

Analysis of complaints

From 1 October 2015 to 31 March 2016 the Unit reached findings on 152 complaints concerning 131 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	13	13
Political bias	13	9
Other bias	49	41
Factual inaccuracy	52	45
Offence to public taste	4	4
Offensive language	2	2
Sexual conduct	1	1
Violence	1	1
Sensitivity and portrayal	2	2
Racism	6	4
Commercial concerns	4	4
Standards of interviewing/presentation	3	3
Other	2	2
Total	152	131

In the period 1 October 2015 – 31 March 2016, 25 complaints were upheld (9 of them partly) – 16.5% of the total. Of the items investigated in the period, complaints were upheld against 14 items (10.5% of the total). 5 complaints, about 5 items, were resolved. The bulletin includes summaries of these cases (and of a finding on **Jeremy Vine**, Radio 2, which relates closely to one of them, although the finding was reached after 31 March).

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 (5 in this period) which require longer or more complex investigation. During the period 1 October 2015 – 31 March 2016, 75.5% of replies were sent within their target time. Over the whole reporting year, 81% of replies were sent within their target time.

Summaries of upheld/resolved complaints

BBC World News (5.45am), News Channel, 13 October 2015

Complaint

During a review of the morning's papers, a report that the US had agreed to accept 10,000 Syrian immigrants during the coming year was discussed. A viewer complained that one of the presenters had inappropriately expressed a personal view on the topic.

Outcome

While the content of the presenter's comments might have been justifiable in other circumstances (for example, if he had been challenging a contrary view expressed by the guest reviewer), they were unprompted by anything said by the guest on this occasion, and were delivered in a manner which gave the impression of expressing a warmly-held view. However, BBC News had acknowledged and apologised for a lapse in objectivity in previous correspondence, and this was sufficient to resolve the issue of complaint.

Resolved

Chris Evans, Radio 2, 12 October 2015

Complaint

A viewer complained that Chris Evans' references to the first of his upcoming series of **TFI Friday** on Channel 4 had been inappropriately promotional.

Outcome

As the producers of **TFI Friday** profit from its sale to Channel 4, it comes within the scope of the editorial guidelines dealing with references to commercial products, organisations and services. Contrary to those guidelines, the references to **TFI Friday** were largely promotional in character, and more numerous than was editorially justifiable.

Upheld

Further action

At a meeting following the finding, the management of BBC Radio spoke to Chris Evans about the issues connected with commercial products and the editorial justifications for mentioning them.

Danny Kelly, BBC WM, 28 July 2015

Complaint

Conducting a phone-in on a recent Appeal Court case in which a woman had successfully challenged her estranged mother's will, Danny Kelly attributed the estrangement to an affair between her, at the age of 17, and her mother's boyfriend. A listener who had read newspaper reports of the case complained that this was inaccurate.

Outcome

As reported in the press, the estrangement had been caused by the daughter's decision to marry a man of whom her mother disapproved (to whom she is still married), and Danny Kelly's remarks were seriously inaccurate. It had been made clear in previous correspondence, however, that he and his producer had been reprimanded and reminded of their responsibilities as BBC journalists by the Editor of BBC WM, and this sufficed to resolve the issue of complaint.

Resolved

Just about to read Roger Mitchell's blueprint on Scottish football, @BBCTomEnglish Complaint

Mr Mitchell, a former Chief Executive of the Scottish Premier League, complained that Tom English's tweet (quoted above), which was accompanied by a picture of the front cover of an edition of The Beano featuring Roger the Dodger, amounted to personal abuse and ridicule.

Outcome

The ECU agreed that the tweet went beyond the licence for BBC reporters to offer "*a professional judgement rooted in evidence*", and expressed an inappropriately personal view.

Upheld

Further action

Staff have been reminded of the importance of ensuring comment does not go beyond generally accepted standards and that any personal remarks made by reporters, in the course of their work, should be carefully weighed and proportionate to the subject matter in question.

Look East (West), BBC1 (East), 21 October 2015

Complaint

The programme included an item on the dispute over the contract for junior doctors. A viewer complained that it was inaccurate to describe junior doctors as "*those working in hospitals below consultant level*" and to say that their maximum basic salary was £69,325 a year.

