

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

November 2014 issued February 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

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

Pointless, BBC One, 20 August 2014

The complainant requested that the Complaints and Appeals Board (CAB) review the decision of the BBC Trust's Senior Complaints Adviser that the complainant's appeal concerning episode 60 of *Pointless* did not qualify to proceed for consideration on appeal.

The BBC had received a number of complaints about the relevant episode of *Pointless* and decided to consider the complaints together in accordance with the Editorial complaints and appeals procedure. The progress of the complaints through the BBC system is summarised below.

Complaint

A number of complainants contacted the BBC; they were unhappy that a repeat broadcast of *Pointless* episode 60 from series 7, 2012, which showed the jackpot being won, had not been broadcast. Instead episode 59 was followed by episode 61 and featured new contestants.

The BBC sent a consolidated response to the complainants stating:

"We have been asked why episode 60 from series 7 was not repeated within the current re-run of the series. In order to make the best use of licence fee resources we are sending the same response to everyone to explain why, but we apologise in advance if it doesn't address your specific points in the manner you would prefer.

"As mentioned above, this is a run of repeats that were originally broadcast in 2012. Following this episode's original broadcast in 2012, a query was raised around the phrasing of one of the questions. This had no bearing on the outcome of the show, but on balance we decided it was best not to repeat the episode.

"This decision was made because accuracy is of the utmost importance on *Pointless*, but we apologise for any confusion caused and for any disappointment if you were looking forward to seeing the jackpot being won."

The complainants were not satisfied with this response and made further complaints at Stage 1b making the following points:

- One complainant felt that an inaccuracy was not a sufficient reason not to show the programme.
- One complainant thought consideration for BBC viewers was just as important as accuracy.
- Two complainants felt the audience had been misled and were annoyed that no information was given in advance about the change of episode and the reason for it. One complainant said he felt that if the BBC had been courteous and informed viewers beforehand, it would probably have prevented complaints.

- Two complainants wanted to know what happened to the jackpot prize money, wondering if there had been some deception and it had been 'pocketed' by someone.
- One complainant asked the BBC to repeat the episode, or failing that, send him a copy of it.

Audience Services sent a consolidated Stage 2 response to the complainants. This included the views of the Commissioning Editor of *Pointless*, who stated:

"Thank you for taking the time to contact us again about episode 60 of *Pointless*, which was not broadcast in the repeat run of series 7.

"You may be already aware, but a number of viewers contacted us about this. We are sorry to hear that our decision disappointed you. It is clear that the *Pointless* audience has a vested interest in who wins any jackpot, and perhaps even more-so when it gets to this size. The decision to not show this episode was not an easy one, but the deciding factor for us was that *Pointless* is a quiz show and therefore accuracy is paramount. I appreciate you may continue to feel that we made the wrong decision, but all I can assure you is that we will closely consider any future decisions in light of the feedback received on this occasion."

Appeals

Four complainants appealed to the BBC Trust asking for the Stage 2 decision not to uphold their complaints to be reviewed. They made the following points:

- One complainant said he thought the BBC was being dishonest and nothing would convince him that the BBC paid out the jackpot to a contestant. He wanted the programme repeated as planned, especially as it had never been shown in Scotland at all.
- One complainant said he would never watch *Pointless* again as he felt so let down. He said the decision not to show the episode was wrong. He felt the programme should have been monitored more strictly for mistakes. He also said that he had noticed mistakes on the programme in the past but had not bothered to complain.
- One complainant said it was the second time he had submitted a complaint about such a situation on *Pointless*.
- One complainant was not happy that, in the consolidated Stage 2 response, the BBC had not addressed his point (which he had raised in his second contact with the BBC) that it would have been courteous to give viewers information about the reason for the cancelled broadcast in advance.
- One complainant said he believed the vast majority of people would have preferred to see the episode as planned, even with the inaccuracy, and thought an on-screen explanation could have been given informing viewers about the 'dodgy' question.

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) carefully read the correspondence that had passed between the complainants and the BBC. She acknowledged that all complainants

had been regular viewers of the programme and had felt significantly disappointed and let-down by not being able to see the episode in question. She had a good deal of sympathy with them over this; however, she decided that the appeals did not have a reasonable prospect of success.

She acknowledged that some complainants considered that the programme should have been shown as planned, possibly with an accompanying explanation for viewers about the inaccuracy.

