

## Analysis of complaints

From 1 April to 30 September 2010 the Unit reached findings on 111 complaints concerning 103 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)	11	11
Harm to individual/organisation (3 <sup>rd</sup> party complaint)	3	3
Infringement of complainant's privacy	1	1
Political bias	9	9
Other bias	28	25
Factual inaccuracy	36	35
Offence to public taste	3	3
Bad language	1	1
Sensitivity and portrayal	11	8
Racism	2	2
Bad example (adults)	1	1
Commercial concerns	5	4
<b>Total</b>	<b>111</b>	<b>103</b>

In the period 1 April to 30 September, 20 complaints were upheld (9 of them partly) – 18% of the total. Of the items investigated in the quarter, complaints were upheld against 18 items (17.5% of the total). Three complaints, about three items, were resolved. This report contains summaries of the findings in those cases, except for:

- a finding on **Weekend Breakfast**, Radio 5 Live, 24 January 2010, which was included in the October 2009 – March 2010 Bulletin in error, and can be seen at [http://www.bbc.co.uk/complaints/pdf/ecu\\_oct09mar10.pdf](http://www.bbc.co.uk/complaints/pdf/ecu_oct09mar10.pdf);
- a finding which the Editorial Standards Committee of the BBC Trust has ruled shall not be published pending the outcome of its consideration of the complainant's appeal.

## 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 (16 in this period) which require longer or more complex investigation. During the period 1 April – 30 September, 72.5% of replies were sent within their target time.

## Summaries of upheld complaints

**File on 4, Radio 4, 25 March 2008**

The programme looked at the impact of Anglo Platinum's mining activities in the Limpopo valley. Anglo Platinum complained that it had been inaccurate, and consequently unfair, in a number of respects, notably in claiming that its mining activities were the cause of nitrate pollution in the water supply of a particular primary school.

#### **Outcome**

The ECU found only one significant inaccuracy. Two exchanges in the programme (between the reporter and the scientist who had conducted the relevant tests, and between the reporter and a representative of Anglo Platinum) gave the impression that it had been established as a matter of fact that the pollution in question was caused by mining activities. However, the suggestion of a causal connection, though a soundly-based and plausible hypothesis, had not been proven by the tests which had been carried out.

#### **Partly upheld**

#### **Further action**

The Editor will discuss the finding with the team and will remind team-members of the continuing need for care in the presentation of scientific evidence.

### **Inside Out, BBC1 (West Midlands), 7 December 2009**

#### **Complaint**

An item which raised questions about the effectiveness of police counter-terrorist operations in the light of their impact on police-community relations referred to Operation Gamble in the context of comments about police operations which had "*gone awry*", or where the police had "*gone over the top*". A viewer complained that this was misleading, as Operation Gamble had been a success, and that the misleading impression had resulted in bias against the police.

#### **Outcome**

The context of the reference to Operation Gamble gave the impression that it was an example of unsuccessful counter-terrorist policing. As five of the nine men arrested in the course of the operation had been convicted of terrorism-related offences, and as these included the ringleader of a plot to kidnap and decapitate a British soldier, that impression was misleading. However, it did not result in bias against the police, as the issue of the impact of such operations on community relations was not discussed in terms which were affected by the relative success of any particular operation.

#### **Partly upheld**

#### **Further action**

The Head of Regional and Local Programmes will meet the BBC Midlands **Inside Out** team before the start of the new series in autumn. In particular, she will cover the importance of working to BBC Editorial Guidelines and discuss matters raised by audiences in relation to the last series

### **Earth: The Climate Wars, BBC2, 15 December 2009**

Tracing the development of scientific views on global warming and its causes, the programme dealt briefly with the report of a US committee chaired by the scientist Dr William Nierenberg, which reached its conclusions early in the first Reagan administration. Dr Nierenberg's son complained that the programme gave the misleading impression that his father had been selected to chair the committee by President Reagan (whereas he had been asked to chair it well before President Reagan's election), and that he had tailored the committee's conclusions to suit the President's political agenda.

