

Analysis of complaints

From 1 April to 30 September 2012 the Unit reached findings on 318 complaints concerning 202 items (normally a single broadcast or webpage, but sometimes a broadcast series or a set of related webpages). Topics of complaint were as follows:

Table 1
Topics of Complaint

	<u>No of Complaints</u>	<u>No of Items</u>
Harm to individual/organisation (victim complaint)	10	10
Harm to individual/organisation (3 rd party complaint)*	22	10
Infringement of privacy	1	1
Political bias	13	7
Other bias	74	65
Factual inaccuracy	88	50
Offence to public taste	70	20
Bad language	3	3
Violence	3	2
Sensitivity and portrayal	11	11
Racism	6	6
Offence to religious feeling	5	5
Bad example (children)	3	3
Bad example (adults)	2	2
Commercial concerns	5	5
Standards of interviewing/presentation	1	1
Other	1	1
Total	318	202

*As a result of changes to the BBC's complaints framework implemented in June 2013, the ECU no longer considers complaints in this category.

In the period 1 April to 30 September, 34 complaints were upheld (4 of them partly) – 10.5% of the total. Of the items investigated in the period, complaints were upheld against 15 items (7.5% of the total). 13 complaints, about 3 items, were resolved. This report contains summaries of the findings in those cases.

Standards of service

The Unit's target is to deal with most complaints within 20 working days of receiving them. A target of 35 days applies to a minority of cases (20 in this period) which require longer or more complex investigation. During the period 1 April – 30 September, 87.5% of replies were sent within their target time.

Summaries of upheld complaints

Thought For the Day, Radio 4, 18 January 2012

Complaint

Three listeners complained that the speaker had advocated Scottish independence, contrary to the BBC's requirement of due impartiality on such matters.

Outcome

Although the speaker had not intended to be understood in that sense, he expressed himself in terms which created the impression that he favoured one side of a controversial question.

Upheld

Further action

The production team were reminded of the need to guard contributors against any appearance of political partisanship in areas of contemporary controversy.

Newsnight, BBC2, 26 January 2012

Complaint

On 30 August 2011 **Newsnight** carried a report on independent providers of advice on abortion which included evidence that the largest organisation in the field, CareConfidential, had an anti-abortion agenda. The report quoted from what the programme-makers believed to be current versions of training manuals which described abortion as "*a wickedness that grieves God's heart*" and "*a most grievous sin*". These quotations were repeated in part in the introduction to a related report in the 26 January 2012 edition. A viewer complained of inaccuracy, resulting in unfairness to CareConfidential, in both editions, on the basis that the quotations were from versions of the manuals which were no longer in use.

Outcome

Before the 30 August broadcast the quotations in question were put in writing to the CEO of CareConfidential, together with an enquiry as to whether the manuals "Called to Care" and "The Journey" were still in use. He confirmed that they were, and said nothing to indicate that the quotations were from versions of the manuals which had been superseded (emphasising, instead, that it was "*of paramount importance*" that the training material be revised). In these circumstances, the programme-makers were entitled to proceed on the understanding that the quotations were included in current training material. Following the broadcast, however, CareConfidential contacted **Newsnight** to explain that the versions of the manuals which included the quoted material were no longer in use, and this explanation was reported (without comment) in the 31 August edition. As the programme-makers knew of no grounds for doubting CareConfidential's explanation, it was a mistake to represent the material as current in the 26 January edition, and the complaint was upheld in relation to that broadcast.

Upheld

Further action

The Editor has discussed the issues arising from this complaint with the programme production team, in particular the need to retain notes of responses to stories for reference in the event of follow-up pieces.

The Magicians, BBC1, 28 January 2012

Complaint

A viewer complained that a trick involving tree frogs was adverse to the welfare of the frogs, and possibly dangerous to humans.

Outcome

The trick involved the frogs disappearing from the magicians' hands and reappearing in their mouths. Although the frogs had been under expert supervision, with steps taken to ensure that they were kept moist and at an appropriate temperature, the RSPCA and the Zoological society of London concurred that the trick involved handling them in an inappropriate and potentially harmful way, and that there was also a health risk to humans.

Further action

The production team were reminded of the need to avoid putting animals in situations that were potentially harmful to them or to those handling them.

Points West, BBC1 (West), 13 February 2012

Complaint

In a report of an incident in which a train driver had been forced to stop the train by youths shining a laser pen in his eyes, the reporter referred to "potentially catastrophic" consequences. A viewer complained that this was misleading and alarmist.