She noted that some complainants believed the end result of not showing the episodes in sequence was more misleading to viewers than showing an episode which contained an inaccuracy.

However, the Adviser noted that the Royal Charter and the accompanying Agreement between the Secretary of State and the BBC drew a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. "The operational management of the BBC" is specifically defined in the Charter (article 38(1)(c)) as a duty that is the responsibility of the Executive Board, and one in which the Trust does not usually get involved unless, for example, it raised broader issues such as a breach of a station's Service Licence.

The Adviser considered that decisions relating to schedule changes were day to day operational matters and responsibility for these changes rested with the BBC Executive rather than the Trust.

She therefore considered it would not be appropriate for Trustees to consider the substance of the complaint because it related to an operational decision about scheduling, which was a matter for the Executive.

The Adviser noted that the Editorial Guidelines on Accuracy were designed to prevent audiences being misled by inaccuracies in programmes, and that it was a programme inaccuracy which had led to the decision by the BBC Executive not to show the programme in question.

She noted the programme's Commissioning Editor had explained this in the Stage 2 response – and had also stated that if a similar situation occurred in future, she would bear in mind the views that had been expressed by the complainants that they would have preferred to see the episode re-broadcast with an on-screen correction.

The Adviser noted that one complainant considered the decision not to show the episode with the jackpot being won indicated the BBC had been dishonest and had either not awarded the money, or someone had 'pocketed it'. She noted that the programme was a repeat of a broadcast from 2012 in which the contestants had won the jackpot. She considered she had not seen any evidence to suggest the money had not been given to the contestants at the time of the original transmission.

She considered that Trustees would be likely to conclude that the Executive had made the decision not to show episode 60 because of a concern that it did not meet the BBC's editorial standards for accuracy. Subsequent responses at Stage 1 and Stage 2 had sought to give a reasoned and reasonable explanation for the thinking behind the decision and had apologised for the confusion and disappointment caused to viewers. However, the decision was one which rested with the Executive rather than the Trust, and she did not consider it was appropriate for Trustees to consider the matter on appeal.

Request for review by Trustees

A complainant asked that Trustees review the decision of the Senior Complaints Adviser that the appeal should not proceed. He argued that common sense should have been used and that instead of scrapping the episode, there should have been a notice on screen, or a verbal announcement, to explain what had happened, rather than not show the episode. He reiterated his view that the decision not to screen the episode was incorrect and he criticised the Adviser's decision.

The Panel's decision

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

It was 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 was a decision for the BBC Executive. As the Royal Charter (article 38(1)(b) and article 38(1)(c)) set 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 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.

Decision of BBC Audience Services not to respond further regarding a complaint about the BBC's decision not to report on the 2014 protest march against Monsanto.

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 wrote to the Director-General of the BBC on 2 July 2014 to complain about the lack of news coverage of a march against Monsanto which took place on 24 May 2014. He said that this was "indicative" of "support for Monsanto". The complainant included in his letter detailed information and numbered references concerning the scientific background to GM crops which he felt supported his claim that the BBC should have covered the protest march.

The complainant also referred in his original letter to previous complaints sent to the BBC on 3 and 17 June 2013 about what he stated was "the failure" of the BBC to cover the protest march against Monsanto the previous year in May 2013. In this case, following the decision of Audience Services not to reply further to the complainant at Stage 1 regarding the BBC's decision not to report on the protest march, the complainant appealed to the BBC Trust on 26 September 2013. The Senior Editorial Adviser wrote to the complainant advising him that his appeal would not be put before the Trustees as she did not consider it would have a reasonable prospect of success. The complainant requested that this decision be reviewed by Trustees. The Trustees, however, agreed on 23 January 2014 that the appeal did not have a reasonable prospect of success and therefore did not qualify to proceed for consideration.

The complainant's letter to the Director-General was passed to Audience Services who replied on 10 July 2014. Audience Services stated:

"BBC journalists are well aware of our commitment to impartial reporting. They are expected to put their own views to one side when carrying out their work for the BBC. They seek to provide the information which will enable viewers and listeners to make up their own minds; to show the political reality and provide the forum for debate, giving full opportunity for all viewpoints to be heard.

"The BBC has reported on Monsanto and on GM crops both before the march and afterwards. We appreciate you would have liked to have seen more coverage of this particular demonstration. We know that not everyone will agree with our choices on which stories to cover, and the prominence that we give to them. These are subjective decisions made by our news editors, and we accept that not everyone will think that we are correct on each occasion."