### **Outcome**

In response to a previous complaint, the programme had been edited to address the erroneous impression that Dr Nierenberg had been a Reagan appointee, but not with complete success. The residual inaccuracy, though not in itself unfair to Dr Nierenberg, served to reinforce the impression that the coincidence between the committee's conclusions and the Presidential agenda had been the result of political motivation on Dr Nierenberg's part, rather than a reflection of his and the committee's scientific assessment of the issues. While it might have been legitimate to raise this as a possibility, the programme went further than the evidence warranted in suggesting that it was the case.

### **Partly upheld**

### **Further action**

The programme team were reminded of the need for accuracy when commenting on causation in an historical context. The programme will not be repeated in its present form.

## **Roger Phillips, Radio Merseyside, 11 January 2010**

### **Complaint**

Pierhead Housing Association complained that the programme had allowed callers to make unsubstantiated criticisms of its service to its tenants, had endorsed rival housing associations, had not provided adequate right of reply, and had given the misleading impression that Pierhead was unwilling to respond to the criticisms.

### **Outcome**

The criticisms of Pierhead and the references to other housing associations were within the boundaries of fair comment in such a context, and Pierhead had been given appropriate opportunity to respond. A remark by the presenter to the effect that the programme's efforts to obtain a response from Pierhead appeared to have been unsuccessful (at a point when an email from Pierhead had already been received, but not yet passed to the presenter) was misleading, but the subsequent inclusion of Pierhead's response would have done much to dispel the misleading impression. This, taken together with the Managing Editor's subsequent acknowledgement and apology to Pierhead, was sufficient to resolve the complaint.

### **Resolved**

## **BBC News at 10, BBC1, 25 January 2010**

### **Complaint**

In a report on calls for Dr Rajendra Pachauri to resign as Head of the United Nations Intergovernmental Panel on Climate Change (IPCC), the BBC's Environment Correspondent referred to him as "*the UN's top climate scientist*". A viewer complained that this was inaccurate and misleading, as Dr Pachauri's scientific qualifications and credentials were in a field unrelated to climate science.

### **Outcome**

Although the phrase was intended as journalistic shorthand for the occupant of the most prominent international post connected with climate science, the implication that he was himself a climate scientist was materially misleading in the context of this report.

### **Upheld**

### **Further action**

The Editor of **BBC News at 10** is reiterating to his team the importance of accuracy in the introduction of our contributors.

## **News (10.00am), BBC News channel, 29 January 2010**

### **Complaint**

In an item on the proceedings of the Chilcot Inquiry, the reporter referred to the evidence given by Sir Christopher Meyer the previous November about a meeting between Tony Blair and George W Bush in the Spring of 2002, and reporting him as having said that, during the meeting, Mr Blair had *“signed a deal in blood...that the UK would go to war alongside America if that was their decision”*. A viewer complained that this was a misleading account of Sir Christopher’s evidence which, together with the use of footage of demonstrators outside the Inquiry venue, resulted in bias against Mr Blair.

### **Outcome**

Sir Christopher, while making clear that he believed the meeting had led to agreement on the need for regime change, had also made clear that options other than military action were still under consideration, and it was inaccurate to report him as having suggested that an absolute commitment to go to war alongside the US had been made. However, as the item also reported Mr Blair’s dismissal of Sir Christopher’s evidence in relation to the meeting, the inaccurate reporting of that evidence did not result in imbalance. The footage of demonstrators simply illustrated what was happening outside the Inquiry venue at the time, and had no bearing on the issue of impartiality.

### **Partly upheld**

### **Further action**

All involved in the broadcast have discussed the story and the issues it raised. Senior editors on the News channel will continue to emphasise the need for editorial vigilance in terms of ensuring that space and time is made for proper and sufficient context to be given when reporting specific and detailed quotations from witnesses in long-running inquiries.

