBC website

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 BBC Trust received two appeals from complainants who expressed dissatisfaction with the responses received at Stage 1 regarding changes to the BBC website. In the interests of an efficient use of the licence fee, one consolidated reply was sent.

The complainants made the following points:

- They disliked changes made to the BBC Homepage and the BBC News website.
- The BBC ignored feedback from users on the changes which were disliked by the vast majority.
- Not enough research had been carried out by the BBC before the changes were made and questions were raised about the size and the make-up of the test audience.

BBC Audience Services made the following points:

To answer concerns about the Homepage:

- Complainants were directed to a blog by the Senior Product Manager which detailed the reasoning behind the new layout.

To answer concerns about the BBC News website:

- Complainants were directed to two blogs by the Senior Product Manager. One set out the changes and one looked at reaction from readers.
- Changes and improvements to the BBC News website were being made incrementally.
- The volume and content of articles had not changed.
- There was a lower volume of video being promoted on the section pages compared with the old design.
- Further changes would be made to the breaking news banner and to the links to the Nations pages to improve navigation.
- Quick links would be added to the live TV and Radio channels.
- The new responsive News site was more cost-effective as only one site was necessary which adapted itself to the size of the screen it was being viewed on.
- Feedback was being taken seriously and the BBC was continually trying to improve the services.
- The design of the News website itself was tested thoroughly with thousands of real users globally before the launch. They outlined the programme of research.

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

Appeal

The complainants appealed to the BBC Trust on the substance of the complaint.

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) noted that Audience Services had ceased handling the complaint at Stage 1 and that the complaint had not gone to Stage 2. She decided that the point she should consider was whether the complainants' appeals against the decision of Audience Services not to correspond further had a reasonable prospect of success.

The Adviser decided that the appeals did not have a reasonable prospect of success.

The new BBC Homepage

The Adviser noted that the blog by the Senior Product Manager (which had been written when the new version had been released on mobile) outlined in detail the changes that had been made, the reasons for them, the road-testing that the BBC had carried out and some of the features which would be introduced in the future.

The new BBC News website

The Adviser noted that the blog by the Senior Product Manager explained in some detail the reasons for the introduction of the new responsive design, including its cost-effectiveness and its improved layout. The blog also set out some of the comments which had been received and went through some of the changes made in response to feedback from users.

The Adviser noted also that the BBC had sought to reassure complainants that feedback was being taken on board and that "this is an ongoing process with further updates to be made". The blogs referred to by Audience Services in their responses had been closed to further comments, and users had been making comments via the Points of View message board.

The Adviser noted that to address concerns about how much testing had been carried out among users before the changes were introduced, Audience Services had outlined the programme of research. This she noted included detailed usability testing with 125 participants and two rounds of surveys with 240 participants. These participants had been recruited using an external agency. Another test involved over 2,000 users recruited from both inside and outside the BBC.

Looking at the various responses sent by Audience Services, the Adviser considered that these replies to the complainants had been comprehensive and had sought to be transparent in seeking to address the issues raised.

In addition the Adviser noted that the changes which had been made to the BBC website were part of the operational management of the BBC. She noted that operational decisions rested with the Executive Board rather than the Trust. The Trust only became involved if the decisions raised broader issues such as a breach of a station's Service Licence – which the Adviser considered had not applied in this case.

Taking this into account the Adviser considered Trustees would be likely to conclude that BBC Audience Services had given a reasoned and reasonable response to the complaint and had acted appropriately in declining to enter into further correspondence. She

therefore did not consider it was appropriate, proportionate or cost-effective to proceed with the appeal as it did not have a reasonable prospect of success. The Adviser did not propose to put it before Trustees.

Request for review by Trustees

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

The complainant stated in his email of 25 May 2015 that he felt that many of the comments posted to the BBC blog posts about the website changes had been ignored, and that when the numbers surpassed 1,100 comments, the blog posts were closed down. He pointed out that there was a discrepancy in the numbers of people who tested the new pages, given in the Senior Editor's blog post, compared with the response from BBC Audience Services.

He objected to the "avenues of complaint" being shut down as being undemocratic, and pointed to the large volume of complaints as being a good reason for the Trust to consider the appeal.

The Panel's decision

The Panel noted the points made by the complainant, the BBC and the Adviser.

The Panel agreed that the changes to the BBC website were an operational matter. Audience Services had provided replies which gave reasons for the changes and the testing that had taken place albeit they did not satisfy this complainant and others. Trustees noted the complainant stated that the original blog had said testing had taken place with eight people, but Trustees considered fuller information had been provided later; however, they agreed that this was not significant.

The Panel noted that the Royal Charter (Article 38, (1) (c)) sets out that the BBC's "operational management" is a duty of the Executive Board and one in which the Trust does not get involved unless, for example, it relates to a breach of the BBC's editorial standards.

The Panel did not consider there was anything to suggest a breach of the BBC's editorial standards in this case and so it did not consider that it was appropriate, proportionate or cost-effective to take this case on appeal. The appeal had no reasonable prospect of success

The Panel therefore agreed that the appeal did not have a reasonable prospect of success and did not qualify to proceed for consideration.