

Analysis of complaints

From 1 April to 30 September 2011 the Unit reached findings on 234 complaints concerning 128 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)	9	9
Harm to individual/organisation (3 rd party complaint)	3	3
Political bias	8	8
Other bias	51	42
Factual inaccuracy	112	31
Offence to public taste	11	11
Violence	3	1
Sensitivity and portrayal	15	4
Racism	3	3
Offence to religious feeling	4	2
Bad example (adults)	4	3
Bad example (children)	3	3
Commercial concerns	5	5
Other	3	3
Total	234	128

In the period 1 April to 30 September, 31 complaints were upheld (10 of them partly) – 13% of the total. Of the items investigated in the period, complaints were upheld against 14 items (11% of the total). 3 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 (14 in this period) which require longer or more complex investigation. During the period 1 April – 30 September, 83% of replies were sent within their target time.

Summaries of upheld complaints

Dom's on the Case, BBC1, 9-13 March 2009 **Complaint**

The series staged an experiment in which the residents of a street in Southampton gave up their cars for a week. A viewer complained of three instances in which he believed this resulted in a comparison which was misleading in relation to the public transport alternative.

Outcome

In two of the instances the programme gave a fair and accurate impression of the comparison between public transport and the car journeys concerned. In the third, however, the most direct public transport route was not selected, and this fact was not made clear in the programme. Though there had been valid reasons for the selection of the longer route, the result was an undeservedly poor impression of the public transport alternative.

Partly upheld**Further action**

All programme teams will be required to demonstrate to their Executive Producer that they have a rigorous fact-checking procedure in place which will ensure that any factual inaccuracies are identified and corrected before broadcast.

Donal MacIntyre, Radio 5 Live, 24 April 2010**Complaint**

The programme included a discussion of a sharp increase in reported instances of ovarian hyperstimulation syndrome (OHSS) resulting from IVF procedures. The Chief Executive of the Human Fertilisation and Embryology Authority (HFEA) complained that the programme-makers had misrepresented the HFEA's position on the matter, disregarding information provided by the HFEA press office which explained that the increase was the result of changed reporting practices, not a higher incidence of OHSS.

Outcome

The reporter's contemporaneous notes of her phone conversations with the press office (corroborated in part by the recollections of the producer) supported the programme-makers' contention that no such explanation had been provided during the course of those conversations, and the brief written statement which the HFEA did provide was unclear on the matter. On air, however, the HFEA's statement was paraphrased in terms which imputed to it a meaning it clearly did not have, and which opened it up to the charge of absurdity.

Partly upheld**Further action**

The programme's Editor has discussed the outcome with the team and underlined the need to reflect accurately on air any statement provided by an organisation, particularly when paraphrasing.

Taking the Keys Away, BBC1, 2 November 2010**Complaint**

A representative of the charity Independent Age complained that the programme gave the erroneous impression that pensioners, as a group, were more prone to road accidents than any other age-group.

Outcome

The programme-makers had not intended the claim to apply to pensioners in general, but the programme did give the impression complained of, and it was unfounded. Taken as a whole, pensioners are no more prone to accidents than other demographic groups, and less so than some.

Upheld**Further action**

The programme will not be repeated in its present form.

News bulletins, Radio 4, 17 December 2010

Complaint

A report on the issue of bonuses for Chief Constables and other senior police officers included the information that, whereas the Chief Constable of Surrey and the Commissioner of the Metropolitan Police had recently turned down bonuses, "*Sue Sim, the Chief Constable of Northumbria Police, the force widely criticised for its handling of the search for fugitive gunman Raoul Moat, has accepted her bonus of more than £33,000*". The Chair of the Northumbria Police Authority complained that the item was inaccurate, in that Ms Sim's bonus related to her performance before she became Chief Constable, and in that the force's handling of the Raoul Moate case had attracted a great deal of public sympathy and approval.