Outcome

Although not all junior doctors work in hospitals and not all hospital medical staff below consultant level are junior doctors, the first statement was not materially misleading in the context of an item aimed at a general audience. The second, however, significantly overstated the maximum basic salary of junior doctors, and reflected a mistaken assumption that "*specialty doctors*" (to whom the figure quoted in the programme applies) fell within the junior doctor category.

Partly upheld

Further action

The Editor has directed producers and reporters to refer to relevant briefing material on contracts in the NHS in England when reporting on Junior Doctors' contracts.

Newsnight, BBC2, 1 October 2015

Complaint

Six people (some identifying themselves as junior doctors) complained about a statement by Kirsty Wark to the effect that they had the highest starting salary among graduates.

Outcome

In a field where comparison is far from straightforward, the ECU found no measure on which junior doctors could be said to have the highest graduate starting salary, though they come within the highest bracket if account is taken of the allowances which form part of their remuneration. The issue was complicated by Kirsty Wark's citation of a figure which did not include those allowances, with the implication that £23,000 a year (which is the basic salary) placed junior doctors at the top of the graduate salary league.

Upheld

Further action

The Editor has reminded staff of the variables that must be taken into account when calculating junior doctors' salaries and the consequent difficulty of making comparisons with other professions.

Newsnight, BBC2, 14 October 2015**Complaint**

A viewer complained that Mark Urban incorrectly referred to Jerusalem as "*Israel's capital*".

Outcome

His wording suggested that Jerusalem was the undisputed capital of Israel, which is not the case. However, the programme-makers had acknowledged the inaccuracy and posted a correction on the BBC's website and Twitter. In the Unit's view, this sufficed to resolve the issue of complaint.

Resolved**Planet Oil, BBC4, 14 October 2015****Complaint**

The presenter of this documentary ascribed the severe smog of the winter of 1952 to a shortage of oil in the UK, which occasioned an increase in the use of coal. A viewer who remembered the events of that year challenged the accuracy of this.

Outcome

Coal was the main source of domestic heating at that time, and sources agree that the main causal factor was an increase in domestic coal-burning during a cold spell (in combination with particular atmospheric conditions). While shortage of oil may have occasioned a return to coal-burning in some areas of activity (for example, shipping on the Thames and some industrial processes), its contribution to the smog of 1952 appears unlikely to have been great.

Upheld**Further action**

The production team were reminded of the need for due accuracy in factual programming. The programme will not be repeated in its present form.

Rip-Off Britain, BBC1, 15 September 2015**Complaint**

The programme included an item on the unexpectedly high energy bills received by occupants of a new housing development with a district heating scheme. A viewer involved in the district heating industry complained that the item had given a misleading impression of the comparison between such schemes and individual heating costs, and of the amounts charged to an occupant whose case it had featured. He also complained that the inclusion of comments from only one expert had led to imbalance.

Outcome

The item compared the scheme's unit charge for delivered heat with average individual heating costs calculated on the basis of standing charge plus cost per unit of gas. As the charges of district heating schemes include other significant costs, such as maintenance and replacement of boilers, the basis of comparison was misleading. In the case of the featured occupant, the item did not make clear that a bill for £871.20 received in April

included £645.45 charged in January but not paid by the occupant, and would have given viewers the misleading impression that it was in addition to the January bill. The expert's comments, however, were confined to factual matters and raised no issue of balance.

Partly upheld

Further action

The production team were reminded of the need for care when comparing and summarising complex information. The programme will not be repeated in its original form.

South East Today, BBC1 (South East), 5 November 2015

CofE abuse victim criticises bishop's 'no cover-up' response, bbc.co.uk

Complaint

An item in the programme and an associated online piece, on the handling of allegations of sexual abuse against clergy in the Diocese of Chichester, stated that there were 11 cases in which men connected with the diocese had been proven to have been involved in sexual abuse, and that the late Bishop George Bell was among them. The journalist Peter Hitchens complained that this was inaccurate, as the allegations against Bishop Bell had never been tested in court and, although the church authorities had recently apologised to and settled a civil claim with his accuser, they were not in a position to determine his guilt and had not in fact stated that they believed him guilty.

