

Analysis of complaints

From 1 October 2011 to 31 March 2012 the Unit reached findings on 176 complaints concerning 120 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)	8	8
Political bias	2	2
Other bias	37	29
Factual inaccuracy	49	45
Offence to public taste	58	17
Sexual conduct	1	1
Sensitivity and portrayal	3	3
Racism	1	1
Offence to religious feeling	9	6
Bad example (children)	3	3
Commercial concerns	2	2
Other	3	3
Total	176	120

In the period 1 April to 30 September, 12 complaints were upheld (7 of them partly) – 7% of the total. Of the items investigated in the period, complaints were upheld against 10 items (8.5% of the total). 3 complaints, about 3 items (one of which was also the subject of a partly upheld finding), were resolved. This report contains summaries of the findings in those cases, and of a case in which a complaint about four items broadcast by BBC Scotland was the subject of a provisional finding in the period covered by the previous report which was finalised after 1 October 2011.

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 (13 in this period) which require longer or more complex investigation. During the period 1 October – 31 March, 90.5% of replies were sent within their target time.

Summaries of upheld complaints

**The Magicians, BBC1, 15 January 2011
Complaint**

The programme included a trick which involved a large number of rabbits. A viewer complained that the rabbits had been handled and managed in a way which exposed them to risk and unnecessary stress, and which set a bad example for children in the audience.

Outcome

At the ECU's request, an expert from the RSPCA and an expert from the British Veterinary Association reviewed a recording, independently of each other. They both concluded that the management and handling of the rabbits appeared to fall short of best practice in a number of respects. Because of precautions taken by the programme-makers which would not have been apparent to the experts, the ECU concluded that it was unlikely that the rabbits had been seriously at hazard, but that, if children in the audience had taken what they saw as exemplary, rabbits might well be exposed to the risks identified by the experts.

Partly upheld

Further action

The production team were reminded of the need to avoid situations in which animals are handled in a way that might risk inappropriate imitative behaviour.

Do We Really Need the Moon?, BBC2, 1 February 2011 & Why the Moon is getting further away from Earth, bbc.co.uk

Complaint

A viewer complained that the programme was wrong to describe the Moon as "*speeding up*" in its orbit (a phrase replicated in the associated online item). He also complained that a graphic showing the moon orbiting the earth in the wrong direction had been misleading.

Outcome

The term "*speeding up*" had been taken from a book by an authority on the subject, who revised his view in the light of an academic paper cited by the complainant. In response to the complaint, and before escalation to the ECU, the programme-makers acknowledged the inaccuracy and undertook to replace the term with one which was accurate in the context. This sufficed to resolve that aspect of the complaint, and the inaccuracy in the graphic complained of was not such as to mislead viewers on the matter under discussion at that point in the programme. However, one occurrence of "*speeding up*" remained uncorrected in the online item.

Resolved/upheld

Further action

The online item has been amended.

Geert Wilders: Europe's Most Dangerous Man? BBC2, 14 February 2011

Complaint

A viewer complained that the programme was biased against Geert Wilders, inaccurately portrayed him as guilty of wrongdoing, and misleadingly portrayed Sheikh Khalid Yasin as someone engaged in de-radicalising youth whereas he is known to hold and preach extreme views.

Outcome

The programme was neither biased nor inaccurate in relation to Geert Wilders, but did give the misleading impression that Sheikh Khalid Yasin was a man of moderate views.

Partly upheld

Further action

The matter was discussed with the production team with a view to strengthening fact checking procedures in the future, and the programme will not be re-broadcast without appropriate editing.

Don't Get Done, Get Dom, BBC1, 11 May 2011

Complaint

The programme featured a householder in Chard whose house was affected by damp (to an extent that required the removal of the living room floor), and attributed the problem to work done by Somerset County Council which had raised the level of the pavement adjoining the house, blocking some ventilation bricks. The Council's Head of Communications complained that this was both unfair and inaccurate. The Council maintained that the main cause of the damp was water penetration from a poorly functioning downpipe, as had been explained to the programme team in a statement provided two weeks before transmission.

Outcome

Although the statement was provided considerably after the deadline set by the programme team, it was reasonable for the Council to expect that a response sent two weeks before transmission would be reflected in the programme. The fact that it was not was unfair to the Council, and the fact that the programme attributed responsibility exclusively to the Council despite being provided with an alternative explanation was inconsistent with BBC guidelines on accuracy, which require output to be "*well sourced, based on sound evidence [and] thoroughly tested*".

