

# **Editorial Standards Findings:** Appeals and other editorial issues to the Trust considered by the Editorial Standards Committee

# Remit of the Editorial Standards Committee

The Editorial Standards Committee (ESC) is responsible for assisting the Trust in securing editorial standards. It has a number of responsibilities, set out in its Terms of Reference at [bbc.co.uk/bbctrust/about/meetings\\_and\\_minutes/bbc\\_trust\\_committees.html](http://bbc.co.uk/bbctrust/about/meetings_and_minutes/bbc_trust_committees.html).

The Committee comprises five Trustees: Richard Tait (Chairman), Chitra Bharucha, Mehmuda Mian Pritchard, David Liddiment and Alison Hastings. It is advised and supported by the Trust Unit.

In line with the ESC's responsibility for monitoring the effectiveness of handling editorial complaints by BBC management, the Committee considers appeals against the decisions and actions of the BBC's Editorial Complaints Unit (ECU) or of a BBC Director with responsibility for the BBC's output (if the editorial complaint falls outside the remit of the ECU).

The Committee will consider appeals concerning complaints which allege that:

- the complainant has suffered unfair treatment either in a transmitted programme or item, or in the process of making the programme or item
- the complainant's privacy has been unjustifiably infringed, either in a transmitted programme or item, or in the process of making the programme or item
- there has otherwise been a failure to observe required editorial standards

The Committee will aim to reach a final decision on an appeal within 16 weeks of receiving the request.

The findings for all appeals accepted by the Committee are reported in this bulletin, *Editorial Complaints: Appeals to the Trust*.

In line with its duty to consider topics of editorial concern to the Committee, whether or not such concern arises from a formal complaint, and to commission information requests from the Trust Unit or Executive to support such consideration, the Committee also from time to time requests the Executive to report to the Committee regarding breaches which have been accepted by the Executive and are therefore not subject to appeal to the Committee. The bulletin also may contain findings relating to such cases.

The bulletin also includes a statement on any remedial action taken.

It is published at [bbc.co.uk/bbctrust](http://bbc.co.uk/bbctrust) or is available from:

The Secretary, Editorial Standards Committee  
BBC Trust Unit  
Room 211, 35 Marylebone High Street  
London W1U 4AA

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# Summary of findings (2 July 2008)

## **Radio 4 News coverage of the kidnapping of Alan Johnston**

The complaint related to coverage in Radio 4's 8.00am news bulletins of the kidnapping of BBC reporter Alan Johnston. The complainant believed that on most days items about Mr Johnston's kidnapping could not be considered as news stories. The complainant believed that broadcasting news items on the kidnapping, when there was no news, distorted the news and was unacceptable behaviour by a public service broadcaster. The complainant also raised issues as to how his complaint had been handled at stages 1 and 2 of the BBC's complaints process.

The Committee concluded:

- that due to the specific interest the story had for a radio audience there had been sound editorial reasons for giving it such prominence over a specific period of time.
- that even when there may not have been a development in the story, the fact there was no news was in itself a story worthy of mention however fleeting.
- the story did not dominate the bulletin to the detriment of other breaking news stories during the period under investigation.
- there was no evidence that the news story was reported unfairly or with bias.
- there was no evidence to support the suggestion that BBC management had put pressure on news teams to report the story or that there was complicity by news teams to report Mr Johnston's plight unnecessarily.
- there was no evidence to suggest that those working on news bulletins were actively working towards Mr Johnston's release.
- it was not necessary for a reply to a complaint to respond to every point raised by a complainant as long as the response considered the issues raised in the complaint.

The complaint was not upheld

For the finding in full see pages 10 to 21

## **Obstacles to peace and other articles, BBC Online**

The complainant believes there has been "absolutely no attempt at any sort of critical analysis of the right and wrongs of the Hamas position" by BBC News. The

complainant provided three articles as evidence of his view that BBC News showed bias against Hamas. The three articles considered in the appeal were:

“Obstacles to peace: Refugees”

([http://news.bbc.co.uk/1/hi/world/middle\\_east/6659239.stm](http://news.bbc.co.uk/1/hi/world/middle_east/6659239.stm))

“Israel army ousts Hebron settlers”

([http://news.bbc.co.uk/1/hi/world/middle\\_east/6934445.stm](http://news.bbc.co.uk/1/hi/world/middle_east/6934445.stm))

“Isolated Gaza a jail for its people”

([http://news.bbc.co.uk/1/hi/world/middle\\_east/6939223.stm](http://news.bbc.co.uk/1/hi/world/middle_east/6939223.stm))

The Committee concluded:

“Obstacles to peace: Refugees”

- the article had not only put the views of both sides fairly, but had provided the reader with an accurate summary of the situation regarding the issue of the Palestinian refugees

“Israel army ousts Hebron settlers”

- it was editorially justifiable for the report to include the views of Jewish settlers as they were one of two parties involved in the issue at the centre of the article, the other being the Israeli authorities.
- due impartiality does not require the representation of every argument or every facet of every argument which was the case on this occasion -; a Palestinian view was not relevant to ensure the article was balanced.

“Isolated Gaza a jail for its people”

- given the context of the piece, the situation of the people (Palestinians) living in Gaza, it was not necessary for the article to include Hamas’ historical position.
- the article had been fair and open minded when examining the evidence and weighing the facts.
- It had been accurate to state that the “world regards Hamas as a terrorist organisation...” given the context of the piece.
- It was appropriate to allow individuals living in Gaza to express their personal view of the situation as they see it.

The complaint was not upheld but the Committee will write to apologise for the delays incurred in hearing the appeal.

For the finding in full see pages 21 to 36

**Morning Extra, Radio Scotland – 14 August 2007**

**BBC News Online: SNP outlines independence plans– 14 August 2007**

**BBC News Online: Call for debate on independence – 12 August 2007**

The complainant requested that the ESC consider whether in the handling of his complaint BBC management had either acted incompetently or shown political bias, when addressing his complaint on the publication and presentation of the results of an opinion poll produced by Progressive Scottish Opinion. There were three elements to the complaint. The Committee's finding was divided into four parts:

- BBC News Online: Call for debate on independence
- BBC News Online: SNP outlines independence plans
- Morning Extra, Radio Scotland
- General bias

The Committee concluded:

“Call for debate on independence”

- that the Editorial Complaints Unit (ECU) finding that the story contained inaccuracies had been correct and that this amounted to a breach of the guidelines on accuracy.
- the article had also failed to meet the required editorial standards on reporting polls.

“SNP outlines independence plans”

- that the ECU finding on accuracy had been correct.
- That the action taken to remove the online piece had been quick to limit reader exposure to the error and no further action was required.

Morning Extra, Radio Scotland

- that the ECU finding on accuracy had been correct.
- that the handling of the complaint had been correct and the reply from the programme editor had been courteous and open.

General bias

- there was no evidence of complicity or systemic political bias.
- the errors had been unrelated and were an unfortunate coincidence.
- BBC Scotland had taken suitable steps to strengthen its political coverage following these incidents to ensure similar mistakes would not be made in future.

The Committee endorsed the stage 2 uphold on accuracy and also upheld the complaint on reporting opinion polls. The complaint of general or systemic political bias was not upheld.

For the finding in full see pages 36 to 49

### **BBCRussian.com**

This complaint concerned an article carried on the BBC's Russian service website, BBCRussian.com. The article entitled “The Queen honours Gordievsky” covered the

awarding of an honour by the Queen to Oleg Gordievsky. The complainant objected to the use of wording contained in the article. The complainant also objected to the wording of a question on the Russian service messageboard. The Committee's finding was divided into five parts:

- The use of the phrase "...played an important role in a campaign"
- The use of the word "scandal"
- The use of the word "death"
- General comments about the website article
- Wording of the forum question

The Committee concluded:

"...played an important role in a campaign"

- the phrase had been an appropriate description of Mr Gordievsky's activities following the death of Mr Litvinenko
- the word "campaign" referred to Mr Gordievsky's activities and did not imply a link to the campaigning activities of the Russian exile Boris Berezovsky. It had been accurate in the broad sense, capturing the general views of dissidents, including Mr Gordievsky.

"Scandal"

- the word referred to the Litvinenko case as a whole and the on-going disagreement between the two countries.
- It did not refer to Mr Gordievsky's comments.

"Death"

- the use of the word was ambiguous i.e. there was more than one way to read what it meant.
- The usage did not imply that the Russian service took a view as to whether Mr Litvinenko had or had not been murdered
- the use of language was appropriate to the output and did not breach the BBC's guidelines on impartiality.

General comments

- the article had provided sufficient background to Mr Gordievsky's achievements given its context and length.
- The article had been appropriately balanced and had met the requirements of the BBC's editorial guidelines on accuracy and impartiality.

Forum question

- "Do you think spying is a heroic profession?" was a reasonable question to put to readers of a message board given the story of the award of an honour to Mr Gordievsky by the Queen.
- The question was neutral in tone and did not lead the reader to take a

specific view.

The complaint was not upheld

For the finding in full see pages 49 to 62

**bbc.co.uk: Who supplies the guns on our streets?**

**bbc.co.uk: Britain's changing firearms laws**

The complainant believed an article looking at the availability of handguns was inaccurate to report that many policemen and criminologists believe it is harder to obtain handguns since Dunblane. The complainant also raised concerns regarding accuracy and impartiality in a number of other articles looking at the use of guns. In particular he raised the issue of accuracy in an article where it was stated that Thomas Hamilton had used legally-held pistols to commit the Dunblane killings.

The Committee concluded:

bbc.co.uk: Who supplies the guns on our streets?

- that decisions on revealing confidential sources in the event of a public query should be left to the journalist to decide based on their understanding of how the information was obtained and the possible repercussions for those who had provided the information. Such decisions would be made on a case by case basis but on this occasion it was not unreasonable to withhold the names of less senior police officers or of academics speaking 'off the record'.
- It was not necessary to have listed the individuals contacted to achieve accuracy nor was it reasonable to have given out their details on request as the information had been provided under the assurance of confidentiality.
- that it was reasonable to use the phrase "many police officers and criminologists" if during the journalist's research for an article this was the predominant view expressed by professionals in the field.
- the amended statement had been well sourced and presented clearly.
- that within the context of the article it was not relevant to talk to people opposed to the ban.
- the online team had been editorially justified in reporting on a specific element of the issue of gun crime and the use of the views of professionals working in the field did not misrepresent those who opposed that view.

bbc.co.uk: Britain's changing firearms laws

- that given the official view it was accurate for the report to refer to Thomas Hamilton's "four legally-held pistols". The Committee endorsed Editorial Complaints Unit's comments.

The complaint was not upheld

For the finding in full see pages 62 to 78

## **Animal Testing: Monkeys, Rats and Me, BBC Two, 27 November 2006**

The complaint was made on behalf of an organisation called Europeans for Medical Progress (EMP). EMP believed the programme had made claims about the benefits of animal experimentation without challenge. The complainant also stated that some of the claims were inaccurate, breaching BBC editorial guidelines on accuracy and impartiality. The complainant also suggested that a contributor had been treated unfairly. In the course of its passage through the BBC's complaints process the complaint had already been upheld in part by the Editorial Complaints Unit (ECU) with regard to impartiality. However, the complainant appealed to the ESC to consider the other issues of accuracy and fairness not upheld by the ECU. The complainant also asked the ESC to consider the action taken by the ECU with regard to the upheld element of the complaint and the allegation that the BBC denied the level of complaints the programme received.

The Committee concluded:

- a complaint of unfairness of this kind could be made only by those who have directly featured or participated in a BBC programme.
- that as the issue concerned someone who was not associated to EMP and had not complained himself it was not appropriate to consider the editorial guidelines relating to unfair treatment in respect of this complaint.
- that it would not consider a request by the programme team to review the ECU finding on impartiality as it was not within the ESC's remit to review a decision to uphold a complaint by BBC management at the request of the programme makers.

### Accuracy

- that the finding on impartiality by the ECU had been correct, but the lack of a challenging argument had not rendered the programme inaccurate.
- the contributors were entitled to express their views and their comments were duly accurate.