Outcome

The original statement by the church authorities had not explicitly said they believed Bishop Bell to have been guilty, but a subsequent statement said they had accepted the veracity of the allegations on the balance of probabilities. This, however, did not warrant reporting as a matter of fact that the allegations had been proven. Noting that **South East Today** had accepted in previous correspondence that the term was inappropriate and had undertaken to avoid it in future, the ECU considered that the issue of complaint had been resolved.

Resolved

Tax on dividends: Who pays?, bbc.co.uk

Complaint

This online article summarised the changes in taxation of dividend income introduced in the 8 July Budget and their consequences across the income tax bands. A reader complained that the article's information about who would pay more or less than before as a result of the changes was incorrect, apparently because a notional tax credit of 10% under the pre-budget regime had been misunderstood.

Outcome

As the reader had suggested, the tax credit had been incorrectly treated as if it had represented a real financial transaction, and inaccurate information had been generated as a result.

Further action

The article was corrected, and a note was added to explain that it had been revised as a result of a complaint being upheld by the Editorial Complaints Unit. The relevant staff have been made aware of the issue highlighted by the complainant.

The Big Questions, BBC1, 15 March 2015

Complaint

In a section of the programme headed *“Do British Muslims have a problem with apostates?”*, the presenter put the following question to one of the participants in the discussion: *“You shared platforms with this London imam Haitham Al-Haddad, who says that female genital mutilation is obligatory, who supports wife-beating, who supports gays being killed, and he has said that apostates should be killed and that their blood is halal. Do you disown this disgusting bigot?”*. Dr Al-Haddad complained that these were either views which he did not hold or misleadingly sensationalised versions of mainstream Muslim beliefs, and objected to the description *“disgusting bigot”*.

Outcome

On the basis of what was on the public record, the ECU considered that it was reasonable for the programme-makers to have understood Dr Al-Haddad as holding the views attributed to him. However, the phrase *“disgusting bigot”* (which the presenter used on two further occasions) went beyond the limits appropriate to someone moderating a debate in the role of presenter of a BBC programme, in circumstances in which Dr Al-Haddad had no opportunity to reply.

Partly upheld

Further action

The need for care about the language used to describe individuals, especially those not in a position to respond on their own behalf, has been re-emphasised to the programme team.

The Kaye Adams Programme, Radio Scotland 4 November 2015

Jeremy Vine, Radio 2, 8 December 2016

Complaint

The programmes explored issues arising from the decision by the Scottish legal authorities not to prosecute the driver of a bin lorry which had killed six pedestrians in Glasgow. The Crown Office and Procurator Fiscal Service complained that both programmes included incorrect statements to the effect that the decision had been taken in order to allow the driver to give evidence at the Fatal Accident Inquiry, whereas it had been based on the view of independent counsel that there was insufficient evidence to merit a criminal prosecution.

Outcome

The statements complained of were inaccurate. In each case, however, the error had been acknowledged and apologised for before the complaint reached the ECU. In the ECU's view, this sufficed to resolve the issue of complaint.

Resolved

The Olympic Stadium: How the Hammers Struck Gold, BBC1, 6 August 2015

Complaint

The programme looked at the tenancy agreement which had been reached with West Ham FC for the use of the Olympic Stadium and examined a number of concerns which had been raised about the terms of the agreement. It included brief extracts from an interview with David Goldstone, Chief Executive of the London Legacy Development Corporation (LLDC), other parties involved in the agreement and the background to it having declined to take part. The LLDC complained that the programme had been unfair to it and biased overall, and that it had been inaccurate in a number of respects.

Outcome

The ECU did not find overall bias, but did find that some significant points, which were made by Mr Goldstone in response to criticism of the agreement, about the benefit to taxpayers resulting from long-term arrangements for a multi-use stadium without the need for further subsidy, about the cost of converting the stadium being offset by the economic value brought about by its contribution to regeneration of the area, and about the detailed commercial rationale for not releasing financial details of the agreement with West Ham, had been omitted from the programme, resulting in unfairness to the LLDC and bias in relation to the points in question. As a consequence the ECU's finding was that the BBC's editorial standards in the relevant areas had not been met. The ECU found no inaccuracy which would have materially affected viewers' understanding of the issues under discussion.

Partly upheld

Further action

The production team has been reminded of the need to ensure that contributors' responses to criticisms are properly reflected in programmes, particularly when they are the sole representatives of those towards whom criticism has been directed.