## **Great Lives, BBC Radio 4, 2 February 2010**

### **Complaint**

The subject of the programme was the biologist WD Hamilton. During the programme, the invited expert (who was also a sister of his) attributed his death to complications arising from malaria (contracted because he believed he had acquired immunity to the disease, and consequently did not take anti-malarial medication during what proved to be his final expedition). Another sister complained that this was inaccurate, citing the Coroner’s finding that the cause of death was *“Multi-organ failure due to upper gastrointestinal haemorrhage due to a duodenal diverticulum and arterial bleed through a mucosal ulcer”*.

### **Outcome**

The programme-makers made due efforts to verify a claim which, as far as they were aware, was uncontroversial. They consulted a number of reference sources and contemporaneous obituaries, which appeared to confirm that WD Hamilton’s death was due to malaria or malarial complications, and the ECU’s investigation established that he had indeed contracted malaria during his final expedition. However, the ECU also established that the conclusions of the pathologist who conducted the post mortem were as stated in the Coroner’s finding. The pathologist had suggested the possibility that the ulceration and consequent haemorrhage had resulted from a pill (which might have been taken because of malarial symptoms) lodging in the diverticulum; but, even if this suggestion were correct, the link between malaria and the observed causes of death would be entirely indirect.

### **Partly upheld**

### **Further action**

The programme will not be repeated in its present form. The finding was discussed at meetings attended by Radio Network Controllers, Executive Producers and Editors, and the programme-makers themselves.

### **The Andrew Marr Show, BBC1, 7 February 2010**

#### **Complaint**

In the course of an interview with Alastair Campbell, Andrew Marr quoted an estimate for Iraqi casualties since the allied occupation which he described as “*internationally accepted UN figures*”. A viewer complained that the figures in question in fact came from an estimate in The Lancet, and were not internationally accepted (being significantly higher than most other estimates). He asked for the error, which had been acknowledged in response to his initial complaint, to be corrected on air.

#### **Outcome**

The ECU agreed that the inaccurate attribution was a breach of editorial standards. However, as the thrust of Andrew Marr’s question did not rest upon the accuracy of the figures or the attribution, but upon the assertion that “*an awful lot of people died*” (which remained the case whichever estimate was cited), the acknowledgement of the error by the programme team, together with the publication of a summary of the matter on the complaints pages of [bbc.co.uk](http://bbc.co.uk) in due course, was sufficient to resolve the complaint.

#### **Resolved**

### **Generation Jihad, BBC2, 8 February 2010**

#### **Complaint**

Two viewers complained that the programme was inaccurate in stating as a fact that Muhammed al-Durrah had been shot by the Israeli Defence Force. One added that the inclusion of footage of the incident would have an inflammatory effect on UK Muslims.

#### **Outcome**

The facts of the case have never been conclusively established, so it was inappropriate to present one version of events as though it was not in dispute. However, there was no basis for assuming that the inclusion of an often-shown piece of footage, in the context of a programme which highlighted the importance of conflicting interpretations of events in the Israeli-Palestinian conflict, would have had an inflammatory effect on any Muslim viewers.

#### **Upheld/partly upheld**

#### **Further action**

The commentary has been amended in the light of the finding, against the possibility of future transmission.

### **Inside Out, BBC1 (East Yorkshire and Lincolnshire), 15 February 2010**

#### **Complaint**

The programme featured further allegations of abuse at a former Approved School run by the De La Salle order where a former Principal (James Carragher) had already been convicted of sexual and physical abuse of pupils over a long period. A former teacher at the school complained that the programme was, in a number of respects, inaccurate and misleading, and was biased in its treatment of the Catholic Church.

#### **Outcome**

As the De La Salle order is a lay brotherhood, it was not strictly accurate to refer to the events at the school as instances of “clerical abuse”, but this inaccuracy was not material to

the issue in hand (which was, on any understanding, abuse perpetrated under the aegis of the Church). However, the item in question did not distinguish clearly between instances of abuse which had been proven in court and instances where allegations of abuse had not been tested, and gave the impression that two men connected with the school, rather than one, had been convicted of abuse at the school (the second being someone who was convicted for offences elsewhere, and after he left the school). Nevertheless, the item's treatment of its subject did not show bias against the Catholic Church; the Diocese of Middlesbrough had been invited to respond to criticism made in the item, but had declined to do so.

