

<b>Analysis of complaints</b> .....	<b>2</b>
<b>Standards of service</b> .....	<b>2</b>
<b>Summaries of upheld complaints</b> .....	<b>2</b>
Panorama: Sub Prime Suspects, BBC1, 8 October 2007.....	2
Complaint.....	2
Ruling.....	2
Further action.....	3
The Chief, BBC Wales, 27 November 2007.....	3
Complaint.....	3
Ruling.....	3
Further action.....	3
Saturday Kitchen, BBC1, 15 December 2007.....	3
Complaint.....	3
Ruling.....	3
Resolved.....	4
Kill it, Cook it, Eat it, BBC3, 7 January 2008.....	4
Complaint.....	4
Ruling.....	4
Match of the Day Live, Mansfield Town v Middlesbrough, BBC1, 26 January 2008.....	4
Complaint.....	4
Ruling.....	4
Further action.....	4
News (10pm), Radio 4, 2 February 2008.....	4
Complaint.....	4
Ruling.....	4
Further action.....	5
BBC News (1.00pm), BBC1, 7 February 2008.....	5
Complaint.....	5
Ruling.....	5
Further action.....	5
File on Four, Radio 4, 12 February 2008.....	5
Complaint.....	5
Ruling.....	5
Further action.....	6
BBC News (6.00pm), News 24, 17 February 2008.....	6
Complaint.....	6
Ruling.....	6
Further action.....	6
Newsnight, BBC2, 25 February 2008.....	6
Complaint.....	6
Ruling.....	6
Further action.....	7
EastEnders, BBC1, 21 and 24 March 2008.....	7
Complaint.....	7
Ruling.....	7
Further action.....	7

## Analysis of complaints

From 1 April – 30 June 2008 the Unit reached findings on 61 complaints concerning 56 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**

<b>Topics of Complaint</b>	<b>Number of Complaints</b>	<b>Number of Items</b>
Harm to individual/organisation (victim complaint)	1	1
Harm to individual/organisation (3 <sup>rd</sup> party complaint)	3	3
Party political bias	1	1
Other bias	12	11
Factual inaccuracy	13	13
Offence to public taste	7	5
Offensive language	4	4
Sensitivity and portrayal	1	1
Racism	1	1
Offence to religious feeling	1	1
Bad example (children)	1	1
Bad example (adults)	2	2
Commercial concerns	4	3
Other	10	9
<b>Total</b>	<b>61</b>	<b>56</b>

In the period 1 April – 30 June, 11 complaints were upheld (2 of them partly) – 18% of the total. Of the items investigated in the quarter, complaints were upheld against 7 items (12.5% of the total). Two complaints (about 2 items) were resolved. This report contains summaries of the findings in those cases, and in two cases where provisional findings were reached in the previous quarter and aspects of them were finalised subsequently.

## 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 (8 in this quarter) which require longer or more complex investigation. During the period 1 April – 30 June, 90% of replies were sent within their target time.

## Summaries of upheld complaints

### **Panorama: Sub Prime Suspects, BBC1, 8 October 2007**

#### **Complaint**

The programme included criticisms of Platform, a subsidiary of Britannia Building Society, in relation to two mortgage loans. Britannia complained that the suggestion that the loans had been mis-sold was unjustified, and that it had not been given a proper opportunity to respond to the criticisms.

#### **Ruling**

Though the programme included instances of reckless lending as well as mis-selling, the ECU agreed that the criticisms of Platform amounted to allegations of mis-selling. In one instance, the ECU found the allegation was justified, as a proper affordability assessment would have shown the loan to be unaffordable. In the other, the ECU found the allegation

was unjustified; though the loan in question was in fact unaffordable, this was the consequence of fraud by an intermediary, not mis-selling.

The ECU also found that the allegation of mis-selling in relation to the first loan was put to Britannia too late for a proper opportunity to respond, and that Britannia was at no point given enough information for a proper opportunity to respond on the second loan. In addition, Britannia's statement on the first loan was not adequately reflected in the programme.

#### **Further action**

The Editor has underlined to his team the importance of making the nature of any criticism entirely clear, both to the subjects of the criticism and to the audience, and has discussed right of reply issues in detail with all staff.

### **The Chief, BBC Wales, 27 November 2007**

#### **Complaint**

The programme was an observational documentary about the Chief Constable of North Wales Police. Ian Lucas, MP for Wrexham, complained of a sequence in which he was the subject of criticism by the Chief Constable and another officer (which he believed to be ill-founded) without right of reply. He also complained of comments which misleadingly suggested that he was among a number of Labour MPs "*parachuted into safe seats*" in Wales, again without right of reply, and the incorrect attribution to him of comments made by another Welsh Labour MP.