The complainant responded on 14 July 2014 stating that the response had not addressed his concerns. He also expressed dissatisfaction that his letter to the Director-General had been passed to Audience Services for response. He requested that his letter be put before the BBC Trust if the Director-General was not going to be provided with it.

Following further correspondence with BBC Complaints, the complainant was informed that BBC Complaints was not able to take his complaint further and that he should appeal to the BBC Trust if he remained dissatisfied.

Appeal

The complainant appealed to the BBC Trust on 18 August 2014. The complainant appealed on the substance of his complaint, that the BBC had failed to cover the protest march against Monsanto on 24 May 2014 and that this omission was “indicative” of the BBC’s support for Monsanto.

In his letter of appeal the complainant also raised issues regarding other aspects of the GM food debate from 2012 and 2013 which he felt had not been covered sufficiently well by the BBC. Specifically these related to:

- A public briefing in September 2012 on the apparent adverse effects of GM maize which was not covered by the BBC.
- A “damning report” in the New York Times concerning the overriding commercial interests of GM crops which was not covered by the BBC.
- The BBC’s failure during an interview to question the then Environment Secretary about the 2013 march against Monsanto.
- The BBC’s failure to cover the 2013 protest march.

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) decided that the complainant’s appeal did not have a reasonable prospect of success.

The relevant correspondence was reviewed by the Trust Unit. The Adviser also carefully read the correspondence that had passed between the complainant and the BBC and she acknowledged the strength of the complainant’s feelings.

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

The Adviser noted that the Royal Charter and the accompanying Agreement between the Secretary of State and the BBC drew a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. “The direction of the BBC’s editorial and creative output” was specifically defined in the Charter (Article 38 (1)(b)) as a duty that was the responsibility of the Executive Board, and one in which the Trust did not get involved unless, for example, it related to a breach of the BBC’s editorial standards which did not apply in this case. Decisions relating to which news stories would be covered and when, fell within the “editorial and creative output” of the BBC and were the responsibility of the BBC Executive.

The Adviser also noted that Audience Services had responded to the complainant explaining that the choice of news stories on any given day is a subjective decision made by BBC news editors:

“We know that not everyone will agree with our choices on which stories to cover, and the prominence that we give to them... and we accept that not everyone will think that we are correct on each occasion.”

The Adviser further noted that although the protest march had not been covered on 24 May 2014, Audience Services had assured the complainant that the BBC had reported on Monsanto and on GM crops both before and after this event.

The Adviser then noted that the complainant had raised some additional points in his appeal concerning elements of BBC coverage of Monsanto and the GM debate which related to 2012 and 2013.

However, the Adviser noted that the Complaints Framework clearly set out that complaints had to be answered in the first instance by the Executive and that complaints had to be made within thirty days of the broadcast or publication of the output in question. In this instance, the concerns about different elements of BBC output had not been made within that time frame and had not been addressed by the BBC.

In addition the Adviser noted that the additional point raised by the complainant which related to the lack of coverage of the protest march against Monsanto in 2013 had already been addressed by both the BBC in previous correspondence and by the BBC Trust at appeal.

Therefore, the Adviser considered it would not be appropriate for Trustees to consider these elements of the complaint.

The Adviser also acknowledged that the complainant had been unhappy that his complaint had not been addressed by the Director-General himself but that it had been forwarded to Audience Services for reply. She noted that although the BBC had not addressed this point in recent correspondence, it had been explained to the complainant during his previous correspondence with Audience Services in 2013 how letters to the Director-General were handled. In their response of 18 June 2013 Audience Services had stated:

“As we’re sure you’ll appreciate, the Director General receives more correspondence than he can deal with personally, so once letters have been read by his office they are forwarded to us so we can respond on behalf of the BBC’s management.”

The Adviser considered this was in line with the complaints framework.

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 that his appeal should not proceed for consideration. He disagreed with Audience Services that “The BBC has reported on Monsanto and GM crops both before the march and afterwards” in terms of “meaningful broadcasting”. He noted a series of matters, including a campaign by the Secretary of State for the Environment and Rural Affairs, that he felt that the BBC had either not reported or scrutinised. He further noted the lack of debate “...on the threat that glyphosate based herbicides pose on the sustainability of soil fertility”.