### **Partly upheld**

#### **Further action**

The Inside Out team has discussed the findings, including the lessons to be learned from the failure to distinguish between proven cases of abuse and untested allegations of abuse as well as the importance of scrutinising the script for accuracy.

### **Breakfast, BBC1, 1 March 2010**

#### **Complaint**

Two viewers complained that an item in which Carol Vorderman was interviewed about her online maths school amounted to promotion of a commercial product.

#### **Outcome**

The ECU agreed that the item gave an impression of promotion and endorsement.

#### **Further action**

The Editor of Breakfast News will have further discussions with her team about the relevant editorial guidelines on Editorial Integrity and Independence, including the chapter on Product Prominence.

### **News (8.00am), Radio 4, 2 March 2010**

#### **Complaint**

The introduction to an item in this bulletin (and the two preceding ones) said *"Israel's military operations in December and January, to try to halt Hamas rocket fire, destroyed homes, hospitals, schools and other infrastructure"*. A listener wrote that, while he accepted the accuracy of the reference to homes and other infrastructure, he did not believe there were grounds for saying that schools and hospitals (in the plural) had been *"destroyed"*.

#### **Outcome**

The impact of the Israeli operation (known as Operation Cast Lead) has been the subject of reports by several organisations, and these reports provide sufficient evidence that a number of schools were destroyed (in the sense of damaged beyond repair, or rendered unusable for their purpose). There was also incontrovertible evidence of serious damage to parts of two hospitals. However, it was not accurate to speak of any hospital as having been destroyed. Although the introduction, taken as a whole, was not seriously misleading as to the overall scale of damage caused by Operation Cast Lead, it was misleading in that particular.

### **Partly upheld**

#### **Further action**

The Editor of Radio 4 News will highlight and discuss the imprecision in the introduction with his team.

## **Immigration by numbers, News Online, 30 April 2010**

### **Complaint**

In a blog prompted by the use of an inaccurate immigration statistic by Nick Clegg in one of the televised Leaders' debates, the BBC's Home Affairs Editor wrote that *"far from taking British jobs, the official stats suggest 8,000 more non-EU workers left the UK than came to live here in 2008"*. A reader of the blog complained that the statistics in question did not support this contention.

### **Outcome**

As the statistics in question recorded only people's reasons for entering or leaving the country, and did not record the original reasons for entry of those leaving, they did not yield a figure for the net inflow/outflow of non-EU workers. Although a postscript to the blog directed readers to a further entry which addressed the issue on the basis of different statistics, it did not have the effect of correcting the original error.

### **Further action**

The Editor of News Blogs will speak to the Home Affairs Editor about the findings and the need for clear corrections on blog posts.

## **Claims that aid intended for famine relief in Ethiopia had been diverted to buy arms**

### **Complaint**

In March 2010, in reports about aid money donated to Ethiopia in the mid-1980s, a number of BBC programmes and online items implied or stated that large amounts of money raised by Band Aid and Live Aid for famine relief in Ethiopia had been diverted by a rebel group to buy weapons. Following a complaint from the Band Aid Trust the BBC investigated these statements and concluded that there was no evidence for them, and that they should not have been broadcast.

### **Assignment, World Service, 4 March 2010**

This edition of **Assignment** consisted of an investigation by Martin Plaut, the BBC's Africa Editor, into claims that aid intended for famine relief in Tigray during the Ethiopian famine of 1984-5 had been subject to large-scale and systematic diversion by the Tigrayan People's Liberation Front (TPLF) and its relief agency REST, to buy arms and for other political purposes. The Band Aid Trust ("the Trust") complained that the programme and coverage generated by it had given the inaccurate and unfair impression that much or most of the money raised under the Band Aid banner had been diverted, whereas Band Aid was noted for the effectiveness of its monitoring of funds, and there was no evidence that funds raised by Band Aid had in fact been used to buy arms. This impression was damaging to the Trustees personally (implying negligence on their part) and to the good repute of the Trust as a custodian of charitable funds.