### Accountability

- the action by the ECU had been appropriate and the ECU's requirement that the programme should not be repeated in this form was sufficient censure.
- the complaint had been handled correctly and in a timely manner.
- that the time taken by ECU had been reasonable given the complexities of the complaint.
- the ECU had been accurate in stating the number of people who had complained to the ECU about the programme. However, it recognised that there may be occasions when it is relevant for the number of complaints to stage I of the complaints process to be mentioned.

The Committee endorsed the ECU finding regarding impartiality. The other complaints regarding accuracy and accountability were not upheld.

For the finding in full see pages 78 to 87

# Findings (2 July 2008)

## Radio 4 News coverage of the kidnapping of Alan Johnston

### 1. The context

The complaint related to the ongoing coverage in Radio 4's 8.00 am news bulletins of the kidnapping of BBC reporter Alan Johnston. The original complaint was made on 11 June 2007 – three months after he was abducted.

### 2. The complaint

**The complainant was “perturbed by the presence in recent bulletins of an item which, on most days, cannot be considered a news story.” He believed that “...such distortion of news selection is totally unacceptable behaviour by a public service broadcaster”.**

- “This 'news item' has appeared almost daily on the bulletin, despite the fact that there was nothing new to report...”
- The complainant gave two examples of what he believed to be spurious items: “...the number of signatories on the petition for his release had reached 135,000, and that it was now 1 week since his video was released by his captors.”
- He stated that Mr Johnston's colleagues “are not at liberty to distort the editorial function of BBC News by including it in bulletins on an almost daily basis...”
- “It is interesting to contrast the kidnapping of Johnston with that of the Israeli soldier, Gilad Shalit (who is also being held in Gaza), who is rarely mentioned on the news.”
- “...stories such as the almost daily rocket attacks on Sderot, in Southern Israel, by the Palestinians are rarely mentioned...”
- “...such real stories are kept off the air by the time pressure of a 10 minute bulletin, which contains regular 'non-stories'...”

### 3. BBC Information (stage 1) responded:

- “The choice of news stories to report in our programmes is frequently very difficult. Their choice has to be selective and no matter how carefully such decisions are made, they are always aware that some people may disagree with them.”

### 4. The complainant then appealed to the ECU. The ECU explained that its remit is confined to cases which give reason to believe

there may have been a breach of editorial standards in a specific item broadcast or published by the BBC.

5. **There was a further exchange of letters in which the complainant said he strongly believed there had been a breach of editorial standards. The ECU explained that running orders are editorial judgements which are the responsibility of the editors concerned and do not fall within the remit of the ECU to make a judgement on them.**
6. **BBC Information wrote a further letter, stating that the issue of coverage on Alan Johnston and whether it resulted in other news stories being overlooked was being taken seriously.**
  - “Overall BBC Radio News felt that Alan Johnston was a well-known journalist and familiar voice to Radio 4 listeners and there was clearly a high level of interest in this story, and the BBC needs to be aware of this while at the same time asking itself questions about how events are presented.”
  - “Whilst it is true the BBC was involved in events and initiatives calling for Alan's release and that these had been covered, no pressure was put on programmes to cover the story. As far as we are aware, no other major news story was neglected...”
  - “...the capture of Gilad Shalit and events in Sderot were both covered extensively by the BBC generally, and Radio 4 in particular.”
7. **In reply to a further letter from the complainant stating that his complaint had not been addressed, the Divisional Advisor of BBC Information wrote:**
  - “Your letter of 11 June provides two examples, but my feeling is that within those examples you have actually outlined the reason for their inclusion in news bulletins. For example, reporting the number of petition signatories was evidently judged to be a newsworthy milestone by the editorial team in charge of the news bulletin in question.”
  - “Similarly, reporting the fact that a week had passed since the release of the captors' video but there had been no further word from them was also judged to have been of interest to audiences because it clearly illustrated the genuine human drama of the case and served to highlight the difficulties being faced by Alan Johnston's family.”
  - “There was no internal pressure placed on programmes to cover the matter and the BBC has responded publicly to claims that there was too much coverage. We therefore disagree that any 'distortion of news presentation' has occurred.”
8. **The complainant replied adding the following points:**
  - “[name], World Editor, BBC News has admitted [an article authored by the World Editor on the BBC website dated 17 May 2007] that 'we have sought

to keep Alan's ordeal in the public eye', and it is clear that the BBC Radio 4 News Bulletin at 8.00am has been used as a tool for this purpose.”

- “I have never suggested that 'internal pressure was placed on programmes to cover the matter' as I believe that BBC Editorial news staff were willing accomplices, as can be seen from the comments of [name].”

**9. The complainant then wrote to the ESC, and received a reply that as part of the complaints process before appealing to the Trust, the complaint must first receive a stage 2 response. The ESC passed the complaint to the Head of Editorial Compliance, BBC News. She replied:**

- “...the kidnapping of Alan Johnston posed exceptional challenges as the BBC was itself a protagonist and owes a duty of care to all front-line newsgathering staff.”
- “In order to ensure that news editors were left free to decide on the appropriate level of coverage, we kept a very strict demarcation between those in our newsgathering department who were working to release Alan and those who were covering the story.”
- “In the case of the Radio 4 early morning bulletins, which are the subject of your complaint, the newsroom editors took the view that news about Alan Johnston, a familiar voice, would have a particular resonance for their audience; the BBC One television bulletin editors, by contrast, gave the story less prominence.”
- “Alan was a reporter of the conflict and not a participant; his situation was quite different from Ghilad Shalit's, for example, however distressing that case may be. It was unprecedented for a journalist to be held in captivity in Gaza for so long...”
- “...when a situation is inherently newsworthy it can be worth reporting that there is no development. But the wider media campaign to free Alan Johnston – led by BBC Management – and international political efforts to secure his release meant there were many developments to report.”
- “...reference to Alan Johnston's plight was very often linked to developments in Palestinian politics rather than being a stand-alone item in its own right.”
- “...there has been regular reference to the plight of Corporal Shalit on Radio 4 news... we do not think that it was an error of judgement to give a higher profile on a domestic service to the fate of a British journalist being held hostage in unique circumstances...”

**10. The complainant replied to the Head of Editorial Compliance, BBC News:**

- “Nowhere in my correspondence do I suggest that the news coverage of Johnston and Gilad should be equal. I was merely drawing attention to the enormous contrast in coverage... neither you nor any of your colleagues in this lengthy correspondence have adequately explained the size of this discrepancy to me.”

- “The vast majority of references to Johnston in the bulletins were the 'non-stories' as stand alone items, without any connection to another item in the bulletin...No doubt your archive of bulletins will confirm this to be the case, and perhaps you could report back to me the results of such research.”
- “[name]’ statement is a clear admission by a high-ranking BBC manager that BBC news bulletins were used as a tool for the purpose of keeping Johnston's plight in the public eye, which is the essence of my complaint.”

#### **11. The Head of Editorial Compliance, BBC News replied:**

- She did not think it helpful to compare the coverage of the two cases. “It implies that there should be a proportional relationship between them... that because Alan Johnston's kidnap received wide coverage then so should the case of Corporal Shalit...”
- It was “a wholly separate argument to suggest that Corporal Shalit's disappearance, many months previously, has not been covered enough (although BBC News has reported regularly on his case.)”
- “In any long-running news event, and this was one, small developments are inevitably seen as important even though, in themselves, they might not appear to be significant – the case of Madeleine McCann springs to mind. Incrementally, however, each reference may cumulatively amount to a substantial development, and will enable the audience to stay in touch with the story.”
- “...we drew up demarcation lines between those who were trying to free Alan and those who were responsible for coverage. During this period, Mr [name] was firmly in the former group.”
- “...he [Alan Johnston] described how much strength he had derived from being able to hear or see some of the coverage...”

#### **12. The complainant wrote a further letter:**

- He stressed that “...the comparison with Shalit was merely for illustrative purposes, and not the subject of my complaint.”
- “I note that you appear to have withdrawn your contention that 'Johnston's plight was very often linked to developments in Palestinian politics rather than being a stand-alone item in its own right'. I challenged you to research your archives...I think your silence on this point speaks volumes...”
- The complainant emphasised that what Jon Williams had said “confirms my complaint that the news bulletin, on an almost daily basis, was managed to mention Johnston's kidnapping, even when there was no story to report, with the intention of keeping the issue in the public eye. ...such distortion of news selection is totally unacceptable behaviour by a public service broadcaster.”

#### **13. Complaints handling**

**The complainant raised concerns about the handling of his complaint at both stage 1 and stage 2.**

## **As to responses from stage 1:**

- “Unsurprisingly, the BBC reply failed to deal with the issues raised in my letter...”
- In re-stating that “the inclusion of items on a news bulletin, when there is no news to justify their inclusion, is a distortion of news presentation”, he added, “In the 3 letters I have received from the BBC, the issue has still not been addressed.”
- In his final reply to BBC Information on 12 September, he stated that he remained dissatisfied with the BBC's response “which, incidentally, has been excessively drawn out through delays on its part”.

## **Relating to stage 2 responses:**

- When told by the ECU that its remit is confined to cases which give reason to believe there may have been a breach of editorial standards in a specific item broadcast, the complainant responded “If you felt that your Unit could not deal with the complaint (something I strongly dispute), I would have expected you to forward the correspondence to some section of the organisation that would be able to deal with it. However, you have not seen fit to do so.”
- “I remain dissatisfied with the BBC's response. The correspondence has now lasted nearly 5 months, excessively drawn out through delays on the BBC's part, with much of the Corporation's correspondence irrelevant.”

## **14. Applicable editorial Standards**

### **Section 1 - BBC Editorial Values**

#### **Truth and Accuracy**

We strive to be accurate and establish the truth of what has happened.

Accuracy is more important than speed and it is often more than a question of getting the facts right. We will weigh all relevant facts and information to get at the truth. Our output will be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We will be honest and open about what we don't know and avoid unfounded speculation.

#### **Impartiality and diversity of opinion**

We strive to be fair and open minded and reflect all significant strands of opinion by exploring the range and conflict of views. We will be objective and even handed in our approach to a subject. We will provide professional judgments where appropriate, but we will never promote a particular view on controversial matters of public policy or political or industrial controversy.

#### **Editorial integrity & independence**

The BBC is independent of both state and partisan interests. Our audiences can be confident that our decisions are influenced neither by political or commercial pressures, nor by any personal interests.

## **Section 3 - Accuracy**

### **Introduction**

The BBC's commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation.

For the BBC accuracy is more important than speed and it is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered.

We aim to achieve accuracy by:

- the accurate gathering of material using first hand sources wherever possible.
- checking and cross checking the facts.
- validating the authenticity of documentary evidence and digital material.
- corroborating claims and allegations made by contributors wherever possible.

### **Misleading audiences**

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences.

## **Section 4 - Impartiality and Diversity of Opinion**

### **Introduction**

Impartiality lies at the heart of the BBC's commitment to its audiences. It applies across all of our services and output, whatever the format, from radio news bulletins via our web sites to our commercial magazines and includes a commitment to reflecting a diversity of opinion.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK and throughout the world to support fair and informed debate. It specifies that we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of political or industrial controversy. It also states that the BBC is forbidden from expressing an opinion on current affairs or matters of public policy other than broadcasting.

In practice, our commitment to impartiality means:

- we exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate as long as there are

- good editorial reasons for doing so.
- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.
  - we must ensure we avoid bias or an imbalance of views on controversial subjects.
  - the approach to, and tone of, BBC stories must always reflect our editorial values. Presenters, reporters and correspondents are the public face and voice of the BBC, they can have a significant impact on the perceptions of our impartiality.

### **Achieving impartiality**

Impartiality must be adequate and appropriate to our output. Our approach to achieving it will therefore vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposted to our audiences.

Impartiality is described in the Agreement as "due impartiality". It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

News, in whatever form, must be presented with due impartiality.