Outcome

The ECU investigation confirmed that there was no serious risk to passengers - in the event of the driver being disabled, a safety device would automatically have brought the train to a halt, with (at worst) some movement of overhead baggage.

Upheld

Further action

The editorial team has been made fully aware of the need to take great care when paraphrasing comments, particularly where it could lead to unnecessary anxiety.

Newsnight (BBC2), News at 6 & News at Ten (BBC 1), PM (Radio 4) 22 March 2012; Newsnight (BBC 2) 23 March 2012; "Leaked document suggests 'systematic fraud' at A4e", bbc.co.uk

Complaint

Newsnight investigated claims that A4e (a company contracted by the DWP to place people in employment) had failed to provide the DWP with material relating to an internal report which had identified numerous instances of potentially fraudulent or irregular conduct by employees of the company. An item was broadcast in the 22 March 2012 edition of **Newsnight**, and the story was also covered that day on bbc.co.uk, in **PM** and in both evening news bulletins on BBC1. The 23 March edition of **Newsnight** included a short follow-up item. A4e complained that it had not been given sufficient time to respond or adequate information about the allegations to be aired, and argued that the coverage had been unfair and misleading in various respects.

Outcome

A4e had been given enough time and information to respond to **Newsnight's** enquiries (it had agreed to a deadline of 5.00pm on 22 March, and in the event provided a response shortly after 6.00pm), and its complaint identified nothing in the coverage which had been unfair and misleading. However, it had not been informed that the story was likely to run on

outlets substantially earlier than **Newsnight**, which affected its right of reply in relation to the two reports (in **PM** and on bbc.co.uk) which preceded the arrival of its response. In addition, a report provided by **Newsnight** to the BBC News website incorrectly said that A4e had declined to respond, and the follow-up item in 23 March edition of **Newsnight** did not reflect the key point of the A4e response received the previous day.

Partly upheld

Further action

The relevant teams have been briefed on the need for clarity on the status and timing of rights of reply when sharing material with other outlets.

The Food Inspectors, BBC1, 25 March 2012

Complaint

A viewer complained that the programme gave the misleading impression that all cattle infected with TB should be excluded from the human food chain as potentially injurious to health.

Outcome

The presenter's closing comments did give the impression complained of, and, as there are regulatory provisions which provide for some carcasses of infected cattle to enter the food chain after due inspection, the impression was misleading.

Upheld

Further action

The production team has been reminded that their scripts need to be carefully worded, and the programme has now been re-edited to reflect the finding.

Midlands Today, BBC1 (West Midlands), 11 April 2012

Complaint

In an item in the lunchtime edition arising from a poster campaign by an animal rights group which linked eating meat with early death, the reporter said "*Nutritionists say that a vegan and vegetarian diet is a healthy choice but it does lack essential nutrients only found in meat*". Four viewers complained that this was untrue, in that there are in fact no essential nutrients which are found only in meat.

Outcome

Although some nutrients found in meat are more difficult to obtain in the requisite quantities in a vegan or vegetarian diet, they are not unique to meat. However, a modified version of the item which made this clear was broadcast in the evening edition, and this sufficed to resolve the issue.

Resolved

The Grand National, BBC1, 14 April 2012

Complaint

A listener complained that archive material in a tribute to the late Ginger McCain (the trainer of Red Rum) included an offensive and homophobic phrase.

Outcome

The programme-makers had intended to illustrate Mr McCain's reputation as "*a character*" and "*a joker*", but the selection of a clip in which he used the phrase "*poof's paradise*" was not an appropriate illustration in this context.

Further action

The programme-makers have been reminded of their duty to exercise caution when considering the use of material that could cause offence to some viewers.

News (6.00pm), Radio 4, 15 May 2012**Complaint**

An item on Palestinian demonstrations marking Nakba Day referred to "thousands of Palestinians leaving their homes" following the declaration of the State of Israel. Two listeners complained that this gave a misleading impression of the scale of Palestinian displacement and the extent to which it was the result of coercion.

Outcome

The ECU took the view that listeners' general understanding of the issues was such that they were unlikely to be misled into thinking that the Palestinian exodus was entirely voluntary, but agreed that "thousands" gave a somewhat misleading impression of its scale.

Partly upheld**Further action**

The Editor, Radio Newsroom, will brief news teams about the need to give due weight to the events commemorated by Nakba Day in future reports.