He highlighted three scientific reports published in 2013 and 2014 on the subject of glyphosate, arguing that the BBC ought to report this research.

The Panel's decision

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

The Panel noted that the decision concerning which news stories to cover is for the Executive to take. As the Royal Charter (article 38(1)(b)) sets out, "the direction of the BBC's editorial and creative output" is specifically defined as the responsibility of the Executive Board.

The Panel agreed that additional points raised about BBC content in 2012 and 2013 did not raise a matter of substance for the Trust as they were matters raised beyond the time limits set out in the complaints procedure.

It was also observed that the complainant had raised additional points which related to the lack of coverage of the protest march against Monsanto in 2013. The Panel noted that the matter had already been addressed by both the BBC in previous correspondence and by the BBC Trust at appeal. Therefore, this aspect of the complaint did not raise a matter of substance.

Trustees therefore agreed with the Adviser and her reasoning, that it would not be appropriate for Trustees to consider these elements of the complaint.

Trustees noted that the complainant considered the absence of coverage of the 2014 march was indicative of "the BBC's complicit support for Monsanto". The Panel agreed that there was no evidence to suggest the BBC had chosen not to cover this report because of bias.

Overall, the Panel considered that it was not proportionate, appropriate or cost effective to take the appeal as Audience Services had acted reasonably and appropriately in declining to enter into further correspondence with the complainant.

The Panel concluded for the above reasons that there was no reasonable prospect of success for this appeal.

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

Decision of BBC Audience Services not to respond further regarding a complaint about the Disasters Emergency Commission Gaza appeal

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

Complaint

The complainant originally contacted the BBC on 15 August 2014. He said he thought it was excellent that the BBC had agreed to broadcast the DEC Gaza appeal, but was appalled at the way the BBC had come to its decision to do so. He said it had been made plain in the *Today* programme on 7 August 2014 by the presenter in conversation with the BBC Arts and Media correspondent, that the BBC made this decision because of Israel's admission that the situation in Gaza was a humanitarian crisis.

He said it was:

"...a gross breach of the BBC's commitment to impartiality that a foreign state should have control of BBC broadcasting policy in this way (and made worse by the fact that in 2009, the BBC refused to screen the DEC Gaza appeal following pressure from Israel)."

He requested confirmation of the following:

1. That the BBC was wrong to allow its broadcasting policy to be dictated by a foreign state (Israel) in this way;
2. That the BBC will not in future allow its broadcasting policy to be dictated by a foreign state in this way.

BBC Audience Services responded on 18 August 2014 stating:

"I appreciate your feedback and I aim to provide further context regarding our decision to broadcast this appeal. There are three issues the BBC must consider when deciding whether to accept a request for an emergency appeal by the Disasters Emergency Committee. Firstly, the disaster must be on such a scale and of such urgency as to call for swift international humanitarian assistance. Secondly, the DEC agencies must be in a position to provide the assistance in practice. Finally, there must be reasonable grounds to conclude that a public appeal would be successful, such as existing public sympathy or a compelling case that there would be significant public support if an appeal were launched. In addition we also have to consider our Charter obligation of due impartiality. After careful consideration we believe all these criteria have been met.

"In the UK, and on both the Israeli and Palestinian sides of the dispute, there is widespread acceptance that humanitarian aid is needed on a significant scale; indeed the 72 hour ceasefire was to allow for this. We have also been reassured that the DEC agencies can deliver such aid to the worst affected areas. We believe that coverage in the UK media shows there would be significant public support for an appeal. The BBC will continue to report impartially on events in the Middle East."

The complainant did not feel that this response addressed his complaint and he made a follow-up complaint on 21 August 2014, requesting in particular the confirmation he sought in relation to his numbered points 1 and 2 [set out above].

Audience Services responded at Stage 1b on 8 September 2014 stating that they felt their previous reply had fully explained and clarified the BBC's considerations in relation to the decision to broadcast the DEC appeal. With regard to the complainant's query in relation to his numbered points 1 and 2, Audience Services added:

- The question is not applicable as the BBC's decision was not "dictated by a foreign state";
- The question is also not applicable as the BBC's decision was not "dictated by a foreign state, nor would any future decisions be dictated by a foreign state."

Audience Services stated that they considered the complaint had not: "raised a significant issue of general importance that might justify further investigation" and therefore they did not propose to respond further. They informed the complainant he could appeal against this decision to the BBC Trust.