Where BBC content or the BBC is the story

Our reporting must remain accurate, impartial and fair even when our content, or the BBC itself, becomes the story. We need to ensure that our impartiality is not brought into question and presenters or reporters are not placed in potential conflict of interests. It will be inappropriate to refer to either the BBC as "we" or the content as "our". There should also be clear editorial separation between those reporting the story and those responsible for presenting the BBC's case.

### **Section 13 - Editorial Integrity and Independence**

The BBC's global reputation is based on its editorial integrity and independence. Our audiences need to be confident that our decisions are influenced neither by political or commercial pressures, nor by any personal interests. We must not undermine these values by any actions which could bring the BBC into disrepute.

#### **15. The Committee's decision**

The Committee considered the complaint against the relevant editorial standards as set out in the BBC's editorial guidelines. The editorial guidelines are a statement of the BBC's values and standards.

In reaching its decision the Committee took full account of all the available evidence including (but not limited to) the Editorial Adviser's Report and the subsequent submissions from the complainant, the programme team and the Head of the ECU.

This appeal raised issues requiring consideration of the editorial guidelines relating to impartiality, accuracy and editorial integrity and independence.

### Impartiality

Impartiality must be adequate and appropriate to the output. The approach to achieving impartiality will vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposted.

The editorial guidelines state that the BBC's commitment to impartiality means, amongst other things, that the BBC has editorial freedom to produce content about any subject, at any point on the spectrum of debate, as long as there are good editorial reasons for doing so.

News, in whatever form, must be presented with due impartiality.

The BBC must be fair and open minded when examining the evidence and weighing the facts as well as being objective and even handed in its approach. This is also the case if the BBC is the story. The BBC must ensure that its impartiality is not brought into question and its presenters and reporters are not placed in a potential conflict of interests. There should also be clear editorial separation between those reporting the story and those responsible for presenting the BBC's case.

### Accuracy and Editorial Integrity & Independence

The guidelines provide that the BBC should not distort known facts, present invented material as fact, or knowingly do anything to mislead audiences. It also requires that the BBC's output should be well sourced and based on sound evidence.

The BBC must also ensure that it is independent of both state and partisan interests and that its decisions are influenced by neither political nor commercial pressures, or by any personal interest.

The Committee noted all of the reports of the kidnapping broadcast in the bulletin during the period of its investigation. A number of them were quoted as examples of the kind of reporting produced by the news team during this period:

Broadcast on 10 April 2007:

"It's now been more than four weeks since the disappearance of the BBC's Gaza correspondent, Alan Johnston. He's now been held longer than any other reporter abducted there. More than six and a half thousand people from around the world have signed a petition calling for his release."

Broadcast on 18 April 2007:

“More prayers will be said today for the BBC correspondent, Alan Johnston, who was kidnapped in Gaza five weeks ago. A claim that he's been killed by a Palestinian group has not been verified. The Archbishop of York, Dr John Sentamu, began a candlelit vigil yesterday.”

Broadcast on 6 May 2007:

“The Palestinian authorities are continuing their efforts to secure the release of the BBC correspondent, Alan Johnston. Tomorrow it will be eight weeks since he was abducted in Gaza.”

Broadcast on 13 May 2007:

“An appeal by the Archbishop of York, Doctor John Sentamu, for the release of the BBC correspondent, Alan Johnston, was broadcast last night on the Arabic television station, Al Jazeera. Alan Johnston was kidnapped in Gaza two months ago.”

Broadcast on 24 May 2007:

“The human rights organisation, Amnesty, has repeated its call for the release of the BBC correspondent, Alan Johnston, who was kidnapped in Gaza. He's now in his eleventh week of captivity.”

Broadcast on 8 June 2007:

“It's a week since the last definite news of the kidnapped BBC Gaza correspondent, Alan Johnston. Last Friday his captors, calling themselves the Army of Islam, released a video showing him in captivity. Since then, calls for his release have continued.”

The Committee also noted how many times the Alan Johnston kidnapping had featured on the 8.00am bulletin on Radio 4. From the Committee's investigation it found that during the 90-day-period, which is from the day of Mr Johnston's kidnapping until the date the complaint was first lodged, the story had been reported on 72 occasions. In that period it had once led the bulletin and had been headlined on four other occasions. Other analysis found that on 13 separate occasions the scripted news item linked into either a reporter's voice or soundbite and on 11 occasions the bulletin reported no new developments; the news item was either a report of an anniversary (e.g. 75 days since capture) or an update (the continuing efforts by the Palestinian Authorities to obtain Mr Johnston's release).

The Committee also noted the comments from BBC management with regard to the issue of separation between staff actively working for Alan Johnston's release and those working in the newsroom producing news content. In particular, the Committee noted the comments of the complainant who stated:

“[...] [name], World Editor, BBC News has admitted that 'we have sought to keep Alan's ordeal in the public eye'.”

It also noted the comments of the Radio Newsroom Editor:

“We had decided to mention AJ (Alan Johnston) once a day in the belief that his story was different from other hostage stories not just because he was one of us but more importantly because he was one of the R4 family... Radio has a very close relationship with its audience. It is not an exaggeration to say that listeners (some, not all...I cannot quantify this but I believe it to be true) feel that they ‘know’ presenters and reporters they hear day in day out. For this reason we wanted to keep them abreast of developments. I will not pretend that every development was a major one but they don't have to be, when the sort of intimate relationship between broadcaster and listener exists.”

And the Head of Compliance BBC News:

“[...] the newsroom editors took the view that news about Alan Johnston, a familiar voice, would have a particular resonance for their audience; the BBC One television bulletin editors, by contrast, gave the story less prominence.”

The Committee concluded that whilst it had been unusual for a single story to have been given such prominence within a news bulletin over a specific period of time, it was satisfied that there were sound editorial reasons for doing so given the nature of the story, the kidnapping of a British journalist, and the specific interest the story had for the radio audience. The Committee recognised that Alan Johnston was a well known contributor to radio news bulletins from where he was reporting in Gaza, and that it was perfectly legitimate for radio news to provide significantly more coverage of the kidnapping than the television news bulletins.

The Committee was therefore satisfied that it was editorially justified for the news team to keep the audience informed of the ongoing efforts to free Alan Johnston as well as to bring news of the various actions by others around the world who were supporting efforts to release Mr Johnston.

As to the issue of “non-stories”, the Committee concluded that even when there may not have been a development in the story or a particular event or anniversary associated with it, the fact that there was no news was in itself a story and thus worthy of mention however fleeting. The Committee noted that the news value of the report had been reflected in its position in the running orders of the news bulletins, with reports on days when there was no specific development coming near to or at the end of the bulletin. The Committee was satisfied therefore that whilst the kidnapping continued to be a news story, it did not dominate the bulletin to the detriment of other breaking stories during the period investigated.

The Committee also concluded that in the reporting of the story there was no evidence of the BBC's journalists and presenters reporting the incident unfairly or with bias. The Committee was satisfied that the reports had kept to the facts and had not reflected views that would have either undermined the audience's perception of the impartiality of the BBC or have led it to believe that the personal opinions of those reporting the story had been expressed.

The Committee also concluded that there was no evidence to support the suggestion that BBC management had put pressure on the news teams to report the story or that there was complicity by news teams to report Mr Johnston's plight unnecessarily. The Committee was satisfied that the news editors producing the bulletin had made a news judgement based on the news value of the story on each occasion the story was reported. The Committee recognised that on days of little or no perceptible development the unique nature of the story meant that it still had a news value in terms of audience interest and concern.

The Committee was also satisfied that in reporting the story news staff had not been conflicted in that there was no evidence to suggest that those working on the news bulletins were actively involved in working towards Mr Johnston's release. The Committee concluded that sufficient safeguards had been set up, as expressed by the Head of Editorial Compliance, BBC News who stated in response to the complainant:

“[...] we drew up demarcation lines between those who were trying to free Alan [Johnston] and those who were responsible for coverage.”

The Committee also noted the complainant's concern regarding a comment by the World Editor BBC News posted on the BBC Website on 17 May 2007: “But for nine weeks we have sought to keep Alan's ordeal in the public eye - helping to organise petitions posters and rallies.”

However, the Committee concluded that this reference was about staff action as opposed to news content. It was satisfied that whilst it had been difficult for the newsroom to make decisions on news coverage, the story of the kidnapping was an important story and the output indicated that news editors had made a professional judgement on whether to report it or not. The fact that the issue had been reported on a regular basis did not invalidate its inclusion in the bulletin. The Committee was also satisfied that, given many of the references to the kidnapping were brief, a matter of a few seconds within a ten minute bulletin, and set well down the running order on the majority of occasions, the inclusion of the story within the bulletin had not inappropriately dominated or distorted the news bulletins.

As to the issue raised by the complainant concerning the comparable coverage of the Israeli soldier Gilad Shilat - the Committee recognised that the complainant had made a point of stating that he did not believe the coverage should have been equal. The Committee, however, was satisfied that the two stories were not the same. The Committee endorsed the view of the Head of Compliance BBC News when she said:

“BBC News can never be complacent about the judgements we make about what is more or less newsworthy. But we do not think it was an error of judgement to give a higher profile on a domestic service to the fate of a British journalist... a journalist who was a familiar voice to the audience listening.”

The Committee also noted that in the period of its investigation no further news had been reported on the incarceration of Gilad Shilat in the mainstream British press. The Committee was also satisfied therefore that the reporting of Mr Johnston's kidnapping had not been at the expense of Mr Shilat.

In conclusion the Committee was satisfied that the news coverage of the 8.00am bulletin had been duly impartial and that the editorial integrity of the BBC had been maintained by news staff in very difficult and testing circumstances.

### Complaints Handling

The Committee then considered the complainant's concerns regarding the handling of his complaint at stage 1 and 2. The Committee noted that the complainant had complained that at both stages the BBC when replying had not fully answered his questions. The Committee also noted that the complainant had been dissatisfied that the Editorial Complaints Unit (ECU) had been unable to handle his complaint, which the ECU had stated was because the complaint was not within its remit.

The Committee concluded that, whilst it was unfortunate it had taken the complainant a number of attempts to be satisfied that his questions had received a reply from BBC Information, the method and approach of how a complaint is addressed should be left to the management of the area responding. The Committee agreed that given the many thousands of responses BBC Information was required to provide to viewers and listeners per year there should be no requirement for it, or any other area responding to audience concerns, to respond to every point raised by a complainant as long as the reply considered the issues raised. The Committee was also satisfied that the ECU had handled the complaint appropriately given its remit i.e. to consider breaches of editorial guidelines within specific broadcast or published content. As such, the Committee did not consider that any action was required with regard to the handling of this complaint.

### **Finding: Not upheld**

#### **bbc.co.uk - Obstacles to peace: Refugees and other articles**

##### **I. The complaint**

The complainant believed there was no attempt to analyse the rights and wrongs of the Hamas position on BBC Television, Radio and online.

The complainant first made a complaint about this issue in 2006 when he wrote to the feedback section of the BBC website, following that up with telephone calls to BBC Information when he received no reply to his emails. The complainant then wrote to the Director-General after becoming dissatisfied with the way BBC Information had recorded his complaint.

BBC information on behalf of the Director-General replied to his complaint apologising to the complainant with regard to how his complaint had been handled as well as stating that the BBC's coverage of the Middle East was not biased.

The complainant wrote again in August 2007 to the Editorial Complaints Unit (ECU) to make a formal complaint against the BBC News website. The complainant enclosed several articles which he believed showed BBC bias. The complainant stated:

- “In these articles, there is absolutely NO attempt at any sort of critical analysis of the right and wrongs of the Hamas position.”
- “The line is that Gaza is in the position it is because of Hamas's refusal to accept Israel's right to exist.”
- “The Hamas position really isn't that extreme nor is it that difficult to understand and the refusal even to engage with it says a lot about the morally cowardly position of the West generally and organisations like the BBC specifically.”

