Analysis of complaints

From 1 October 2010 to 31 March 2011 the Unit reached findings on 152 complaints concerning 71 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

	No of Complaints	No of Items
Harm to individual/organisation (victim complaint)	2	2
Harm to individual/organisation (3rd party complaint)	2	2
Infringement of complainant's privacy	1	1
Political bias	8	7
Other bias	98	21
Factual inaccuracy	23	22
Offence to public taste	9	8
Sensitivity and portrayal	1	1
Racism	2	2
Offence to religious feeling	1	1
Bad example (adults)	1	1
Bad example (children)	1	1
Commercial concerns	3	2
Total	**152**	**71**

In the period 1 October to 31 March, 3 complaints were upheld (2 of them partly) – 2% of the total. Of the items investigated in the quarter, complaints were upheld against 3 items (4% of the total). One complaint, about one item, was 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 (61 in this period) which require longer or more complex investigation. During the period 1 October – 31 March, 90% of replies were sent within their target time.

Summaries of upheld complaints

Today, Radio 4, 1 June 2010
Complaint
John Humprys was interviewing the Israeli Ambassador on the morning following the fatal clash between Israeli forces and members of the Free Gaza Movement flotilla aboard the Mavi Marmara. A listener complained that the questioning had been in terms which were inaccurate and misleading as to the motives and actions of those on board the ship. In

particular, he cited *"an iron bar is not the same as a machine gun, it is not a weapon"* and *"You have knives in kitchens. A knife is not a weapon necessarily"*, and (in response to the Ambassador's reference to Hamas' treatment of the captured Israeli soldier, Gilad Shalit) *"Is that the same as killing people with machine gun fire on a ship? Men, women and children?"*.

Outcome
It was clear from the context that John Humphrys was not suggesting that knives and iron bars could not be used as weapons, but contrasting the makeshift weapons of those on board with the sophisticated armaments of the Israelis, so this was neither inaccurate nor misleading. However, as there was no evidence that the Israelis had opened fire with machine guns or killed women and children, and as the comments were phrased in terms which suggested they were a statement of fact, there was a breach of the guidelines on accuracy (particularly the requirement that BBC output must be well sourced, based on sound evidence and thoroughly tested).
Partly upheld

Further action
The Acting Editor of Today discussed the finding with John Humphrys, stressing the need for clear sourcing for all information used.

X-Ray, BBC1 (Wales), 12 July 2010
Complaint
The programme investigated a case in which a member of the public had been approached by Client Connection (which trades as Money Claiming Experts), a claims management company, with an offer to assist him in reclaiming the cost of mis-sold payment protection insurance. Client Connection complained that the programme had wrongly alleged that it had breached the relevant regulatory requirements by cold-calling the member of the public by phone, by levying an up-front fee, and by failing to provide the requisite pre-contractual information. It also complained about misleading statements or implications unconnected with regulatory compliance, and about the inclusion in the programme of photographs of two of the company's directors.

Outcome
The allegation that cold-calling in this instance was a regulatory breach rested on the view (supported by a passage in the company's own literature which proved to be misleading) that Client Connection's process would involve the referral of the member of the public to a solicitor – in which case the cold-calling would have been in breach of the regulations. In fact, the process did not involve "referral" in the sense intended by the regulations.
Client Connection disputed that it had failed to provide the requisite information before taking a fee, maintaining that the documentation relied on by the programme (in the form of a letter sent after a transfer of money from the client's account had been initiated) merely repeated information which had been sent by email before a contract had been formed and a fee taken. The ECU noted, however, that the evidence supplied in support of this claim did not establish that the information had in fact been sent, or received by the client, at the time stated, and that, at best, it would have reached the client only very shortly before a fee was taken. As the meaning of the relevant regulation is that pre-contractual information should be provided well enough in advance to allow the client to make a properly considered decision, the programme's allegation of regulatory breach in this respect was justified, whether the information in question was provided after a fee was taken or only shortly before. The wording of the programme, however, conveyed the incorrect impression that levying an up-front fee was a further regulatory breach, distinct from failing to provide timely pre-contractual information.

No further inaccuracies were found, and the use of photographs of directors of the company was legitimate in this context.
Partly upheld

Further action
The findings were discussed with the programme's production team and the need for close scrutiny of scripts to ensure there are no ambiguities was emphasised.

Anne Diamond, Radio Berkshire, 1 November 2010
Complaint
The programme (hosted on this occasion by Esther Rantzen) included a discussion of Myalgic Encephalomyelitis (ME) and Chronic Fatigue Syndrome (CFS). A listener complained that it promoted a treatment for ME/CFS whose efficacy was unproven ("the Lightening Process") and gave a misleadingly high figure for the proportion of ME/CFS cases in which complete recovery could be expected.

Outcome
Both points of complaint were valid. In response to concerns expressed following transmission, however, Radio Berkshire broadcast a further programme on the topic of ME/CFS which included an appropriate range of expert speakers and a discussion of the Lightening Process in which it was made clear that there have been no peer-reviewed studies which support the claim that it has beneficial effects. In the view of the ECU, this sufficed to resolve the issues of complaint.
Resolved

News (5.00am), BBC News Channel, 23 November 2010
Complaint
The bulletin included a report that the Knesset had passed *"a bill setting stringent new conditions for any withdrawal from occupied territories. It requires a two-thirds majority in the Knesset before any land in the Golan Heights or East Jerusalem could be ceded to either the Syrians or the Palestinians"*. A listener complained that this gave a partial and misleading impression of the bill in question.

Outcome
The bill provided that a two-thirds majority was required before land could be ceded by decision of the Knesset (as reported), and that a vote in the Knesset which produced a majority short of two-thirds would trigger a referendum in which the issue would be determined by a simple majority. Whether the second provision made the conditions for ceding territory less stringent, as the complainant maintained, is a matter for debate, but the omission of a key provision of the bill from the report gave an impression which was over-simplified.
Upheld

Further action
The Editor in charge of the output has spoken to the relevant team and emphasised the importance of accuracy when covering other countries' political systems. For future reporting on Knesset procedure, he has also advised them to refer to the Middle East Bureau for advice if the matter is complex.