The Kitchen Café, Radio Scotland, 16 May 2012**Complaint**

A listener complained that an item on salmon-farming in Scotland was inaccurate, and provided an uncritical platform for the views of the Scottish Salmon Producers' Organisation.

Outcome

The item contained one inaccuracy (about the origins of salmon-farming in Scotland) and one questionable implication (about the cause of sea lice infestation), but these were not such as to affect listeners' understanding of the topic under consideration. However, the item did not reflect the extent to which the issue of salmon-farming's environmental impact remains controversial.

Upheld**Further action**

The finding was discussed with the programme-makers. An appropriately balanced treatment of the topic was included in a subsequent edition.

Newsnight, BBC2, 23 May 2012**Complaint**

Shanene Thorpe, who was interviewed for an item in the programme, complained that the item had given an unfair, inaccurate and misleading impression of her and asked for a broadcast correction and apology. 12 other complainants supported her request.

Outcome

Having investigated Ms Thorpe's concerns, the ECU concluded that the nature and degree of unfairness to her called for a broadcast apology and correction, in addition to the online apology already posted by the Editor of **Newsnight** which had itself followed a personal apology from him to Ms Thorpe.

Upheld

Further action

The following correction and apology was broadcast in the 30 August edition of **Newsnight**:

And now for an apology. On 23 May during an item on welfare reform we broadcast an interview with Shanene Thorpe that unfairly created the mistaken impression that she was unemployed and wholly dependent on benefits, and suggested that she was living off the state as a lifestyle choice. She has asked us to make clear that she has been in work or in work-related education since leaving school. Shortly after the programme, we published an apology on our website for the unmerited embarrassment and any distress the item caused her. We are happy to make this broadcast apology as well.

The One Show, BBC1, 19 July 2012

Complaint

Two viewers complained about Daley Thompson's suggestion that a tattoo in which the word "Olympic" was misspelled must have been the work of "*an Irish Tattooist*".

Outcome

Though the comment was unscripted and humorously-intended, it was inappropriate in this context. However, the presenters offered apologies during and at the end of the programme, and a further apology was posted on the complaints pages of bbc.co.uk. In the view of the ECU, these measures were sufficient to resolve the matter.

Resolved

Sportsworld, Radio 5 Live, 22 July 2012

Complaint

In an interview with Jeremy Hunt, Garry Richardson raised the topic of the threatened strike by members of the Public and Commercial Services Union on the eve of the Olympics. Several listeners complained that he had inappropriately expressed a personal view on a controversial topic.

Outcome

The programme-makers explained that Mr Richardson was not in fact expressing his own view but attempting to discover the limits of Mr Hunt's position by pressing him from an unexpected angle. The ECU took the view that the terms in which he sought to do so tended to give the impression that a personal view was being expressed, irrespective of the intention.

Upheld

Further action

The Controller of Radio 5 Live discussed the findings with the presenter and programme editor and emphasised the requirement for more clearly qualified questioning.

BBC Sport Olympic country profile pages, bbc.co.uk

Complaint

When first posted, the Palestine page identified East Jerusalem as the capital of Palestine, while the Israel page did not identify the capital at all. Before the matter came to the ECU's attention, the pages had been changed to make clear that Ramallah was the Palestinian seat of government (the aspiration being to have East Jerusalem as the capital of an eventual Palestinian state), and that, while Jerusalem was the Israeli seat of government, most embassies were in Tel Aviv. The revised pages drew complaints from both pro-Israeli and pro-Palestinian readers.

Outcome

Though complainants were able to point to inconsistencies between these and other country profile pages, they arose inevitably from the disputed position of East Jerusalem and the decision of the IOC to admit a Palestinian team. In the view of the ECU, the changes were sufficient to correct the faults in the original versions.

Resolved

Newsnight, BBC2, Date withheld

Complaint

An item in the programme included illustrative footage originally used in report on a similar topic in 2005. The complainant, who had been a minor at the time, featured identifiably in circumstances s/he had found traumatic. S/he complained that proper consent to film and use the material had not been obtained in the first place, and that its re-use was upsetting and infringed his/her privacy.

Outcome

The ECU was unable to determine whether proper consent had been obtained in the first instance, but the sensitivity of the footage was such that it should not have been re-used without either obtaining renewed consent or concealing the identities of individuals

Upheld

Further action

The issues raised by the finding have been discussed with the programme team, and a note has been added to the library footage to ensure that identities are concealed in any future use of the material.