The complainant then went on to analyse an article by Martin Asser entitled “Obstacles to Peace: Refugees” ([http://news.bbc.co.uk/1/hi/world/middle\\_east/6659239.stm](http://news.bbc.co.uk/1/hi/world/middle_east/6659239.stm))

Firstly, the complainant stated that no serious historian utilising *verifiable facts* would dispute the idea that the Palestinians (mostly peasant farmers) were:

- “ethnically cleansed from what was to become Israel in 1948.”

The complainant went on to say that Mr Asser's wording implied that:

- “the basic facts of the situation he describes are really not clear and this type of wording is used over and over again by the BBC implying that this *confusion over the facts* is itself factual. It is not.”

The complainant went on to say that the reason the ‘right to return’ is omitted from many ‘Peace Proposals’ is because:

- “the rich and powerful friends of Israel don't want this right to be included, not because it isn't an honest and justifiable right, so for Mr Asser to attempt to use this as a legitimate reason to explain that were they to return, their numbers endanger ‘the world's only Jewish state’ is absolutely incredible.”

The complainant suggested that Mr Asser went on to say that:

- “the issue of refugees is therefore seen by many Israelis as an existential one, as if he were putting the final conclusion to a mathematical proof.”

The complainant also included some other articles which he claimed were examples of the same sort of:

- “distortion and deliberate obfuscation of the facts, where the Israeli side is given acres of space to make what usually amounts to a highly spurious position. Why isn’t the Palestinian side given this much space by the BBC?”

**2. Following an exchange of letters the ECU handed the complaint to BBC Information to reply at stage 1 of the BBC’s complaints process.**

BBC Information included in its reply a response from the Middle East editor, BBC News website who stated:

- “It is your view that the Hamas position on the existence of Israel and use of violence are reasonable and fair. You appear to want us to state this. We cannot do this. Hamas are considered by the British government and the EU to be a terrorist organisation. It does not recognise the right of Israel to exist. This is in contravention to UN resolutions that specifically state that Israel has a right to exist in peace.”
- The Middle East editor also explained that the website’s aim was to outline the Hamas position and to explain what view the key players take of this. He continued::

“[...] with regard to analysis articles the website looks at the nuances of the group’s position and the ways in which it may be changing. We also look at the arguments for engaging with Hamas despite the fact that it has refused to recognise Israel or renounce violence.”

- The editor also stated that Palestinian analysis has long argued that it was not Hamas’s rejection of Israel or its commitment to ‘armed struggle’ that won it the parliamentary election:

“It’s argued, even by Hamas supporters, that the organisation won because Palestinians thought it would do a better job of governing than Fatah.”

- He continued that for many years, polls of Palestinian opinion have shown strong support for a two state solution. He suggested that polls stated:

“the rejection of this by Israelis and Palestinians is a minority position.”

- With regard to the creation of Israel and its right to exist, the Middle East editor pointed out that the UN, the vast majority of the international community, the PLO, Egypt and Jordan recognise the existence of Israel within its 1967 borders. He suggested that the Arab League had effectively done so also.

- He pointed out the Hamas position is that “all of Mandate Palestine – Israel, the West Bank and Gaza - should be an Islamic state.”

- The editor also pointed out that the question of ethnic cleansing was addressed by Martin Asser in the article where he outlined the different points of view on the issue.

“To say there is no dispute over this is simply not true.”

- The editor concluded that the views the complainant advocated of the Israeli-Palestinian conflict were represented and explained in the BBC News website coverage.

### 3. **The complainant responded to BBC Information’s reply:**

- The complainant considered the response from BBC Information to be  
“very generalised and often vague in its terminology and reference to factual situations.”

- The complainant stated that “the Hamas position in refusing to accept the state of Israel isn’t actually that extreme given the way that the state of Israel was formed in 1948.”
- The complainant went on to say that he still believed that the BBC has a duty to explain the Hamas position against the background of extreme and continued Israeli violence.
- He also believed that the BBC Information position was in error “because you continually paint Israel as reacting to Palestinian violence when in actual fact the reverse is actually the case. Organisations like Hamas are *reacting* to Israeli theft and violence, the duration and intensity of which is not seen anywhere else in the world.”
- He believed the BBC Information response contained:

“highly subjective, gratuitous comments without one single specific reference.”

- In response to the comment that his characterisation of the establishment of the state of Israel in 1948 was an extreme one, he said: “What is extreme about stating that the state of Israel was established by almost exclusively NON-indigenous Jewish people by the use of force, terror and ethnic cleansing... we clearly have a different version of what is meant by extreme.”
- The complainant continued: “You state that the UN etc, accept the state of Israel within its 1967 borders as though that is the final word. Because a few people in high places accepted it, it must be just and fair.”

### 4. **The complainant wrote to the ECU stating his dissatisfaction with BBC Information’s reply. The Head of ECU replied having considered the complaint against the guidelines on impartiality. The complaint was not upheld for the following reasons:**

The ECU had taken the complaint to apply to the items entitled:

“Obstacles to peace: Refugees”  
([http://news.bbc.co.uk/1/hi/world/middle\\_east/6659239.stm](http://news.bbc.co.uk/1/hi/world/middle_east/6659239.stm))

“Israel army ousts Hebron settlers”  
([http://news.bbc.co.uk/1/hi/world/middle\\_east/6934445.stm](http://news.bbc.co.uk/1/hi/world/middle_east/6934445.stm))

and

“Isolated Gaza a jail for its people.”  
([http://news.bbc.co.uk/1/hi/world/middle\\_east/6939223.stm](http://news.bbc.co.uk/1/hi/world/middle_east/6939223.stm))

The ECU noted that the complainant had raised a number of points, particularly in his correspondence to the unit but the remit of the ECU was confined to investigating the possibility that an item or programme may be in breach of Editorial Guidelines.

The ECU therefore confined its reply to matters arising from the three web pages above.

The ECU noted that the complainant suggested that the items lacked:

*“any sort of critical analysis of the rights and wrongs of the Hamas position”*

and the complainant went on to say:

*“the Hamas position really isn’t that extreme”*

The ECU took this to mean that the complainant believed the articles may be in breach of impartiality. It said, when considering the complainant’s remark *“the Hamas position really isn’t that extreme”*, it looked at how Hamas is perceived by the international community.

It noted that:

- Both the US and the EU regarded Hamas as a terrorist organisation and imposed sanctions on the Palestinian Authority following its election victory suggesting that “the Hamas position” was unreasonable.
- It also pointed out that the Russian President had welcomed Mahmoud Abbas to Moscow in July describing him as “the legitimate leader of all Palestinians” as well as announcing that Russia was downgrading its contact with Hamas.
- The ECU said that any impartial account of events in the Middle East would have to take due account of how Hamas and its position is perceived by the international community.
- The adjective “extreme” used by the complainant was in its view “subjective” but there could be no doubt that “most democratically elected governments have concluded that the Hamas position is unacceptable and have no hesitation in both saying so and acting on that conclusion.”

The ECU looked at the items complained about.

- Firstly, the ECU said that the complainant made no specific complaints about the “Israel army ousts Hebron settlers” article.
- The ECU said the article seemed “no more than a factual description of the events.”
- The ECU suggested that the complainant may have objected to the phrase “*this is Jewish land*”, but the ECU said, that as it is attributed to “a spokesman for the settlers” it could not be understood as “an expression or endorsement of a particular viewpoint by the author of the piece.”
- The ECU said that bearing in mind that the article was an item about the forcible removal by the Israeli army of those making this claim “it seems that little would be added by hearing other voices reject it”.
- Secondly, the ECU said the complainant had annotated the copy of the item “Isolated Gaza a jail for its people” with the comment “*why isn’t the Hamas position explained?*”
- The ECU said that the Hamas position – that it refuses to recognise Israel’s right to exist – was included in the item, and in the context of a brief item which was mostly about why the people of Gaza are suffering, it seemed to the ECU “to be sufficient to note this factual point without going further.”

The ECU also believed the complainant meant that a comment from a Palestinian suggested that “*somehow the Palestinians are responsible for their situation.*”

The ECU also said that the response included the words “*Israel is the occupier*” and continued with the comment “*It’s very hard to make peace with Israel if we can’t make peace with ourselves.*”

The ECU said it found it difficult to reconcile this identification of Israel as the problem with the complainant’s suggestion that the comments implied “*Palestinians are responsible for their situation.*”

It pointed out that:

- The remark was made just two months after five days of intra-Palestinian violence in Gaza left around a hundred people dead, and added that there had been other fatal incidents since. The ECU stated: “It does not seem to me to be inappropriate, in an item on suffering in Gaza, to report the views of one of its residents.”

Finally, the ECU considered the item “Obstacles to peace: Refugees”. The ECU believed that much of the complainant’s criticism concerned what had come to be known as the “Palestinian Right of Return”.

The ECU noted that the header referred to “*the emotive issue of the Palestinian refugees*” and continued “there is no Arab-Israeli issue that remains as utterly divisive as the fates of Palestinian refugees.” It said that it is clear from the tone

of the complainant's letter that the complainant accepted that it was an "emotive issue".

The question for the ECU was, while recognising this, whether the items appropriately laid out the facts and arguments on both sides.

The ECU said it seems that Mr Asser (the author of the article) made many of the points the complainant made, though in appropriately qualified terms. For example the complainant wrote: "*no serious historian....would dispute the idea that the Palestinians were ethnically cleansed...*"

The ECU said Mr Asser wrote: "*Palestinian historians, and some Israelis, call 1948 a clear example of ethnic cleansing – perpetrated by the Haganah (later the Israeli Defence Forces) and armed Jewish gangs*".

The ECU said the difference between the two "seems to be solely about the number of historians who make the assertion."

The ECU said the complainant relied on the work of Benny Morris, who was not an "official Israeli historian". The ECU said that Mr Morris was "...one of a small group of academics, known as the "new "historians (a term Mr Morris claims credit for) whose work is strongly criticised in academic circles in Israel, Britain and the United States."

The ECU went on to say that the complainant suggested that the following paragraph: "*What is undisputed is that the refugees' fate is excluded from most Israeli-Palestinian peace efforts because, given a right of return, their numbers endanger the future of the world's only Jewish state*" was "*absolutely incredible*".

The ECU said of the above "this seems to be no more than basic demography".

It also said that:

- The entire population of Israel, which it said was about 20 per cent non Jewish, was around six million people: "An influx of several million Palestinians would undoubtedly dramatically change the nature of the country, just as a proportional influx – that is several tens of millions of people – would change the nature of Britain."

The ECU went on to say that a significant proportion of those Palestinians voted for Hamas in elections last year, so the ECU had consulted the Hamas Covenant to establish what its views on a Jewish state might be. It said that:

- The preamble refers to "*our fight with the Jews*". And Article Six begins: "*The Islamic Resistance Movement is a distinct Palestinian movement that is loyal to Allah, adopts Islam as a way of life and works to raise the banner of Allah over every inch of Palestine.*"

The ECU interpreted this to mean “an explicit aspiration to extinguish the Jewish character of Israel and turn the land between the River Jordan and the Mediterranean into an Islamic entity.” The ECU went on: “Bearing in mind the quality of coverage of Hamas in the Israeli press, it seems reasonable for Mr Asser to write that the issue is seen as ‘an existential one’ by many Israelis.”

The ECU concluded that in the complainant’s letter, he ended by referring to “*the theft of the Palestinian homes and land*”.

The ECU said that this seemed “... the mirror image of the point made by the settler in the item on Hebron who was quoted as saying ‘*this is Jewish land*’ and as such an illustration of the gulf between the two sides in the Middle East.”

## 5. The complainant responded to the ECU

- The complainant noted that the ECU had “steered clear of engaging with me on a factual basis. You have preferred to answer my (usually quite specific) factual points with, what can only be described as, rather vague generalisations.”
- The complainant went on to make the point that the ECU’s reason for disagreeing with the complainant’s points “is that the USA, the EU and our Government don’t really agree with me.... I certainly wasn’t aware that you (in BBC News) were *obliged* to toe the official line in quite the way you suggest in your letter.”
- The complainant went on to say that the ECU dismissed a number of the sources he quoted as being “New Historians”. “I didn’t realise there was anything shameful about being ‘current’, ‘at the forefront’ with all the latest evidence. I note that you do not actually take on the evidence offered and show where it is factually wrong ...”
- The complainant concluded by focusing on impartiality: “How is impartiality appropriate and open minded when all the factual evidence on the subject says that the formation of the state of Israel was in actual fact, a crime against humanity, and NO ONE of reasonable intelligence, would argue that the current occupation and settlement of Palestinian land, is against International law?”