The Trust complained that the programme

1. gave an impression that Band Aid money was diverted to rebels of the TPLF and used to buy weapons when there was insufficient evidence to support the claim;
2. claimed that there was evidence of *"the systematic diversion of aid received by REST to buy arms for the TPLF"* when there was not;
3. included Band Aid in the allegations being made in order to sensationalise the story when there was insufficient evidence to justify doing so;
4. gave an inaccurate impression that, when an agent of Christian Aid was allegedly swindled out of aid money by rebels, Band Aid money may have been involved;
5. placed undue reliance on two witnesses, Aregawi Behre and Gebremehdin Araya, whose credentials, credibility and veracity were open to question;
6. presented, as evidence of the allegations being made, CIA reports which did not in fact

- support the allegations and in which Band Aid was not mentioned;
7. presented the testimony of former Ambassador Robert Houdek as corroborating the allegations being made when this was not so;
  8. failed to provide adequate opportunity for Bob Geldof or any of the other Band Aid trustees to respond to the allegations;
  9. included the claim that 95% of the aid which went to REST was diverted for other purposes when this was inaccurate and not supported by the evidence;
  10. gave *“a false and dangerously misleading and unwarranted impression ...and left an overall impression that the vast majority of resources raised by aid efforts in the mid 1980s largely went on buying arms”*.

The Trust also complained about related items, including:

#### **From Our Own Correspondent, [bbc.co.uk](http://bbc.co.uk)**

- The article unfairly suggested that the fact that Bob Geldof had declined to be interviewed showed that *“the subject is too sensitive to be discussed openly”* and was further proof that the allegations being made were correct.
- The article inaccurately and unfairly suggested that *“the worst”* may not have been averted in the Ethiopian famine crisis of the mid-1980s.

#### **Ethiopian Famine Aid “Spent On Weapons”, [bbc.co.uk](http://bbc.co.uk)**

- The article reported unchallenged the claim that *“\$95m (£63m) from western governments and charities, including Band Aid, was channelled into the rebel fight”* when there was insufficient evidence to support it. This was inaccurate and unfair to Band Aid and its trustees.

#### **BBC News (6.00pm), BBC1, 3 March 2010**

- The bulletin’s report of the story was inaccurate and unfair to Band Aid and its trustees.

#### **Bob, Band Aid and how the rebels bought their arms, The Editors, [bbc.co.uk](http://bbc.co.uk)**

- By using phrases such as *“key figures”*, *“compelling evidence”*, *“uncomfortable facts”*, *“uncovers systematic diversion of aid”* and *“credible voices”* the article gave unwarranted support to allegations which were not sufficiently corroborated.
- The article gave support to the allegation that *“95% of the money received by REST was spent on military and political campaigns”* when this allegation was not sufficiently corroborated.

**The ECU found as follows:**

#### **Assignment**

- The programme gave the impression that the claims of diversion related, *inter alia*, to Band Aid/Live Aid money (and the programme-makers acknowledge that such an impression, though unintended, might have been formed by a fair-minded listener). However, the programme’s evidence did not relate to Band Aid/Live Aid money, and the impression given by the programme in this respect was therefore unfair to the Trust. [1, 2]
- There was no evidence that the programme’s allusions to Band Aid were motivated by a desire to sensationalise the story. [3]
- In the section of the programme dealing with the alleged swindling of an agent of Christian Aid, it was made clear that the allegation concerned Christian Aid money, and it was not suggested that Band Aid money might have been involved. [4]