Upheld

Further action

The programme-makers have been reminded that statements submitted from affected parties need to continue to be carefully considered, irrespective of whether these have met the programme's deadlines.

North West Tonight, BBC1 (North West), 1 June & 16 August 2011

Complaint

The Principal of Liverpool Community College complained that a report in the 1 June programme wrongly stated that the College had been "fined" by the Skills Funding Agency (an error reinforced by further reference to the matter in the 16 August programme), that she had been misled about the nature of the item, that she had not had proper opportunity to respond, that the programme-makers had failed to honour their agreement to use a certain clip, and that the item had misleadingly suggested that the College had been the subject of a police investigation.

Outcome

The programme-makers had not misled the Principal, had given her proper opportunity to respond and had used the clip which had been agreed on. In relation to the reference to a police investigation, Merseyside Police had made enquiries into the matter following a complaint from the Skills Funding Agency (though, as reported on 16 August, the Police found no grounds to pursue action against the College). However, it was incorrect to state that the College had been fined by the Skills Funding Agency (which confirmed to the Editorial Complaints Unit that the College had made "*agreed repayments*", in acknowledgement of a failure to comply with data retention policies). The statement in the 16 August programme that the College had been "*ordered to pay back £80,000*" reinforced the misleading impression that a sanction had been imposed.

Partly upheld

Further action

The editor discussed the finding with the programme team, highlighting the need to check all aspects of a report for accuracy.

So You Think You Can Dance, BBC1, 11 June 2011 & related website

Complaint

A viewer complained that the programme gave a misleading impression that the contestant who came third among the four finalists in the audience vote had in fact come fourth (which was stated in terms on the programme's website).

Outcome

Before the involvement of the ECU, the programme-makers had acknowledged that the website was incorrect in this respect and had implemented a correction (which served to resolve that aspect of the complaint). In the programme itself, however, phrases such as "*the first person leaving this competition tonight*", "*the second person who will be leaving the competition*" and "*the next person who will be leaving our live final*" gave the impression that the two contestants concerned had been eliminated according to their relative positions in the audience vote, which was not the case.

Resolved/upheld

Further action

The programme-makers have been reminded of the degree of care that needs to be taken over the exact phrasing used to signal a contestant's departure.

Reporting Scotland, 6.30 pm & 10.30 pm, BBC1 Scotland, 1 July, 2010; Newsnight Scotland, BBC 2 Scotland, 1 July 2010

Complaint

The Head of Legal Services for South Lanarkshire Council complained that a report in these programmes, which was introduced as "*A BBC investigation into the Planning Department*" of the Council was unfair to the Department and its officials. It associated the Department with issues which in fact concerned the relationship between a member of the Council and a developer for whom the Council is an important client; it wrongly suggested that the Council had sold the developer a certain piece of land; it gave the misleading impression that the increase in the value of the land had resulted from a rezoning decision by the Council shortly after the sale; it claimed that the Council had paid the developer £5 million for a particular project, whereas the project in question was a joint initiative with Clyde Valley Housing Association; and the unfair impression created by this claim was reinforced by a comment from a Member of the Scottish Parliament.

Outcome

The report did not suggest that the land in question had been purchased from the Council, and the reference to the sum of £5 million (and the comment by the MSP in connection with it) simply illustrated the undisputed point that the Council was one of the developer's biggest clients, and carried no implication of impropriety. However, it was inaccurate to describe the item as an investigation "*into the Planning Department*", and unfair insofar as this tended to implicate the Department with the concerns about possible impropriety which the report in fact explored. As the decision to rezone the land in question had been made by a planning inquiry (and opposed by the Council), the impression that a Council decision had led to financial benefit for the developer was also inaccurate and unfair.

Party upheld

Further action

The editorial team has been made fully aware of the need to ensure that remarks made in introducing news stories are consistent with the facts as laid out within the body of those stories. The team was also reminded of the importance of clear story construction to avoid misleading implications being drawn as a result of the way in which factual information is presented.

5 Live Breakfast, Radio 5 Live, 19 July 2011

Complaint

In the course of an interview with a Labour MP, Nicky Campbell referred to Tom Baldwin (Ed Miliband's Director of Communication) as "*the journalist on The Times who, at the behest it is said of Number 10, outed the name of Dr David Kelly*". A listener complained that this was incorrect.