## 6. The complainant escalated his complaint to the ESC on appeal in December 2007. The ESC informed the complainant on three occasions, prior to hearing his appeal, that his appeal would be delayed due to the high volume of appeals being heard by the Committee.

## 7. Applicable Editorial Standards

### Section 3 - Accuracy

#### Introduction

The BBC's commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation.

For the BBC accuracy is more important than speed and it is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered.

We aim to achieve accuracy by:

- the accurate gathering of material using first hand sources wherever possible.
- checking and cross checking the facts.
- validating the authenticity of documentary evidence and digital material.
- corroborating claims and allegations made by contributors wherever possible.

### **Misleading audiences**

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences. We may need to label material to avoid doing so.

## **Section 4 - Impartiality and Diversity of Opinion**

### **Introduction**

Impartiality lies at the heart of the BBC's commitment to its audiences. It applies across all of our services and output, whatever the format, from radio news bulletins via our web sites to our commercial magazines and includes a commitment to reflecting a diversity of opinion.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK and throughout the world to support fair and informed debate. It specifies that we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of political or industrial controversy. It also states that the BBC is forbidden from expressing an opinion on current affairs or matters of public policy other than broadcasting.

In practice, our commitment to impartiality means:

- we strive to reflect a wide range of opinion and explore a range and conflict of views so that no significant strand of thought is knowingly unreflected or under represented.

- we exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate as long as there are good editorial reasons for doing so.
- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.
- we must ensure we avoid bias or an imbalance of views on controversial subjects.
- the approach to, and tone of, BBC stories must always reflect our editorial values. Presenters, reporters and correspondents are the public face and voice of the BBC, they can have a significant impact on the perceptions of our impartiality.
- our journalists and presenters, including those in news and current affairs, may provide professional judgments but may not express personal opinions on matters of public policy or political or industrial controversy. Our audiences should not be able to tell from BBC programmes or other BBC output the personal views of our journalists and presenters on such matters.

#### Achieving impartiality

Impartiality must be adequate and appropriate to our output. Our approach to achieving it will therefore vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposted to our audiences.

Impartiality is described in the Agreement as "due impartiality". It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

News, in whatever form, must be presented with due impartiality.

#### **Controversial subjects**

In the United Kingdom controversial subjects are issues of significance for the whole of the country, such as elections, or highly contentious new legislation on the eve of a crucial Commons vote, or a UK wide public sector strike.

In the global context, some controversial subjects such as national elections or referendums will obviously have varying degrees of global significance but will be of great sensitivity in that country or region in which they are taking place. We should always remember that much of the BBC's output is now available in most countries across the world.

We must ensure a wide range of significant views and perspectives are given due weight in the period during which a controversial subject is active. Opinion should be clearly distinguished from fact. When the issues involved are highly controversial and/or a decisive moment in the controversy is expected we will sometimes need to ensure that all of the main views are reflected in our output. This may mean featuring them in a single programme, or even a single item.

BBC online sites covering controversial subjects may offer links to external sites which, taken together, represent a reasonable range of views about the subject. We should normally try to ensure that when we link to third party sites this does not give strong grounds for concern that this breaches the law or the BBC Editorial Guidelines on harm and offence.

## **8. The Committee's decision**

The Committee considered the complaint against the relevant editorial standards as set out in the BBC's editorial guidelines. The editorial guidelines are a statement of the BBC's values and standards.

In reaching its decision the Committee took full account of all the available evidence including (but not limited to) the Editorial Adviser's Report and the subsequent submissions from the complainant, the web team and the Head of the ECU.

This appeal raised issues requiring consideration of the editorial guidelines relating to accuracy and impartiality.

### Accuracy

The guidelines provide that the BBC should not distort known facts, present invented material as fact, or knowingly do anything to mislead audiences. It also requires that the BBC's output should be well sourced and based on sound evidence.

### Impartiality

Impartiality must be adequate and appropriate to the output. The approach to achieving impartiality will vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposted.

The editorial guidelines state that the BBC's commitment to impartiality means, amongst other things, that the BBC has editorial freedom to produce content about any subject, at any point on the spectrum of debate, as long as there are good editorial reasons for doing so.

News, in whatever form, must be presented with due impartiality.

The BBC must be fair and open minded when examining the evidence and weighing the facts as well as being objective and even handed in its approach. Impartiality does not require the representation of every argument or every facet of an argument on every occasion or an equal division of time for each view.

The Committee's function when acting as an appeals body for licence fee payers is to judge the output against guidelines.

Over the period of the complaint, the complainant made a number of allegations about the BBC's coverage of Hamas which in his view, applied across the BBC's output. The Committee confined its decision to consideration of the three online articles raised by the complainant in his letters of complaint to BBC Information and the ECU at stages 1 and 2 of the BBC complaints process. The Committee also came to a view as to the handling of the complaint.

#### 1) "Obstacles to peace: Refugees"

The Committee noted the section of the article looking at the issue of Palestinian refugees that the complainant took exception to:

"Palestinian historians, and some Israelis, call 1948 a clear example of ethnic cleansing - perpetrated by the Haganah (later the Israeli Defence Forces) and armed Jewish gangs.

"Official Israeli history, by contrast, says most Palestinian refugees left to avoid a war instigated by neighbouring Arab states, though it admits a 'handful' of expulsions and unauthorised killings.

"What is undisputed is that the refugees' fate is excluded from most Israeli-Palestinian peace efforts because, given a right of return, their numbers endanger the future of the world's only Jewish state.

"The issue of the refugees is therefore seen by many Israelis as an existential one."

The Committee also noted the complainant's concern with the article in which he stated that:

"[no serious historian] utilising verifiable facts would dispute the idea that the Palestinians [mostly peasant farmers] were ethnically cleansed from what was to become Israel in 1948."

It also noted the complainant's concerns regarding the references to the right of return for Palestinian refugees:

"[...] the rich and powerful friends of Israel don't want this right to be included, not because it isn't an honest and justifiable right, so for Mr Asser to attempt to use this as a legitimate reason to explain that were they to

return, 'their numbers endanger the world's only Jewish state' is absolutely incredible”

In particular the Committee noted that the complainant believed the use of the phrase “endanger the world’s only Jewish state” implied that the BBC endorsed the view that:

“...the Jewish settlers had a right to steal Palestinian homes and land and further, to keep them.”

The Committee concluded that it was satisfied the article had not only put the views of both sides fairly, but it had also provided the reader with an accurate summary of the situation regarding the issue of the Palestinian refugees. In particular, the Committee was satisfied that the two views, far from misrepresenting the historical narrative of the dispute, had clearly stated the Palestinian and Israeli positions.

The Committee was also satisfied that within the context of the article it had not been necessary to explain the phrase “ethnic cleansing” as its interpretation could be left to the readers to come to their own view.

With regard to the issue concerning the right of return, the Committee was satisfied that the article’s author had also provided an accurate summary of the issue. The phrase had not offered an endorsement of the view expressed but had provided a reason why Israel may not wish to include it within talks on a solution to the conflict.

The Committee was therefore satisfied that the article had not breached guidelines on impartiality or accuracy.

## 2) “Israel army ousts Hebron settlers”

The Committee noted what the ECU believed the complainant’s annotated note “on what basis?” referred to when written on the end of a copy of the article which reported on the forcible removal of Jewish settlers by the Israeli forces from the West Bank town of Hebron. It noted that the ECU believed it concerned the comment attributed to Noam Arnon, a spokesman for the Jewish settlers, who stated:

"This is Jewish land.

"This land was given to us by the owners, the owners of this land, belonging to the ancient Jewish community of Hebron.

"They gave us permission, they gave us the deeds and the documents and they asked us to come here to renew the Jewish community and this is what we'll do in the future."

The Committee also noted that the annotated note may have also referred to the concluding sentence of the article:

“All Israeli settlements built on land captured in the 1967 war are illegal under international law, although Israel disputes this.”

The Committee therefore considered both sections of the article when coming to its finding. The Committee concluded that in the first extract it was editorially justifiable for the report to include the views of the Jewish settlers as they were one of the two parties involved in the issue at the centre of the article, the other being the Israeli authorities. The Committee noted that to achieve due impartiality it does not require the representation of every argument or facet of every argument on every occasion. This was the case on this occasion; a Palestinian view was not relevant to ensure the article was balanced.

As to the concluding sentence and the specific phrase “although Israel disputes this”, the Committee was satisfied that the comment was an accurate statement of fact. The Committee noted that the BBC News online Middle East editor had provided the ESC with a response as to why this comment was included in the article. He stated:

“I assume that the ‘on what basis’ must refer to the ‘although Israel disputes this’ part of the line above. On this basis Israel disputes that the settlements are illegal under international law, primarily because Jordanian and Egyptian control of the West Bank and Gaza were not internationally recognised or accepted. Israel argues that these areas are not ‘occupied territories’ because they were not occupied from a sovereign state. It argues that they are disputed territories. There are other arguments, but this is the fundamental one.”

The Committee was satisfied that the statement had sufficiently explained why the phrase had been used. The Committee was also satisfied that an alternative view to that had not been required as the response “although Israel disputes this” had balanced the first part of the sentence that had stated:

“All Israeli settlements built on land captured in the 1967 war are illegal under international law”

The Committee was, therefore, satisfied that this article had met the editorial standards on impartiality and accuracy.

### 3) “Isolated Gaza a jail for its people”

The Committee noted the complainant’s concerns about the article which looked at life for Palestinians living in Gaza. In particular, the Committee noted his comments that the article had not properly explored Hamas’ position and that this was another example of the “BBC distortion and deliberate obfuscation of the facts.”

The Committee also noted the complainant's concerns about a section of the article which quoted a Muslim engineer. The Committee noted what was stated in this section of the article:

"Many Gazans blame all their politicians for the situation they are now in.

"The Palestinians cannot make a decision to sit together and work together,' Hanah Iloh told me.

"A smartly-dressed Muslim woman wearing a headscarf, Ms Iloh is an architectural engineer.

"Did she think the Palestinian politicians were making life difficult for the Palestinian people?

"Yes, I think they are responsible for this,' she said.

"Yes, Israel is the occupier, but it's most important to have unity between us so we can make peace with Israel.'

"It's very hard to make peace with Israel if we can't make peace with ourselves'."

The Committee noted that the complainant considered that this section exemplified the article's implicit suggestion which he believed was that the Palestinians were to blame for the situation in Gaza.

The Committee then noted two statements defending the article from the BBC News online Middle East editor, and Matthew Price, the correspondent who wrote it. The Committee first noted what the BBC News online Middle East editor said:

"What aspect of Hamas' position is not sufficiently explained? This is a piece about the isolation felt by Gazans, not an exposition of Hamas' position on a range of issues."

It then noted Matthew Price's comments:

"My piece is not about Hamas per se. The specific lines I include about Hamas are balanced and correct. I mention that much of the world sees Hamas as terrorists, but I also make sure, as many news organisations often do not, to say many Palestinians see Hamas as liberators.

Also since Hamas seized control of Gaza in the summer of 2007 many news organisations have simply mentioned this fact, without referring to the fact that Hamas was elected to power in elections in the first place. I made sure I mentioned both facts.

In short I think the article where it does mention Hamas is balanced and factual.”