#### **Ruling**

The reference to MPs being "*parachuted into safe seats*", though it might wrongly have been taken by viewers to apply to Mr Lucas, was not a criticism of the MPs concerned, and did not give rise to a right of reply. BBC Wales had already acknowledged and apologised in writing for the misattribution to Mr Lucas of comments by another MP, and the ECU regarded the apology as sufficient to resolve this aspect of the complaint. However, the criticism of Mr Lucas, for which North Wales Police subsequently apologised, was serious enough to give rise to a right of reply. In the absence of a response from Mr Lucas, it should not have been included.

#### **Further action**

A statement of apology, which also corrected the misattribution, was broadcast in an equivalent transmission slot by BBC Wales.

### **Saturday Kitchen, BBC1, 15 December 2007**

#### **Complaint**

A viewer complained that a guest in this live programme used a form of the f-word.

#### **Ruling**

Although the guest stopped himself before the word had been fully articulated, it would have been clear to viewers that it was a form of the f-word that he had used. This was clearly out of place in a programme broadcast at 10.00am. However, the Editorial Complaints Unit took the view that the immediate apologies by the guest and the presenter, together with the fuller apology given later in the programme by the presenter, were the appropriate response in the circumstances, and sufficed to resolve the matter.

## **Resolved**

### **Kill it, Cook it, Eat it, BBC3, 7 January 2008**

#### **Complaint**

A viewer complained that the programme contained the erroneous statement that pig farrowing crates had been banned in the UK. Although the error had been acknowledged in correspondence, the complainant believed that it required correction on air.

#### **Ruling**

The error arose from a confusion on the part of an expert contributor between farrowing crates and sow crates (which have been banned in the UK since 1999), and went undetected when the programme was reviewed for accuracy by the relevant Government service. However, in the context of an item which focused on the rearing and slaughtering of young pigs, the error was not such as to affect viewers' understanding of the issues under discussion, and the Editorial Complaints Unit took the view that the acknowledgement of error on the part of the programme, together with the publication of a summary of the matter on the complaints pages of [bbc.co.uk](http://bbc.co.uk), were sufficient to resolve the issues raised by the complaint.

#### **Resolved**

### **Match of the Day Live, Mansfield Town v Middlesbrough, BBC1, 26 January 2008**

#### **Complaint**

Two viewers complained that a guest's comments in praise of the Chairman of Mansfield Town FC touched on highly contentious matters, and should have been challenged or balanced by a contribution from a critical viewpoint.

#### **Ruling**

The public controversy arising from the Chairman's conduct is such that the comments should have been challenged or balanced.

#### **Upheld**

#### **Further action**

The Editor of the programme has discussed the issues arising from the finding with both the presenter and the contributor concerned.

### **News (10pm), Radio 4, 2 February 2008**

#### **Complaint**

A listener complained about an item in which a Government adviser was quoted as saying that the medical checks on claimants of Incapacity Benefit were "ludicrous" because carried out by the claimants' own GPs, describing this statement as totally inaccurate.

#### **Ruling**

According to the Department for Work and Pensions, only a minority of claims are based on a medical check carried out by the claimant's own GP. The item had quoted the Government adviser correctly, and it is not normally necessary to verify statements from such sources in order to report that they have been made. In this instance, however, the reported statement had been followed by the information that the relevant Conservative spokesman had expressed strong agreement. Though the quotation from the Conservative spokesman which followed expressed general dissatisfaction with the current Incapacity

Benefit regime, rather than specific agreement with the statement complained of, it contributed to a misleading impression that the statement was not in dispute.

### **Upheld**

#### **Further action**

The Editor, Radio Newsroom discussed the issues arising from the finding with his teams, reminding them of the importance of corroborating and carefully attributing claims and allegations made by contributors, where possible.

### **BBC News (1.00pm), BBC1, 7 February 2008**

#### **Complaint**

A viewer complained about a remark by the BBC's Religious Affairs Correspondent that Sharia law "works very well in northern Nigeria, even for Christians".

#### **Ruling**

The remark, in the context of an item about the Archbishop of Canterbury's comments in relation to Sharia law, was intended to illustrate the point that attitudes to Sharia did not necessarily reflect religious allegiance (and followed the observation that Muslim women had been prominent in the opposition to the possible development of Sharia jurisdiction in Canada). However, although there is evidence of Christians in northern Nigeria opting for Sharia justice in both civil and criminal cases, the suggestion that Sharia law "works well" for Christians in general in the region went beyond what could be substantiated.

### **Upheld**

#### **Further action**

The Editor of the bulletin discussed the issues arising from the complaint with the programme team, and stressed the need for the accurate use of language in both scripted and unscripted commentary.