Outcome

It was clear from a conspectus of contemporaneous reporting that it was not inaccurate to say that the force had been "*widely criticised*", whatever more favourable opinion it may also have generated. However, the effect of setting Ms Sim's bonus in the context of the Raoul Moate case, which occurred while she was Chief Constable, gave the misleading impression that the £33,000 bonus related to her performance in that role.

Partly upheld

Further action

Head of Radio Newsroom has spoken to the bulletins team about the importance of giving context for similar reports in future. Ambiguity is to be avoided and output editors are to assign longer durations to reports where they judge such context is necessary.

The Alan Davies Show, Radio 5 Live, 18 December 2010

Complaint

John Whittingdale MP complained about remarks by David Badiel and Alan Davies concerning the Freedom Association (of which he is a Council-member) and its founder Norris McWhirter.

Outcome

Talking about a short film he had made about a visit to his school by Mr McWhirter in 1978, Mr Baddiel described the Freedom Association as "*a very, very right wing, kind of sub BNP, slightly posher version of the BNP, organisation*", and Mr Davies asked (with reference to Mr McWhirter) "*Was he a Brown Shirt with Mosley or whatever they were called?*". In his complaint, Mr Whittingdale made the point that the Freedom Association is "*a libertarian organisation, which promotes individual freedom and a smaller state*", and described the comments in question as "*deeply offensive to the Freedom Association and to Mr McWhirter's family*". While recognising the potential for offence, the ECU took the view that Mr Baddiel's remarks were more in the nature of an expression of opinion (relating to an impression he had formed as a schoolboy) than a factual claim about the Freedom Association's policies or stance, and, although contentious, fell within the boundaries of legitimate political debate. However, the guidelines on impartiality require that contentious views be "*rigorously tested*". In this instance, the view expressed was neither tested nor identified as contentious, and Mr Davies' subsequent question aggravated the fault.

Further action

The Controller of Radio 5 Live has discussed the finding with the production team, emphasising the need to ensure that presenters are fully briefed and contentious statements are appropriately challenged.

East Midlands Today, BBC1 (East Midlands), 12 January 2011

Complaint

The programme included a brief exchange between a reporter and Gonçalo Amaral (a former policeman who had worked on the disappearance of Madeleine McCann and had since written a book on the case). One word in the exchange was bleeped, and the report gave the impression that this was because Sr Amaral had used offensive language about the McCanns. A viewer complained that this was inaccurate and unfair to Sr Amaral.

Partly upheld

Outcome

The reporter's belief, reinforced by others on the programme team who viewed the recording, was that Sr Amaral had indeed used an English phrase which included an offensive term applied to the McCanns. On further examination, however, it became clear that Sr Amaral had been speaking Portuguese, and that an inoffensive phrase had been misconstrued.

Further action

The Editor of the programme has discussed the outcome with the producer and reporter involved. In future, the team plans to use interpreters if clips from interviews are unclear.

Top Gear, BBC2, 30 January 2011

Complaint

The ECU investigated complaints (from 11 viewers and from the Mexican Section of the Latin American Studies Association) prompted by remarks about Mexicans by the presenters, made in the context of reviewing a Mexican car.

Outcome

Although the remarks were humorously intended (the intention being to call attention to the absurdity of a certain stereotype of Mexicans), their tone and cumulative effect seemed to the ECU to give the impression of reinforcing, rather than ridiculing, the stereotype.

Upheld

Further action

BBC Vision discussed the reasons for, and the issues arising from, the finding with the production team.

Nihal, Asian Network, 1 February 2011

Complaint

Two listeners complained that a representative of the English Defence League (EDL) had been allowed to make extremely offensive comments about Islam and Mohammed, and that appropriate action had not been taken. One complained that this indicated anti-Muslim bias on the part of the presenter.

Outcome

The representative of the EDL answered a question about what he had against Islam in a manner which became extremely offensive. At the time, however, the producer was talking to the presenter, via his headphones, about the tone of this contribution, as a result of which

the presenter did not hear the most offensive phrases and did not intervene appropriately. Although apologies were offered later, when the programme-makers became aware of the terms in which the EDL representative had spoken, and again the following day, this was not sufficient to offset the lack of appropriate intervention at the time. However, the manner of the presenter's intervention when the same speaker subsequently made a somewhat less inflammatory (but nevertheless offensive) comment about Mohammed served to confirm that distraction, not anti-Muslim bias, accounted for the earlier lapse.