The Committee concluded that given the context of the piece, the situation of the people (Palestinians) living in Gaza, it was not necessary for the article to include Hamas’ historical position. The Committee agreed with the author of the piece that the article was not about Hamas, but about the lives of the people who are living in Gaza. The Committee noted that due impartiality did not require every argument or every facet of an argument to be included as long as the approach to the article had been fair and open minded when examining the evidence and weighing all the material facts. The Committee was satisfied that this had been achieved. It considered the statement:

“Much of the world regards Hamas as a terrorist organisation and will not deal with it while it refuses to recognise Israel’s right to exist.”

to be factually accurate and an appropriate statement to include given the context of the piece. As to the inclusion of the quote of Ms Iloh, the architectural engineer, the Committee concluded that it was appropriate within an article looking at the concerns of people living in Gaza to allow individuals the opportunity to express their personal view of the situation as they see it. The quote did not require a balancing comment. It was a broad view of all political parties in the region.

The Committee was also satisfied that the article had not implied that Hamas or the Palestinians in general were responsible for their own position. The Committee noted that BBC News had the editorial freedom to report on any specific aspect of an issue. It did not consider that in reporting the plight of Palestinians affected by the political disunity of Hamas and Fattah in Gaza the article had misrepresented opposing views or the facts of the situation.

The Committee was therefore satisfied that the article had been duly accurate and impartial and had met the editorial standards set out in the BBC Editorial Guidelines.

### Complaints Handling

The Committee noted that the appeal had suffered a number of delays before being heard by the Committee. The Committee recognised these delays had been caused by the exceptionally heavy workload of the Trust’s editorial team which had caused the delay in processing the appeal. The Committee was satisfied that the increased workload had now passed and that appeals were now being handled in a more timely manner. The Committee would include in its finding letter an apology to the complainant for the delay in hearing the appeal.

### **Finding: Not Upheld**

**Morning Extra, Radio Scotland – 14 August 2007**

**BBC News Online: SNP outlines independence plans– 14 August 2007**

## **BBC News Online: Call for debate on independence – 12 August 2007**

### **1. The context**

A poll in the Scottish Daily Mail by Progressive Scottish Opinion on Friday 10 August 2007 found that 31% approved of Scottish independence. [NB – the question was about independence; it was not about a referendum.]

The SNP announced that there would be a 'National Conversation' on Scotland's constitutional future. (12 August 2007)

### **2. The complaint**

The complainant in his letter of appeal to the ESC summarised his complaint to be heard on appeal:

“The complaint I am putting to you is a general complaint in the way the BBC answered my original complaint by repeating mistakes after mistakes in attempting to rectify them. The inability of the BBC different services to handle a simple complaint on this particular topic is showing a total incompetence in the matter if not worst a political bias. I am unable to tell you at this stage if I believe that the latter is the reason why the BBC has behaved this way, however I believe that not only mistakes have been made but the way they were made is giving the wrong image of the corporation here in Scotland.”

There were three elements to the complainant’s original complaint. They all relate to the reporting of the above opinion poll.

#### **A) Morning Extra, Radio Scotland**

Morning Extra with Gary Robertson is transmitted weekdays 08.50-09.30am

The BBC website for the programme states:

“Morning Extra will be your chance to respond to the day's breaking news stories. After Good Morning Scotland has set the agenda, we'll talk to the people affected. That means you! We'll be out and about around the country to hear your opinions - on pensions, anti-social behaviour, the war in Iraq, renewable energy or the state of Scottish football.”

#### **The transcript of what was said in the programme:**

Gary Robertson opened his radio programme, Morning Extra, with this introduction:

“This morning, do you welcome the SNP's plan to press for a referendum on independence? Alex Salmond says he wants to start a national conversation about our country's future. So I want to hear from you this morning. Do we

need a conversation? Is this the start of a slippery slide towards the break-up of the UK, or Scotland's chance to take more control of its own affairs? The opposition parties say this is a Nationalist crusade and a waste of your money. So do you want this conversation, or do you think there are more important practical matters we should be dealing with before having a debate about what level of independence or devolution we have?"

Gary Robertson said to his first caller (David in Glasgow):

"One of the polls they're not riding high in is support for this idea of a referendum. An opinion poll just the other day had it down there about a third of the population."

David in Glasgow replied:

"Yes, that's perfectly... that's absolutely true, there's no problem with that..."

**The complainant contacted the programme via email on the day of the broadcast as well as the day after, stating:**

- "[...] after reading polls after polls on the subject the past few weeks, I cannot find the poll that Gary is referring to. All polls the last few months are showing that 70% or more of the population want a referendum."
- "...you were mistaken, however I have not heard or read a disclaimer from you or your program..."
- "I heard you and your colleagues telling us all day yesterday, the day of the start of the national conversation... that recent polls were showing that the idea or a plan ... for a referendum was not supported by two thirds of the population."

**The Editor of Morning Extra replied (stage 1):**

- "I apologise for the delay in replying I was on leave at the time."
- "...there was a slip of the tongue once from Gary in relation to a recent opinion poll. This happened while talking to the first caller on air. He was talking about the poll in last week's Daily Mail, which I am sure you will have seen."
- "The survey found that while 31 per cent of people approve of Scottish Independence, some 49 per cent are against the move while 20 per cent don't know or are undecided."
- Gary made "the point twice while talking to George from Kemnay the poll he was discussing was about support for independence."
- "...during a live show Gary has a huge amount of information to deal with while taking calls and he does a good job of getting the facts right but very occasionally a slip of the tongue will happen."

**The complainant responded:**

- "I refuse to believe that when you are away on leave there is no one at the

- BBC capable to answer emails...”
- “As you pointed out Gary made his interpretation of the poll the core of his programme.”
  - “...listen again to the Good Morning Scotland programme (20 Aug). Brian Taylor, BBC Scotland's political editor, was quick to tell Gary how mistaken he was when talking about polls.”
  - “Gary did a very good job of misleading the BBC audience... about the constitutional future of Scotland.

**As the complainant had formally approached the Editorial Complaints Unit (ECU) about this and his other complaints, the Editor of Morning Extra replied that the complaint would now be handled by the ECU.**

**The ECU in reply to the complainant upheld his complaint against Morning Extra on the following grounds:**

- “I understand the poll Gary Robertson had in mind was the same one which featured in the other items you complained about, the Progressive Scottish Opinion poll published on 10 August.”
- “As the support of 'about a third of the population' shown in that poll was for Scottish independence, and as the level of support it showed for the proposal for a referendum on the subject was substantially higher, Gary Robertson's statement was clearly erroneous, and the erroneous impression was reinforced by the caller.”
- “...the Editor of Morning Extra, described it as a slip on Gary Robertson's part, and I have no reason to believe it was anything more than that. However, it related to a topic which was both high on the Scottish political agenda and central to the programme's theme...”
- It was concluded that the inaccuracy “was material to the audience's understanding of the matters under discussion (even though it was immaterial to the particular point the caller went on to make).”
- The Editor of Morning Extra referred to an “exchange in which Gary Robertson was clearly referring to support for independence, rather than support for a referendum. However, these references, though they clearly implied that independence was supported only by a minority, didn't mention a specific figure which might have allowed listeners to make the connection with Gary Robertson's previous reference to '*about a third of the population*' and mentally connect the error. Nor was there anything else in the programme which would have had the effect of correcting it.”

## **B) bbc.co.uk: SNP outlines independence plans**

The online story “SNP outlines independence plans” was originally headlined 'Independence paper to be unveiled' as part of an online news video package.

The first paragraph said “Scotland's SNP government is to set out plans for a referendum on independence, despite opposition from other main political parties.”

The link to the video was “Poll suggests only a third of Scots support plan”. [NB The video referred to the poll finding that only 31% supported independence.]

**The complainant complained to News Online that the text and link implied that one third support the idea of a referendum – when the video showed that the poll was about independence. He also stated:**

- “I have sent three emails this morning to Radio Scotland for an inaccurate presentation of a poll on air. I have since realised that the same inaccuracy is on full display on the internet site: Scotland's SNP government has set out its plans for a referendum on independence, despite opposition from the other main political parties. Followed by: Poll suggests only a third of Scots support plan # <http://news.bbc.co.uk/1/hi/scotland/6944934.stm> I have sent an email to the BBC website but still no answer and the inaccuracy is on full display.”
- “This is intolerable that at the start of a conversation about the constitutional future of Scotland such inaccuracies are in full display.”

**BBC News Online Scotland replied:**

- “The video you refer to is clearly balanced...”
- “The correspondent makes reference to a YouGov poll, published on Friday, which stated that a third (31%) of those asked backed independence.” [NB It was not YouGov – it was Progressive Scottish Opinion.]
- “The piece of video, which referred to the poll, has now been removed from the story, not because it was inaccurate but because there has been more relevant multi-media following the launch of the white paper.”

**The complainant responded:**

- “The video you refer to may be balanced but it has nothing to do with my complaint...”

**The ECU when considering the complaint alongside the complainant’s other complaints came to a “resolved” finding:**

- “In its original form, this item was headlined 'Independence paper to be unveiled', and the first paragraph, set in bold type, said 'Scotland's SNP government is to set out plans for a referendum on independence, despite opposition from other main political parties'.”
- “In that context, I agree that the original video link, to the right of that paragraph, which said 'Poll suggests only a third of Scots support plan' would have led readers to infer – wrongly – that it was the 'plans for a referendum' which had the support of 'only a third of Scots', rather than the idea of independence itself...”
- “...this strikes me as a material inaccuracy. However, I have taken into account the fact that, for whatever reason, the video link was replaced when the item was updated later on 14 August.”

- “In the case of online material, I normally take the view that, where an error (or, as in this case, a misleading juxtaposition) has been erased after being accessible for only a relatively short time, this suffices to resolve the matter...”
- “I may take a different view where the error is such as to damage individuals or organisations, or likely to generate serious on-going public misunderstanding, but I don't think those circumstances apply in this case.”

### **C) bbc.co.uk: Call for debate on independence**

The online story “Call for debate on independence” on 12 August originally attributed the poll in the Daily Mail to YouGov instead of Progressive Scottish Opinion.

**The complainant contacted the Complaints website pointing out he was unaware of a YouGov poll in the papers and that the figure of 31% in favour of independence was an increase on previous figures given.**

#### **BBC Scotland news interactive replied (stage 1)**

- “The independence story should have read 'Progressive Scottish Opinion poll' in the Daily Mail, not YouGov. This reflected a 20% drop in support for independence from a previous poll carried out in January. I have now added this in to the story to make this clear.”

#### **The complainant responded:**

- “The changes made to the story I reported being 'bogus' have only been cosmetic and made under protest.”

He quoted from the updated story: “...the survey showed only 31% were in favour of independence. This was down from January, when 51% of people questioned backed independence.”

- “...this is misleading and partly if not wholly incorrect. The source (Mail) never reported such a drop ...”
- “I don't know of a 20% drop in support for independence because I don't know of a poll carried out in January giving a 51% support for independence.”

#### **The Assistant Editor, BBC Scotland news website replied (giving the link to the amended story):**

- “...we have taken steps to address your concerns.”
- “We were reliant on the Press Association, the UK's main news agency – and a primary source of content for the BBC – for elements of the story concerned. Unfortunately they have been factually incorrect on a number of counts with regard to the winter poll and this month's survey. My colleague ... has corrected these elements of the story.”

- “I was troubled to read that you feel we have made changes under protest. This is never the case.”

**The complainant replied:**

- “I am still very unhappy about the small steps you and your colleagues are willing to take to correct the way the BBC is reporting the difference between polls...”
- “Your reliance on the Press Association is no excuse for the BBC to get this reporting of polls totally wrong from its source to its interpretation. I expect the BBC to check its sources thoroughly and make its own conclusions.”
- “Who is responsible at the BBC for taking a recent poll from the Mail then comparing it with another poll from a different source released last year? Whoever is responsible should be told that polls can't be compared that easily when the questions are asked differently.”
- He quoted the Scottish Sunday Mail: “*just 31% of Scots favour separation, broadly the same percentage as when they were in opposition..*”

**The complainant wrote again stating that Brian Taylor, BBC Scotland's political editor, had explained that day to Gary Robertson that his interpretation of the polls was incorrect:**

- “I just can't understand why on earth any of you did not bother asking him about this.”

**In his letter to the ECU the complainant said:**

- “Reporting the same polls with the wrong source, the wrong date and the wrong interpretation, an interpretation not shared by the Scottish Sunday Mail, the Herald or Brian Taylor...”

