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Analysis of complaints

From 1 January – 31 March 2008 the Unit reached findings on 50 complaints concerning 48 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	Number of Complaints	Number of Items
Harm to individual/organisation (victim complaint)	3	3
Harm to individual/organisation (3 rd party complaint)	1	1
Infringement of complainant's privacy	1	1
Party political bias	2	2
Other bias	13	13
Factual inaccuracy	9	9
Offence to public taste	2	2
Offensive language	2	1
Violence	1	1
Sexual conduct	2	2
Sensitivity and portrayal	7	6
Racism	1	1
Offence to religious feeling	1	1
Commercial concerns	2	2
Other	3	3
Total	50	48

In the period 1 January – 31 March, 12 complaints were upheld (5 of them partly) – 24% of the total. Of the items investigated in the quarter, complaints were upheld against 11 items (23% of the total). One complaint (about 1 item) was resolved. This report contains summaries of the findings in those cases (except for two cases where the finding is provisional, and still subject to consideration of representations from the complainants).

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 January – 31 March, 88% of replies were sent within their target time.

Summaries of upheld complaints

Document, Radio 4, 30 July 2007

Complaint

The programme featured allegations by a former Colonial Service officer who had served in the Ministry of Labour in Lagos at the time of the 1959 Nigerian elections that there was a pattern of electoral malpractice by officers of the Colonial Service aimed at securing the outcome preferred by the UK. The Overseas Service Pensioners' Association complained that the allegations were neither substantiated nor properly challenged or appropriately balanced. The Association also complained that a statement by a historian that the British tried to manipulate elections to their advantage "*in almost every single colony*" was unwarranted, and went without challenge or rebuttal.

Ruling (updated 6 July 2009)

There was no direct corroboration for the allegations concerning the Nigerian elections, and the ECU established that the author of the leading contemporary study of the elections (whom the programme-makers had not succeeded in contacting) maintained unequivocally that he had found no evidence of the kind of electoral malpractice alleged. Although the programme included a rebuttal from a former official, this was not enough to offset an overall impression that the allegations were more credible than the evidence in fact suggests. It was legitimate to include a claim by a reputable historian about other British colonies, but the claim is vigorously contested by some, and the programme should have reflected this. In this respect, there was a breach of the Editorial Guidelines on Accuracy, which require that the BBC's output be "*well sourced, based on sound evidence [and] thoroughly tested*", and a consequent breach of the Guidelines on Impartiality, as it resulted in a less than balanced treatment of a controversial point.

Upheld

Further action

The Editor, Documentaries (Audio & Music Factual) has discussed with the programme team the need to ensure that balance is properly maintained on controversial topics, in particular to make sure an impression is not given that allegations are more credible than evidence presented suggests. He will revisit the subject with the team before the next series of Document goes into production.

Costing the Earth, Radio 4, 30 August 2007

Complaint

A representative of the wind farm industry complained that the programme's treatment of the subject had been inaccurate and unbalanced, and that it had inappropriately presented as "experts" two speakers who represented viewpoints critical of the industry.

Ruling

The programme explored legitimate concerns about the extent to which the Government's regime of financial support for wind-generated power was leading to developments on unsuitable and ultimately uneconomic sites, and these concerns were put to the relevant Minister for comment. It was also legitimate to present the programme's two principal critics

of the Government position and its consequences as experts in their field. However, there were four occasions in the programme on which they made comments which should have been either balanced by another viewpoint or appropriately qualified.

Partly upheld

Further action

The production team has been reminded about the need for fully balanced arguments in tackling controversial and complex issues.

The Restaurant, BBC Two, 30 August and 6 September 2007

Complaint

Part-way through this series, in which aspiring restaurateurs competed to win the chance of running a restaurant in partnership with Raymond Blanc, a viewer complained that the Tesco brand had featured excessively.

Ruling

It transpired that Tesco was the only supermarket chain willing to allow filming at the short notice required by the production schedule, so it featured in several last-minute shopping trips by the contestants. The ECU found that, although there had been editorial justification for filming in Tesco, the prominence of the name and brand in two of the programmes had exceeded what was editorially justified.

Upheld

Further action

The finding has been discussed by the commissioning and production teams and the relevant programmes will be edited ahead of any future repeat to address the concerns raised.

Breakfast, BBC One, 17 September 2007

Complaint

A viewer complained about an interview with a representative of Ecowatts about the thermal cell his company was developing. Ecowatts claims that, by virtue of a process not yet understood by science, the cell produces a net energy gain, and this claim was uncritically accepted in the item.

Ruling (updated 2 June 2009)

Ecowatts acknowledges that it is working in a scientifically controversial area. The fact that its claims have attracted some criticism should have been reflected in the item.