Upheld/Partly upheld

Further action

The Editor in charge of the programme has discussed the incident with the team and introduced the practice of ensuring that another senior member of the team monitors highly controversial items.

Louis Theroux: Ultra Zionists, BBC3, 3 February 2011

Complaint

Speaking of a group of visiting Americans who were picking grapes near an Israeli settlement in the West Bank, Louis Theroux said "*Deep in the occupied territories, and within sight of a Palestinian town, tourists were working land that the international community, the US included, viewed as illegal*". A viewer complained that this was inaccurate in relation to the US government, which had not expressed the view that the settlements were illegal.

Outcome

In a finding on an edition of **From Our Own Correspondent** broadcast in January 2008, the Editorial Standards Committee of the BBC Trust concluded that there was not sufficient evidence to justify the claim that the then-current Bush administration considered the settlements to be illegal. Although a representative of the US government has since characterised continued settlement activity by Israel as illegitimate, there has been no statement on behalf of the present administration to the effect that the settlements are illegal, so the words complained of fell short of the standard of due accuracy as determined by the Committee. However, as the programme-makers had already responded to the complaint by editing those words out of the programme, the ECU regarded the complaint as having been resolved.

Resolved

Newsnight, BBC2, 14 February 2011

Complaint

The programme included a film about Israeli and Palestinian children presented by the children's author Michael Morpurgo, followed by a studio discussion with Mr Morpurgo and Louise Ellman MP. Two viewers complained that Ms Ellman's suggestion that Hamas sends child suicide bombers into Israel from Gaza was unfounded, and should have been challenged.

Outcome

Ms Ellman made the suggestion on two occasions. On the first, it passed without remark. On the second, Jeremy Paxman put it to Mr Morpurgo for comment, but not in terms which suggested doubt, and Mr Morpurgo responded by saying he had met no such children. It appears that the most recent instance of a suicide bombing by a child (in the sense of someone under the age of 18) in which Hamas was implicated was the bombing carried out by the 17 year-old Khamis Gerwan in 2003. Ms Ellman's remarks, however, gave the impression that the use of children as suicide bombers was a key consideration in the current situation, and should have been appropriately challenged.

Upheld

Further action

The finding was discussed with the editorial team, with particular emphasis on the need to challenge contentious statements of fact made by contributors to support the subject under discussion.

Today, Radio 4, 4 March 2011

Complaint

Interviewing Sir Howard Davies about donations to the LSE by overseas governments, John Humphrys drew attention to a donation it had accepted from the United Arab Emirates at a time when it had been ruled by “*a very, very nasty man...indeed*”. A listener complained that this characterisation of the late Sheikh Zayed bin Sultan Al Nahyan was entirely unwarranted, and argued that, although this had been acknowledged on the **Today** website, a broadcast correction should also be made.

Outcome

The characterisation had been based on a single and, as it transpired, misleading source. However, Sir Howard had challenged it at the time, citing the opinion of the late Professor Fred Halliday that Sheikh Zayed was, by the standards of the region, “*rather an enlightened leader*”, and that accepting his donation had been entirely reasonable. This challenge, based as it was on the view of an acknowledged expert, had much of the force of a correction, and the subsequent published acknowledgement on the **Today** website was reasonable and proportionate in the circumstances.

Resolved

Masterchef 2011, BBC1, 16 March 2011

Complaint

A viewer complained that, in a programme devoted to vegetarian recipes, two non-vegetarian ingredients (Parmesan and Gorgonzola) were used.

Outcome

Parmesan and Gorgonzola are EU Protected Designation of Origin products, and must be made in the traditional manner, which includes the use of rennet (a product of animal slaughter). As the website of the Vegetarian Society makes clear, neither can be regarded as a vegetarian product. Though the programme actually used a vegetarian substitute for one of the cheeses, the fact that Parmesan and Gorgonzola were mentioned throughout conducted to the mistaken impression that they are suitable for vegetarians.