### **File on Four, Radio 4, 12 February 2008**

#### **Complaint**

A listener complained that the programme had uncritically repeated the claim of the BNP to be the fourth-largest party in England. The claim was ill-founded, and its repetition tended to heighten the party's credibility.

#### **Ruling**

The presenter of the programme said "The BNP claims to be the fourth party in England, with 45 local councillors", which reflected (though somewhat inaccurately) a BNP press release after the 2005 general election claiming that the BNP had emerged as "Britain's fourth largest party". The basis for this claim – that the party had received the fourth-highest share of the vote in the seats it had contested – was unsound, and on more conventional measures the party emerged from the 2005 general election as the eighth-largest in the UK (or the sixth-largest in England). The presenter clearly attributed the claim to the BNP, and did not endorse it. However, the reference to "45 local councillors" suggested that the party was the fourth-largest in England in terms of council seats, which is not the case. 45 being a relatively small number, irrespective of ranking, it was unlikely that the presenter's statement would have heightened the BNP's credibility significantly. However, it did lend credence to an unsound claim about the party's electoral impact.

### **Upheld**

### **Further action**

Editors of news programmes were asked to remind teams of need to check claims from any source and to take care that scripting is precise.

### **BBC News (6.00pm), News 24, 17 February 2008**

#### **Complaint**

A viewer complained that a reference to Northern Rock receiving subsidised loans (in an item which covered the announcement of the bank's temporary nationalisation) was inaccurate.

#### **Ruling**

The reporter concluded the item by saying "UK taxpayers are still subsidising the bank in loans and guarantees for up to £55 billion". The terms of the loans were such that there was arguably an element of subsidy, but it was inaccurate to describe the entirety of the financial support package as a subsidy.

#### **Upheld**

#### **Further action**

The issues arising from the finding have been drawn to the attention of the reporter in question and the Controller of the BBC News channel (formerly known as BBC News 24). They and their colleagues have been reminded about the requirement for accuracy in descriptions and language, so that incorrect impressions are not given to the audience.

### **Newsnight, BBC2, 25 February 2008**

#### **Complaint**

The ECU received complaints from two viewers in Jersey about an item on the investigation into the Haut de la Garenne children's home. The item included footage of an exchange between Senator Walker, the Chief Minister of Jersey, and Senator Syvret, one of his leading critics. The viewers complained that this footage had been edited in a way which was unfair to Senator Walker, and that further unfairness resulted from his response to Senator Syvret being misquoted by Jeremy Paxman in a live interview with him. One of the viewers complained that the exchange with Senator Syvret had been filmed without Senator Walker's knowledge.

#### **Ruling**

The exchange, as edited and broadcast was as follows:

**Senator Syvret**

*Frank, we're talking about dead children.*

**Senator Walker**

*Yes, Stewart. Exactly. You shouldn't be politicising it. You're trying to shaft Jersey internationally.*

In the view of the ECU, the editing had not materially altered the meaning of the exchange, and did not result in unfairness to Senator Walker. However, because of a mishearing, Jeremy Paxman paraphrased him as having said "We're trying to promote the international image of Jersey", then quoted him as having said "We're trying to show off Jersey internationally", despite his denials. Although, by way of clarification, Senator Walker's actual words were given later in the programme, this did not sufficiently offset an impression of undue preoccupation with Jersey's image which his words did not warrant. As to the filming of the exchange, the ECU found that sufficient steps had been taken to make both Senators aware of the likelihood that filming would still be going on at the point when the exchange took place.

#### **Partly upheld**

**Further action**

Editors in BBC News have been asked to stress to teams the importance of making sure the audience is clear about cases where a presenter's mishearing affects the subsequent discussion, in particular by ensuring that enough has been done as soon as is practical to prevent the audience being left with a misleading impression.

**EastEnders, BBC1, 21 and 24 March 2008****Complaint**

Three viewers complained that the storyline in which the character Max Branning was drugged and buried alive (before finally being released) by his wife Tanya was inappropriate for a pre-watershed drama series which attracts a family audience.

**Ruling**

The potential sensitivity of the storyline had been recognised by the programme-makers, and its presentation had been the subject of extensive consultation before transmission. It involved no explicit physical violence, and the view of the programme-makers was that (in the context of a holiday weekend, when there is an established expectation among viewers that the storylines in soaps will be at their most dramatic, and in the light of experience from previous storylines involving extreme circumstances) it would not exceed the expectations of the audience. However, the nature of the response registered with BBC Information (and with Ofcom) suggested that the emotional impact of the storyline was somewhat stronger than had been considered likely, and that it had caused upset among a segment of the audience which was neither anticipated nor intended.

**Upheld****Further action**

The finding has been discussed amongst the production team and will be taken into account in the development of future storylines.