Upheld

Further action

The Editor of **Breakfast** has discussed the issues arising from the finding with her programme team, reminding them of the importance of checking and cross-checking facts; corroborating claims made by contributors, wherever possible; and ensuring that any

references to a product, brand, service or organisation are editorially justified and not open to misinterpretation as endorsement.

Panorama: How I Became a Muslim Extremist, BBC One, 1 October 2007

Complaint

The Islamic organisation Hizb ut-Tahrir complained on numerous counts about the way it had been represented in the programme and dealt with by the programme-makers.

Ruling

Because Hizb ut-Tahrir had also complained to Ofcom, the Unit was only able to address points not made in the Ofcom complaint. Of these, it upheld one – that the programme did not reflect Hizb ut-Tahrir's denial of the claim by a contributor that the organisation sought to promote hatred of the UK.

Partly upheld

Further action

The importance of right to reply was emphasised to the production team by the Editor of **Panorama**, who will be organising a seminar on the subject to ensure best practice is followed.

Street Doctor, BBC One, 22 October 2007

Complaint

A viewer complained the programme had been inaccurate in a number of respects, notably in describing Dupuytren's Contracture as a disease of the tendons, whereas it is a condition of the fascia.

Ruling

The doctor concerned had referred to "tendons" because he considered the anatomically accurate terms likely to be meaningless to viewers. However, he acknowledged that a generic term such as "tissues" would have been more appropriate. The Unit took the view that the inaccuracy was such as to mislead viewers, and upheld the complaint in that respect. However, it did not support the complainant's other charges of inaccuracy.

Partly upheld

Further action

The production team, presenters and medical adviser were reminded of the need to safeguard accuracy when simplifying technical or specialist concepts.

Breakfast, BBC One, 26 October 2007

Complaint

A viewer complained that an item gave uncritical coverage to a therapy for Seasonal Affective Disorder which had no scientific basis and, in the course of doing so, gave undue prominence for a commercial service.

Ruling

The therapy is not the product of peer-reviewed science, and there was no editorial justification for featuring the company which offered it in this uncritical context.

Upheld

Further action

The Editor of **Breakfast** has reminded the team that claims made by companies and/or individuals of scientific breakthroughs - though legitimate areas for investigation and coverage in news programmes with a magazine format such as **Breakfast** - should only be broadcast where appropriate checks have been made. Teams should seek to find peer-reviewed scientific research where possible, so that undue - and uncritical - prominence is not given to a commercial service. Teams should also remember to draw upon the advice and guidance of the Newsgathering Specialist correspondents within News.

The Politics Show, BBC One (West Midlands), 2 December 2007

Complaint

A viewer who campaigns for “safe standing” areas in football grounds complained about the suggestions that the use of fencing in English grounds to segregate rival fans was a direct result of what happened at the Heysel Stadium in 1985, and that the Hillsborough disaster was caused by an influx of ticketless supporters.

Ruling

Neither suggestion was correct. Fencing was already in widespread use by 1985, and Lord Taylor’s report on the Hillsborough disaster concluded that ticketless fans were not a significant factor.

Upheld

Further action

The Editor of the programme discussed with the reporter concerned the need to guard against inaccuracies arising from the attempt to present complex issues in a concise and accessible form.

The ONE Show, BBC One, 10 December 2007 and related website

Complaint

A viewer complained about a report on biometrics in the programme and related material on the programme’s website, which he believed amounted to propaganda for the Government’s policy on identity cards.

Ruling

The item as broadcast was duly balanced, and reflected the concerns of civil liberties groups about the technology in question. However, the programme’s website provided a link only to an external website promoting the latest developments in the biometrics industry, and this did not comply with the requirements of BBC guidelines on balance in links to external websites.

Partly upheld

Further action

The production team were reminded of the need to ensure appropriate balance when linking to external sites from a BBC programme-related website.

Miranda Hart's House Party, Radio 4, 15 January 2008

Complaint

Two listeners complained of a disparaging reference, in a humorous context, to a woman with a cleft palate. Both referred to a previous finding about **Mark Lamarr** (Radio 2, 29 July 2006), where the complaint had been upheld on the basis that the humour implied that cleft palate was risible.

Ruling

The cleft palate reference was derogatory, and in this instance the condition was somewhat more directly the butt of the humour than in the case of the previous finding.

Upheld

Further action

The management of Radio 4 will discuss the finding with the independent production company concerned, with a view to ensuring that its producers are fully aware of the issues arising from it. The attention of all programme commissioners in BBC Audio & Music has been drawn to this and the previous finding referred to by the complainants, and they have been reminded of the editorial standards which apply in such cases.