Upheld

Further action

The programme has been edited and the Executive Producer has reminded the production team of the need to ensure that all products are carefully labelled on the programme.

Saturday Kitchen, BBC1, 9 April 2011

Complaint

A guest chef with coeliac disease referred to his habit of regularly lapsing from his gluten-free diet, in terms which suggested that this was harmless, or even beneficial. A viewer complained that this created an impression which was misleading and potentially dangerous to children with gluten intolerance who might have been watching.

Outcome

The Chairman of the Clinical Services & Standards Committee of the British Society of Gastroenterology confirmed to the ECU that significant lapses from a gluten-free diet would damage the small intestine and increase the risk of cancer. The impression given in the programme should have been avoided or corrected.

Upheld**Further action**

The production team has been reminded that accuracy is important, even when guests discuss how they manage their own medical conditions on the live programme.

Match of the Day Live, BBC1, 23 April 2011**Complaint**

In a post-match live interview the manager of Queen's Park Rangers observed that his team had at least stopped "*defending like fairies*". A viewer complained that the remark involved a homophobic stereotype, and should not have been broadcast.

Outcome

The remark was unacceptable, and it was a matter of regret that it had gone unnoticed by the programme-makers, and therefore without comment or apology, at the time. However, the programme-makers had already acknowledged the unacceptability of the remark and expressed regret that it had not been dealt with appropriately. In the view of the ECU, this was sufficient to resolve the matter.

Resolved**Fallout: the Legacy of Chernobyl, Radio 4, 26 April 2011****Complaint**

Ten listeners lodged detailed complaints to the effect that the programme had understated the impact on health of radiation releases from nuclear power stations, in relation to both Chernobyl and Fukushima, ignoring a large body of relevant research.

Outcome

The programme reflected the consensus of peer-reviewed research and included an appropriate range of expert views. In response to the ECU's inquiries, however, the programme-makers acknowledged two inaccuracies (which figured in five of the ten complaints). Firstly, an expert contributor from Ukraine (speaking in his third language, and in informal circumstances) had confused millisieverts and microsieverts when comparing current radiation levels around Chernobyl with the highest known levels of naturally-occurring radiation. Secondly, another expert (in a clip from an interview broadcast shortly after the escape of radiation at Fukushima was first reported) had compared levels of exposure there with levels of exposure during a transatlantic flight in terms which, while defensible at the time the comments were made, were not consistent with the data available by late April. While these inaccuracies did not affect the overall thrust of the programme or the validity of its conclusions, they allowed listeners to infer that there were no adverse consequences from exposure to levels of radiation which would in fact be injurious, and that levels of radiation around Fukushima were of less concern than might have been the case.

Partly upheld**Further action**

The programme will not be repeated without the inaccuracies being addressed by editing.

Rethink for calorie eating levels & Daily calorie intake “too low”, [bbc.co.uk](https://www.bbc.co.uk)

Complaint

These items concerned a draft report by the Scientific Advisory Committee on Nutrition which proposed to raise the Recommended Average Requirement (of calories) by up to 16%. A visitor to the pages complained that the items misleadingly presented this information as meaning that the average adult could safely consume a further 400 calories per day.

Outcome

The Recommended Average Requirement (RAR) represents the calories which are expended in energy by the average adult in the average day. An increase in the RAR would licence consumption of 400 extra calories only if, on average, people had been restricting their consumption to the level previously recommended, which is not the case. While the items included a number of significant caveats, these did not suffice to offset the effect of the statement that *“A 16% increase would mean that adults could safely consume an extra 400 calories a day, equivalent to an average sized cheeseburger”*, which was misleading.

Upheld

Further action

The finding refers to a text article and a video report. The wording of the article has been amended to make clear that any potential increase in calorie intake would apply only to those already eating at recommended levels. The relevant phrase has been removed from the video. A link to the ECU finding has been added to both pages.