**The ECU did not uphold the complaint on the following grounds:**

- “As I understand it, your complaint has two aspects – that the item in its original form contained a number of inaccuracies in relation to the two opinion polls it alluded to, and that in any event it misinterpreted the poll findings.”
- “There were indeed inaccuracies in the original version of the item... specifically, a poll published on 10 August was said to have been conducted by YouGov, whereas it was in fact conducted by Progressive Scottish Opinion, and the earlier YouGov poll with which it was compared was dated to January 2007, whereas it was in fact published in November 2006.”
- This “... wouldn't materially have affected the reader's understanding of the relevant point. I therefore don't think this was an instance of serious breach of editorial standards, though it is a salutary illustration of the risks of relying on material from even the most respected news agencies.”
- “... I take your point that poll findings which are based on materially different questions are incommensurable. However, the question of whether one is in

favour of Scottish independence is not of the kind where differences in phrasing might lead to significantly different results....”

- “...it's not in dispute that the figure of 51% in the November 2006 YouGov poll represented the high point of support for Scottish independence as measured by opinion polls, and I therefore don't agree that describing the figure of 31% in the August poll as 'down from a high point' represented a misinterpretation or an invalid comparison.”
- “You have referred us to Brian Taylor's remarks to Gary Robertson.... as evidence of a different interpretation... This doesn't seem to me to contradict the view that the Progressive Scottish Opinion poll in August represented a decline in support for independence compared with the YouGov poll the previous November.”

### **The complainant commented on the ECU findings:**

- “...the BBC has still not addressed the main point of my complaints but has only met me half way...”
- “Under the BBC Editorial Complaints Unit's ruling I can read in bold the two words 'Further action', does this mean that more is to come from the BBC on this matter?”
- “...there are no links or quotes from the source of the survey.”
- “...the BBC before 7 November 2007 never publicly gave 50% as the percentage for support for a referendum....”
- He added that the ECU's answer “adds more confusion into the debate on the constitutional future of Scotland...”

### **The ECU replied:**

- “I can understand your puzzlement over the matter of 'Further action'. Because of an oversight of my own, the action point was omitted from the text supplied to the people responsible for making the posting.... there should be the sentence 'The Editor of Morning Extra discussed the finding with the presenter and stressed the need for accuracy when commenting on opinion poll findings’.”
- “...I find I made a wrong inference in one particular, based on a misunderstanding of a BBC report which alluded to it. The poll in question is not the one referred to at the web address you cite, but one conducted by Scottish Opinion and published in the Daily Mail in Scotland on 10 August.”
- “I have now spoken to the Daily Mail journalist who wrote the report.... he said the report published no figure for support for the proposal for a referendum...”
- “I was therefore wrong in inferring that it had reported '*nearly 50% support*' for the proposal, and must correct the summary accordingly.”
- “Having consulted the BBC's political research unit, I find that only two recent opinion surveys have addressed the question of support for the idea of a referendum, only one of which measured opinion in Scotland, as distinct from the UK...”
- “It was carried out by ICM for BBC Scotland ... in March 2007... the result...”

indicates quite a high level of support for the idea. So, though I was wrong in ascribing a particular figure to the Scottish Opinion/Daily Mail poll, the point that there is more support in Scotland for a referendum than for independence seems to stand.”

### **3. Complaints handling**

The handling of the complaint is the subject of the appeal as stated at the head of section 7.2.

### **4. Applicable Editorial Standards**

#### **Section 3 - Accuracy**

##### **Introduction**

The BBC's commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation.

For the BBC accuracy is more important than speed and it is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered.

We aim to achieve accuracy by:

- the accurate gathering of material using first hand sources wherever possible.
- checking and cross checking the facts.
- validating the authenticity of documentary evidence and digital material.
- corroborating claims and allegations made by contributors wherever possible.

##### **Misleading audiences**

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead.

#### **Section 10 - Politics & Public Policy**

##### **Reporting opinion polls**

The following rules for reporting the findings of voting intention polls in the United Kingdom conducted by any polling organisation must be applied:

- we do not lead a news bulletin or programme simply with the results of a voting intention poll.
- we do not headline the results of a voting intention poll unless it has prompted a story which itself deserves a headline and reference to the poll's findings is necessary to make sense of it.

- we do not rely on the interpretation given to a poll's results by the organisation or publication which commissioned it. We should look at the questions, the results and the trend.
- we report the findings of voting intention polls in the context of trend. The trend may consist of the results of all major polls over a period or may be limited to the change in a single pollster's findings. Poll results which defy trends without convincing explanation should be treated with particular care.
- we do not use language which gives greater credibility to the polls than they deserve. We should say polls "suggest" but never "prove" or even "show".
- we report the expected margin of error if the gap between the contenders is within the margin. Television and online graphics should always show the margin of error.
- we report the organisation which carried out the poll and the organisation or publication which commissioned it. This information too should always be shown in television and online graphics.
- we report the dates of the fieldwork, and include them in television and online graphics, and draw attention to events which may have had a significant effect on public opinion since it was done.
- we report whether the poll was carried out face to face, by telephone or over the internet.

When we report polls which do not reveal voting intentions we should always give the name of the polling organisation, the sample size, the nature of the sample and as much information about the margin of error and fieldwork dates as feasible.

## **Section 17 - Accountability**

### **Introduction**

The BBC is accountable to its audiences. Their continuing trust in the BBC is a crucial part of our contract with them. We will act in good faith by dealing fairly and openly with them.

We are open in admitting mistakes when they are made and encourage a culture of willingness to learn from them.

### **Feedback & complaints**

Audiences are at the heart of everything the BBC does. Audience feedback is invaluable to us and helps improve programme quality.

Our commitment to our audiences is to ensure that complaints and enquiries are dealt with quickly, courteously and with respect.

The first point of contact for a complaint should be BBC Information, although people can contact the programme directly if they prefer. We are committed to

responding to complaints within ten working days of their first receipt and to keeping complainants informed of progress.

## **5. The Committee's decision**

The Committee considered the complaint against the relevant editorial standards, as set out in the BBC's editorial guidelines. The guidelines are a statement of the BBC's values and standards.

In reaching its decision the Committee took full account of all the available evidence, including (but not limited to) the Editorial Adviser's Report and the subsequent submissions from the complainant, the programme team and the ECU.

This appeal concerned the handling of the complaint. It raised issues requiring consideration of the editorial guidelines relating to accuracy, politics and public policy and accountability.

Firstly, the Committee considered each of the complaints raised by the appellant before considering the general issue of whether political bias or incompetence had been at play in the handling of his complaints. (The Committee considered the three issues in the reverse order to the complaint as set out in the background note.)

### Accuracy

The guidelines provide that the BBC should not distort known facts, present invented material as fact, or knowingly do anything to mislead audiences. It also requires the BBC to check and cross check the facts.

In gathering material the BBC should only rely on an agency if it can be substantiated by a BBC correspondent or if it is attributed to a reputable national or international agency.

### Politics and public policy

The guidelines provide that the BBC should report the findings of voting intention polls in the context of trend. The trend may consist of the results of all major polls over a period or may be limited to the change in a single pollster's findings. Poll results which defy trends without convincing explanation should be treated with particular care.

### Accountability

The guideline provides that the BBC, which is accountable to its audience, will act in good faith by dealing fairly and openly with them. The guideline also notes that the audience is at the heart of everything the BBC does and that it is committed to ensuring that complaints are dealt with quickly, courteously and with respect.

1) [bbc.co.uk](http://bbc.co.uk): Call for debate on independence – 12 August 2007

The Committee considered whether this story had breached the guidelines on accuracy and on politics and public policy.

The complainant had argued that the initial story was inaccurate (wrongly attributing a poll conducted by Progressive Scottish Opinion to YouGov) and that when the story was amended it contained a new inaccuracy (giving the wrong date for another poll). Furthermore the complainant considered the comparison of two polls which was introduced in the amended version to be invalid and misleading. The Committee considered whether the errors in the item breached the guidelines on accuracy and whether the comparison of polls breached the guidelines on politics and public policy which relate to the reporting of polls.

On the question of accuracy the ECU had acknowledged that an initial mistake had been made and that a further mistake had occurred when the copy was amended. The ECU had accepted that “any inaccuracy in a BBC report is a matter of regret” but had concluded that these errors had not amounted to a serious breach of standards because they would not have materially affected the reader’s understanding of the story. The Committee endorsed the ECU’s finding that the story contained inaccuracies. The Committee felt this had amounted to a breach of the guidelines on accuracy. The Committee, unlike the ECU, does not differentiate on the basis of the seriousness of the breach. The Committee therefore upheld this element of the complaint.

The Committee noted that the errors in this item had both been lifted from the Press Association’s (PA) report. The Committee understood that it was accepted practice for BBC News to use PA as a primary source without attribution. The Committee was therefore concerned, once an error had been identified to ensure that further errors were not made in the attempt to correct it. The Committee agreed that this was an issue that it would raise with BBC management, although it was satisfied that in itself the use of PA as a single source was not a breach of guidelines given its general track record of reliability.

With regard to comparing polls the Committee acknowledged that the ECU, in its final submission following the sharing of papers, had accepted that it was inappropriate for the article to compare different polls. The Committee was mindful of the advice of the BBC’s Chief Adviser Politics, who warned against ever comparing one opinion poll with another from a different polling organisation. The Committee noted that the guidelines on reporting opinion polls specify that a trend may consist of the results of all major polls over a period or may be “limited to a change in a single pollster’s findings” and as a consequence the Committee agreed that this was a serious error which amounted to a breach of guidelines on polls.

The Committee noted that since the incident BBC Scotland had made changes to the editorial team which should ensure errors of this nature do not happen in future. Nevertheless, the Committee agreed that the article as published had failed to meet the required editorial standards on accuracy and reporting polls and upheld the complaint against it.

## 2) [bbc.co.uk](http://bbc.co.uk): SNP outlines independence plans - 14 August 2007

The Committee considered whether the ECU had been correct in judging that although this item contained a material inaccuracy the matter had been resolved by its speedy removal. The Committee noted that the ECU had decided that the video link which said “Poll suggests only a third of Scots support plan” would have led readers to infer – wrongly – that only a third of Scots supported plans for a referendum rather than plans for independence. It also noted that the ECU judged this a material inaccuracy but took the view that “where an error has been erased after being accessible for only a relatively short time, this suffices to resolve the matter”. In this instance the error was published on 14 August 2007 and removed later that day.

The Committee endorsed the ECU finding that it was a breach of accuracy. It also endorsed the ECU’s view that the action taken to remove the online piece had been quick to limit reader exposure to the error.

The Committee expressed concern that mistakes of this nature had been made but noted that the appointment of a senior broadcast journalist to oversee BBC Scotland’s political coverage as well as the identification of a dedicated political reporter within the online team should assist in reducing such errors in the future.

The Committee upheld the complaint on accuracy but was satisfied that no further action was necessary.

## 3) Morning Extra, Radio Scotland - 14 August 2007

This complaint was upheld by the ECU on the basis that the “inaccuracy...was material to the audience’s understanding of the matters under discussion”. The complainant had argued that Gary Robertson, the presenter of Morning Extra had misled the audience by saying that a recent poll suggested only a third of Scots supported the idea of a referendum when the poll had in fact suggested only a third supported the idea of independence. The ECU upheld the complaint, noting that “it related to a topic which was high on the Scottish political agenda”. Since the complainant had no argument with the conclusion drawn by the ECU the Committee considered the process by which the complaint was handled.

The Committee discussed whether it had been dealt with in a manner which was compliant with the BBC guidelines on accountability and asked whether it had been handled “quickly, courteously and with respect”. The Committee noted that the response from the Editor of Morning Extra was made within the 10 working day time limit set for responses to BBC complaints and that he admitted that the presenter made “a slip of the tongue”. The Committee concluded that the handling of this complaint had been correct and that the response of the programme editor had been courteous and open. The Committee also noted that since the incident news teams had been reminded that in the editor’s absence complaints should be brought to the attention of the news board to ensure that they are properly handled

in accordance with the BBC complaints process. The Committee was therefore satisfied that no further action need be taken regarding the handling of the complaint.