Outcome

Although there had been suggestions at the time that Mr Baldwin had played this role, information had emerged later which made clear that this was not the case, and the reference was mistaken.

Upheld

Further action

The programme editor discussed the finding with the presenter.

Horizon, BBC2, 14 September 2011

Complaint

In the programme, Professor Jim Al-Khalili explored the question, "is nuclear power safe?". A viewer complained that he gave an inaccurate account of the way the human body takes up non-radioactive iodine (which is used in the event of radiation exposure to lessen the possibility of developing thyroid cancer), and in a number of other respects conveyed an impression which was biased in favour of the nuclear industry.

Outcome

Professor Al-Khalili said "*Iodine tablets contain a stable form of iodine which your body takes up in preference to the radioactive form, so cancers don't start*". In fact, the body does not discriminate between radioactive and stable forms of iodine. There is a limit to the amount of iodine the body can absorb, and potassium iodide tablets work by raising the level of stable iodine so that proportionately less radioactive iodine is absorbed before the limit is reached. The programme was misleading in this respect, but it was not biased or otherwise inaccurate.

Further action

The Executive Producer reminded the production team of the need for absolute accuracy and precision in the reporting of scientific issues.

Bang Goes the Theory, BBC1, 3 October 2011

Complaint

In the wake of the release of radiation at Fukushima, the programme included an item which aimed to put the number of deaths caused by exposure to radiation from nuclear accidents into perspective. Two viewers complained that the item seriously understated the likely death toll (in relation to both Chernobyl and Fukushima) and, by ignoring scientific opinion which favoured higher estimates, failed to treat the controversial subject of nuclear power generation with due impartiality.

Outcome

Although defensible as an estimate, the figure of 122 deaths attributable to radiation from Chernobyl was presented as definitive when there is general agreement that estimates in this area are uncertain. The programme was misleading in that respect, though not to a degree which might have amounted to bias in relation to the arguments about nuclear power.

Partly upheld**Further action**

The production team were reminded of the essential difference between projected estimates and statements of scientific fact when addressing epidemiological data

The One Show, BBC1, 24 October 2011**Complaint**

Three viewers complained that the programme was inaccurate in saying that the legal minimum depth of tread for car tyres was 3mm. One of them added that a demonstration of measuring tread using the rim of a 20p piece was misleading.

Outcome

Though many bodies recommend that tyres be replaced when the depth of tread is reduced to 3mm, the legal minimum is in fact 1.6mm. The programme published a correction on its website independently of the ECU's investigation. As the error was in the direction of greater safety, the ECU regarded this as sufficient to resolve the issue. The treatment of the 20p test, however, was misleading, as it could have given viewers the impression that measuring the tread at the edge of the tyre was sufficient (whereas the minimum tread requirement applies across the width of the tyre and round its whole circumference).

Resolved/partly upheld**Further action**

The programme-makers broadcast a clarification of the requirements for measuring tread, during which the inaccuracy over the legal minimum depth was also corrected.

Chris Evans, Radio 2, 25 November 2011**Complaint**

A listener complained that Chris Evans expressed a one-sided attitude to the protestors outside St Paul's Cathedral.

Outcome

Chris Evans made critical comments about the protestors on a number of occasions during the programme. The producer reminded him of the requirements of due impartiality while the programme was on air, and he agreed to express no further opinions on the subject. Nevertheless, in the absence of balancing comments, what had already been broadcast was not duly impartial.

Upheld**Further action**

The Compliance Editor of Radio 2 is conducting a series of briefings with the main presenters and their programme teams which cover issues of impartiality, and the Controller of Radio 2 has been asked to raise impartiality issues in his routine meetings with presenters and their representatives.

Weekend Wogan, Radio 2, 22 January 2012

Complaint

A listener complained that humorous references to the sinking of the Costa Concordia by Sir Terry Wogan were offensive and insensitive to those affected by the disaster, and called for a broadcast apology.

Outcome

The remarks in question (which were made immediately after “Rock the Boat” had been played as the programme’s opening track, and, later, after a news bulletin which included a report related to the disaster) were inappropriate. However, the programme-makers, in response to the complaint, had acknowledged that the remarks, taken together with the selection of the opening track, represented “*a major failure*”, had apologised and had discussed how such mistakes could best be avoided in the future. In the view of the Editorial Complaints Unit, this sufficed to resolve the matter.

Resolved