- The programme was not clear about the extent to which the evidence of Aregawi Behre (who was the source of the claim that REST had, at a certain point, decided to divert 95% of aid money to the purchase of arms and other political purposes) was open to question. [5, 9]
- The evidence of Gebremehdin Araya (who claimed to have swindled the Christian Aid agent) rested on a somewhat different basis, and the programme had not placed undue reliance on it. [5]
- The inclusion of evidence from a CIA report and from Robert Houdek contributed to the impression that the programme's allegations of diversion included Band Aid money, whereas those items of evidence did not apply directly to Band Aid (and, in the case of the CIA report, could not have applied to Band Aid). [6, 7]
- As the allegations were not deployed in the programme as criticism of Band Aid, there was no requirement under the BBC's Editorial Guidelines to offer the Trust a "right of reply". There were, however, strong editorial reasons for seeking comments from the Trust, and the programme-makers' requests for an interview with Bob Geldof or another representative of the Trust did not give enough information about the gravity of the allegation of diversion of funds to enable an informed decision about whether to provide a speaker to be made. [8]
- The programme made clear that the allegations of diversion applied to aid reaching Tigray, not to the Ethiopian relief effort as a whole, and that much aid had served its intended purpose. [10]

#### **Partly upheld**

##### **From Our Own Correspondent, [bbc.co.uk](http://bbc.co.uk)**

- The article's reference to the fact that Bob Geldof had not agreed to an interview ("*Bob Geldof, who is not usually reluctant to talk, turned me down. It became clear that 25 years on, this was still a subject too sensitive to be discussed openly*") invited an unfair inference about his motive.
- The article did not give the impression that the relief effort in Ethiopia had failed to prevent "*the worst*" from occurring. One phrase, read in isolation, could have been taken in that sense, but overall the article made clear that the relief effort had saved many lives.

#### **Partly upheld**

##### **Ethiopian Famine Aid "Spent On Weapons", [bbc.co.uk](http://bbc.co.uk)**

- The sentence "*One rebel leader estimated \$95m (£63 m) – from western governments and charities including Band Aid - was channelled into the rebel fight*" was inaccurate in suggesting that the witness in question (Aregawi Behre) had referred to Band Aid, and there was no evidence for associating this claim with Band Aid funds.

#### **Upheld**

##### **BBC News (6.00pm), BBC1, 3 March 2010**

- Though the body of the report was fair and accurate, the suggestion in the studio introduction that millions of pounds of Band Aid money had been "*siphoned off by rebel groups to buy weapons*" was inaccurate and unfair.

#### **Upheld**

##### **Bob, Band Aid and how the rebels bought their arms, The Editors, [bbc.co.uk](http://bbc.co.uk)**

- The article gave a misleading impression that there was evidence of large-scale diversion of Band Aid money.
- The article was not clear about the extent to which the credibility of the claim of 95% diversion of aid by REST was open to question.

## Upheld

The Trust's complaints about the following items were not upheld:

**PM, Radio 4, 3 March 2010**

**The Andrew Marr Show, BBC1, 7 March 2010**

**The Media Show, Radio 4, 10 March 2010**

## Further action

Apologies to the Band Aid Trust were broadcast on BBC1, the News Channel, Radio 4 and World Service. Appropriate steps were taken to guard against visitors to any relevant BBC online items being given the impression that the evidence of diversion applied to Band Aid money.

## Note

In earlier correspondence with the Trust, BBC News had identified a number of other items arising from the **Assignment** story in which an inaccurate or potentially misleading impression had been given.

- A headline on the News Channel and the BBC1 **One O'clock News** to the effect that millions of pounds given to Live Aid was used by rebels to buy guns.
- Text on a website page which gave the impression that only a small amount of money raised by the charities involved in the Ethiopian famine reached the hungry.
- A caption on News Channel during a guest interview which read "*It's claimed 5% donations spent on Ethiopians*".
- An introduction to a report by Martin Plaut on the BBC1 **One O'Clock News**, the News Channel and BBC World which associated Live Aid money with the claim that only 5% of the aid money reaching Tigray was used to feed the hungry.

The action taken by the BBC was addressed to the breaches of editorial standards already acknowledged by BBC News, as well as to those found by the ECU.