The “sanitised narrative” of Hiroshima’s atomic bombing, bbc.co.uk

Complaint

According to this online article, the rationale that the use of the A-bombs was intended to shorten the war and avoid an indefinite number of casualties “*was constructed after the war, by America’s leaders, to justify what they had done*”. The historian Anthony Beevor complained that this stated as fact a view which conflicted with contemporaneous evidence.

Outcome

There are contemporaneous sources which make clear that extremely high estimates of casualties in the event of an invasion of Japan played a major part in US thinking. The ECU concluded that what the article stated as a fact was strongly contested, on the basis of credible evidence.

Upheld

Further action

The matter was discussed in detail with the author of the article (the BBC's Tokyo Correspondent), who revised it in the light of the finding. The headline, which was not the responsibility of the author, was also changed.

The World at One, Radio 4, 24 August 2015

Complaint

The programme included an interview with the Security Correspondent, Frank Gardner, about the previous day's incident in which three passengers on a French train prevented an attack by an armed man. A listener complained that his reference to “*the Schengen area, thank God, Britain is not a member of*” was an inappropriate expression of a political opinion.

Outcome

Mr Gardner explained that he had intended his words to apply only to his subsequent point that it was “*far easier to get hold of powerful automatic weapons*” in the Schengen area than in the UK. However, listeners would have been likely to understand them as expressing a more general view on membership of the Schengen area.

Upheld

Further action

Mr Gardner has been reminded of the importance of precise phrasing, even in live items.

Today, Radio 4, 19 October 2015

Complaint

Seven listeners complained that an exchange between John Humphrys and the BBC's Middle East Correspondent Kevin Connolly, prompted by the latest in a series of apparently spontaneous attacks on Israelis by individual Palestinians, had given a misleading impression of the scale of Israeli casualties.

Outcome

John Humphrys said *"The number is mounting, isn't it Kevin? It's about fifty now, isn't it?"*, to which Kevin Connolly replied *"We think about fifty dead over the last month or so, John – this sharp uptick of violence – not just that attack on the bus station in Beersheba, in Israeli itself but also on Saturday a wave of stabbing attacks in Hebron and Jerusalem"*. The figure was intended to refer to all those killed in the recent *"uptick of violence"*, but in the context, and without clarification, listeners would have been likely to take it as referring only to Israeli dead. As the Israeli death toll at that point stood at eight, this was misleading.

Upheld

Further action

The Editor has reminded presenters and producers of the need to take care in presenting details about attacks and casualties in the Middle East.

Victoria Derbyshire, BBC2, 19 May 2015

Complaint

Martin Lewis of moneysavingexpert.com took part from his office, via a fixed camera, in a discussion of payday loans and other consumer finance issues, during which he suggested that it would be cheaper to obtain a high-interest credit card, freeze it in a bowl of water and defrost before use than to take out a payday loan. A viewer complained that the moneysavingexpert.com logo had been unduly prominent, and that Mr Lewis should have been asked for evidence to substantiate his suggestion.

Outcome

In the shot from the fixed camera, the company logo was shown down the left side of the picture. As it was large and legible, and as Mr Lewis' contribution accounted for more than half of the 11-minute item, the overall effect was of undue prominence. However, the self-evident absurdity of Mr Lewis' suggestion would have made clear to listeners that he offered it as a graphic illustration of his point rather than a serious course of action.

Partly upheld

Further action

The Editor has reminded the production team of the need to avoid giving undue prominence to any particular concern in the course of a long-running interview.

Watchdog, BBC1, 11 & 18 June and website

Complaint

The 18 June edition included a report on conditions in a number of branches of Pets at Home, and concluded that shortcomings identified in a programme broadcast in 2012 had not been effectively addressed. Solicitors representing Pets at Home complained that the

trailer for the item in the 11 June edition, the website content linked to the item and the item itself were in various ways inaccurate and unfair to their client.

Outcome

The terms of the trailer and the item were justified on the basis of what the programme-makers had observed and filmed at the branches of Pets at Home. The website included a version of the 18 June item made before Pets at Home's points in reply to criticisms were incorporated, but in response to the complaint the programme-makers acknowledged that this represented a serious breach of the BBC's editorial standards and replaced the item with a version which reflected Pets at Home's points. In the view of the ECU, this sufficed to resolve the issue.

Not upheld/Resolved