Appeal

The complainant appealed to the BBC Trust on 8 September 2014. He believed the replies he had received from Audience Services failed to address the point he made in his original complaint.

He said that in the *Today* broadcast on 7 August 2014 it could not have been plainer that the BBC was stating that Israel dictated that the DEC appeal could go ahead.

He noted that the BBC does not normally require confirmation from one of the parties to an armed conflict that there is a humanitarian crisis before going ahead with a DEC appeal. He considered that the BBC thought that it needed Israel's approval and only broadcast the appeal after it had received that approval.

He again asked the BBC to confirm:

- That the BBC was wrong to allow its broadcasting policy to be dictated by a foreign state (Israel) in this way;
- That the BBC will not in future allow its broadcasting policy to be dictated by a foreign state in this way.

Decision of the Senior Complaints Adviser

The Senior Complaints Adviser (the Adviser) decided that the appeal did not have a reasonable prospect of success.

The complainant had appealed on the substance of his complaint, which was his view that the BBC had allowed a foreign state (Israel) to dictate its policy in relation to the decision to broadcast a Disasters Emergency Committee (DEC) appeal on behalf of the people of Gaza. The Adviser noted, however, that BBC Audience Services had ceased handling this complaint at Stage 1 and that the complaint had not gone to Stage 2. She therefore decided that the point she should consider was whether an appeal against the decision of BBC Audience Services not to correspond further with the complainant had a reasonable prospect of success.

The Adviser listened to the section of the *Today* programme in which the presenter interviewed the DEC Chief Executive and the BBC Arts and Media correspondent.

The Adviser noted that the complainant had raised concerns about the BBC's impartiality and its application of the guidelines on disaster emergency appeals. The Editorial Guidelines could be found in full at <http://www.bbc.co.uk/editorialguidelines>

The Adviser noted that Audience Services had explained the criteria which had to be met before the BBC could broadcast an appeal, including the requirement for due impartiality.

She did not consider that there was any evidence, in the context of this interview, to suggest that the BBC allowed its "broadcasting policy to be dictated by a foreign state (Israel) in this way" as the complainant had suggested. She noted that the Trust had stated in 2012 that the BBC should operate as transparently as possible. She considered the interview played a valuable role in setting out the issues around this area.

The Adviser considered Trustees would be of the view that Audience Services had responded reasonably in explaining the criteria for broadcasting appeals and stating that the complainant's numbered points 1 and 2 were "not applicable" and therefore no confirmation of his points could be offered.

For completeness the Adviser noted that the Royal Charter and the accompanying Agreement between the Secretary of State and the BBC drew a distinction between the role of the BBC Trust and that of the BBC Executive Board, led by the Director-General. "The direction of the BBC's editorial and creative output" was specifically defined in the Charter (article 38 (1)(b)) as a duty that was the responsibility of the Executive Board, and one in which the Trust did not get involved unless, for example, it related to a breach of the BBC's editorial standards which did not apply in this case.

The Adviser believed Trustees would consider that Audience Services had given a reasoned response to the complaint and it was reasonable for them to say they had nothing further to add. For these reasons she did not believe the appeal had a reasonable prospect of success and she decided it should not proceed further.

Request for review by Trustees

On 6 November 2014, the complainant sent an email asking that Trustees review the decision of the Senior Complaints Adviser that the appeal should not proceed. He considered that the Adviser's response had failed to properly address the issues he had raised and had referred to matters that were irrelevant to his complaint. He argued that his central point, regarding the reporter stating that Israel's agreement that it was a humanitarian crisis "seems to have been a key part if it", had not been addressed. The complainant repeated his assertion that the BBC allowed its broadcasting policy "to be dictated by a foreign state".

The Panel's decision

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

The Panel did not consider that the complainant had raised any evidence to suggest that the BBC had its policy dictated by a foreign state, or that it had breached its editorial standards.

Trustees observed that Audience Services had explained the criteria for broadcasting Emergency Appeals and had stated that the complainant's numbered points 1 and 2 (as set out in the summary of his complaint) were "not applicable" because the BBC policy was not "dictated by a foreign state" and nor would "any future decisions be dictated by a foreign state".

The Panel took the view that Audience Services had provided reasonable and proportionate responses to all of the complainant's complaints.

Trustees therefore decided that it would not be proportionate, appropriate or cost effective to uphold this appeal as the complaint did not raise a matter of substance.

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