The Committee endorsed the ECU's finding.

### General Bias

The Committee expressed concern about the way BBC News had reported a story of such political significance in Scotland. The Committee, however, was satisfied that whilst errors had been made in the reporting of the opinion poll in three separate areas, it could find no evidence of complicity or systemic political bias. The errors had been unrelated and were an unfortunate coincidence. However, the Committee had been reassured that BBC Scotland had taken suitable steps to strengthen its political coverage following these incidents to ensure that a similar mistake would not be made in future.

**Finding: The Committee endorsed the stage 2 (ECU) uphold on accuracy and also upheld the complaint on reporting opinion polls. It did not uphold the complaint of general or systemic political bias.**

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**Action: The Committee to raise with Mark Byford, Deputy Director-General and Chairman of the Complaints Management Board, the issue of applying appropriate checks if an error has been identified to ensure that further errors are not made in an attempt to correct copy.**

## **BBCRussian.com**

### **I. The complaint**

The complaint concerns an article carried on the BBC's Russian service website, BBCRussian.com. The article entitled "The Queen honours Gordievsky" covered the awarding of an honour by the Queen to Oleg Gordievsky. The original article was in Russian. The complainant objected to the use of wording in one section of the article. The complainant provided a translation of the article. The relevant section of the article, supplied by the complainant, is attached below (the highlighted wording is the complainant's emphasis):

"Oleg Gordievsky **played an important role in a campaign** following the **death** of Alexander Litvinenko in London. He accused the Russian leadership of murdering Litvinenko. **This scandal resulted** in a sharp worsening of Russian-British relations."

"He also addressed fierce criticism at the BBC Russian Service for an overly soft, according to him, editorial policy towards the Kremlin."

The complainant also raised concerns about one of the forums on the website's Have Your Say area. He was concerned that the question "Do you think spying is a heroic profession?" led readers to post offensive comments about Mr Gordievsky and the Queen which broke the house rules.

The main complaint about the article was in four parts:

- 1) The complainant complained that the above statement in the item pre-supposed that there was an organised campaign to accuse the Kremlin of murdering Litvinenko:

"Whilst this is indeed the official line of the Kremlin, there are no facts to support it."

- 2) The complainant stated that whilst Gordievsky had commented publicly about Litvinenko, he only did so at the request of the media as a friend of the murdered man and as the most high profile British expert in the Russian intelligentsia:

"As there was no organised campaign, then to accuse Gordievsky in taking part in it constitutes a libelous statement."

- 3) The complainant suggested the statement led the reader to believe:

"[...] that whilst Litvinenko died, there was no proof that he was murdered. This is contrary to the conclusions of the Crown Prosecution Service..."

- 4) The complainant claimed it was:

"[...] wrong to say that the assessment ('accusations') made by Oleg Gordievsky to the press about Litvinenko's murder have led to a sharp worsening of British-Russian relations."

The complainant claimed that according to the statements by the Foreign Secretary the worsening of relations resulted from the lack of co-operation from Russia in the murder investigation. The complainant went on to point out what in his view were some other inaccuracies in the item.

- The complainant said that The Most Distinguished Order of St Michael and St George is not given to foreign ambassadors but "to Her Majesty's ambassadors in foreign countries. It is the order given to distinguished individuals at the FCO and the British intelligence services."
- The complainant went on to say that the item did not mention Gordievsky's achievements for which he was honoured, namely for services to British security. The complainant also attached an item from the BBC News website which he said was different in tone and substance.

The complainant also complained about the forum on the website (Have Your Say) which he said asked people “to side either with Britain, who awarded Gordievsky’s bravery, or with the Soviet authorities, who sentenced him to death in absentia. This forum generated nasty comments not only about Oleg but about the Queen too.”

The complainant further noted in his letter of complaint to the BBC Russian service that:

- He needed to know “why such coverage is being generated by the Russian Service.”
- Previously on the website video clips of exclusively pro-Kremlin commentators were featured as “Comment and Analysis” about Litvinenko’s murder: “These comments stayed unchanged on your website from November 2006 to April 2007. Little action was taken by you in this respect.”

In a follow-up letter to the BBC Russian service, the complainant also complained that:

- The presenters on the BBC World Service persisted in calling: “the leader of her Majesty’s Opposition DAVE Cameron? The fact that Anthony Blair wanted to be known as TONY does not mean the same for Mr Cameron.”

## **2. The Head of the BBC Russian Service replied (stage I):**

- She apologised that she had not responded earlier but she said she had not received the complainant’s letter.
- She informed the complainant that the main body of his complaint would be replied to by the office of the Director of the World Service, Nigel Chapman, but wished to respond to the concern regarding the service’s reference to David Cameron. She agreed that the name of David Cameron was David and not Dave: “The former is in fact the policy the service has.”

She said she had talked to several of the main presenters who all confirmed that they called Mr Cameron David.

- She also stated: “Of course, there may have been occasional lapses from this, as radio is a live medium ...but please be reassured that the general policy is in line with your comments.”

## **3. The complainant responded that the reason why he had brought the issue of Mr Cameron’s name had been due to a recent website article that had referred to him as Dave. He also said that he remembered hearing the leader of the opposition called as such.**

## **4. The Head of the BBC Russian Service then replied to the issue raised by the complainant with regard to the article on**

## **BBCRussian.com concerning the Queen honouring Mr Gordievsky:**

- The Head of the BBC Russian Service pointed out that the only significant difference in how she would translate this paragraph was the word “prominent - which you translate as ‘important’.”

She then addressed the other elements of the complaint:

- As to the use of “organised campaign” with regard to those accusing the Kremlin of the murder of Mr Litvinenko, she said that she believed there was a campaign by his friends and family to draw attention to what they believed to be the circumstances of his death.

“There were clear spokesmen who spoke to a range of media including the BBC. I also understand that the services of a PR organisation were used to effectively communicate with the media.”

“Campaign is a word that can be used in a wide sense. BBCRussian.com did not use the word ‘organised’.”

- With regard to Mr Gordievsky’s involvement in making public statements regarding Mr Litvinenko’s death, she said she understood that Mr Gordievsky had spoken to a range of media outlets about Mr Litvinenko and the circumstances of his death.

“I see nothing libellous in stating the fact that Mr Gordievsky did in fact speak to a wide selection of the media, including the BBC.”

- As to the issue of the phrasing regarding Mr Litvinenko’s death, the Head of the BBC Russian Service said:

“In no way does the article imply that Litvinenko was not murdered.”

- She then addressed the use of the word “scandal” in the article. She acknowledged that she could see how the words “this scandal” could be interpreted as referring to Mr Gordievsky’s comments.

“However, my reading of it... is that ‘this scandal’ actually refers to the death of Litvinenko and the ongoing aftermath, including the diplomatic standoff between Britain and Russia as a whole.”

The Head of the BBC Russian Service then addressed the other points made in the complaint.

- She agreed that there was an inaccuracy as to who is awarded the Order of St Michael and St George “and that the sentence should have referred to ‘British ambassadors in foreign countries’ rather than ‘foreign ambassador’.” She added that ideally it should also have contained the further sentence,

which was available in the bbcnews.com article: “It is the order used to honour individuals who have rendered important non-military services in relation to Commonwealth or foreign nations.” She said that she would raise this matter with her editorial team.

- She then addressed the point the complainant had raised about BBCRussian.com’s forum on spying. She said that she disagreed that people had been asked to side with either Britain or with the Soviet authorities: “The question put was ‘Do you think spying is an honourable profession?’ I think in the circumstances that this is a reasonable question and one that generated a lively discussion.” She said that by their nature, forum questions were often slightly provocative in order to stimulate debate.

## **5. The complainant responded to the Head of the BBC Russian Service’s reply:**

The complainant maintained his concerns regarding the particular section of the article.

- As to the use of the phrase “campaign” he noted that it could be construed there was a “campaign” following Mr Litvinenko’s murder, stating: “...Oleg Gordievsky CMG had no part in it. The fact that he shared a view held by many in the West that Litvinenko was killed by the Russian authorities does not make him automatically a member of a PR campaign paid for by Boris Berezovsky..... Hence this report makes an unsubstantiated and highly misleading statement.”
- With regard to the issue of worsening Russian-British relations following Mr Litvinenko’s death, he stated: “It was the Crown Prosecution Service that officially concluded that Mr Litvinenko was murdered. On the other hand, according to both the Foreign Secretary and the Prime Minister, the worsening of bilateral relations resulted not from some private ‘campaign’ but from a refusal of the Russian Government to extradite the prime suspect in the murder.”
- As to the use of the word scandal, the complainant disagreed with the Head of the Russian Service’s response. He believed this was not what was said in the report:

“.. it seems to be that what we are dealing with here is a case of breached objectivity by omission. In a way, you have admitted the omission in your remarks...”

The complainant then raised other concerns about the report and the lack of comment in the article about Mr Gordievsky’s achievements. The complainant noted in contrast how the BBCRussian.com site had featured the awarding of the Order of the Friendship of the People to George Blake, a KGB agent in MI6, by the Russian government. The complainant claimed that the BBC site had reported this: “quicker than almost any other Western media outlet...It gives extensive quotes from Russian officials praising Mr Blake’s contribution to the national interests of the Soviet Union.”

The complainant then raised further issues about the online forum.

The complainant also asked for his complaint to be forwarded to the ECU.

**6. The ECU did not uphold the complaint on the following grounds:**

- The ECU noted that under its remit, it could only consider the issue of accuracy/ fairness relating to the article. The question of what was included or left out of an article was a matter of news judgement, not one of editorial standards and one which the ECU could not investigate.
- The ECU said it would also consider whether the topic of the discussion forum was appropriate.

In response to the issues concerning the phrasing of the article, the ECU agreed to use the complainant's translation. The ECU found that:

- The article did not refer to a campaign funded or run by Mr Berezovsky as the complainant suggested, the article referred to "a campaign".
- The description was very brief and there was no link to Mr Berezovsky so there would be no reason "why readers would take it to refer to anything other than the collective action of people who spoke out following Mr Litvinenko's death."
- The ECU noted that many high profile, anti-Putin figures, including Mr Gordievsky, repeatedly accused the Russian authorities of being responsible for Mr Litvinenko's death.

"To describe that as a 'campaign' seems to me to be an accurate summary of what happened and it certainly doesn't misrepresent Mr Gordievsky's views or actions in any way."

- As to Mr Gordievsky's involvement with the media regarding Mr Litvinenko's death, the ECU noted that Mr Gordievsky had given numerous interviews in which he consistently said that the Russian authorities were responsible for Mr Litvinenko's death.
- With regard to whether the article suggested doubt as to Mr Litvinenko's death, the ECU stated:

"..although you may have gained that impression, I think the report accurately stated the known facts in clear language. It said that Mr Litvinenko was dead and that Mr Gordievsky had accused the Russian authorities of being responsible for his murder. Both of these are true."

- The ECU said that the Crown Prosecution Service may have believed it had sufficient evidence to charge an individual with murder, as the complainant pointed out, "but so far no one has been found guilty of that particular crime."
- The ECU said it therefore could not agree that the way Mr Litvinenko's death

was reported was potentially misleading.

- As to the reference to the “scandal” regarding worsening relationships between Russia and Britain, the ECU agreed with the Head of the Russian Service’s interpretation of the phrase suggesting that the phrase should be “read and understood in the context of the events of the previous eleven months.”
- The ECU continued: “While Mr Gordievsky’s comments can hardly have helped improve relations, it seems to me that in a long running, high profile news story ... the vast majority of readers would recognise that the scandal in question was not a specific reference to Mr Gordievsky’s accusation, but a general reference to the controversial circumstances of Mr Litvinenko’s death.”

As to the forum discussion the ECU stated that it was unable to take a view of the content of the individual postings. However, it did consider whether the question as translated by the complainant could have encouraged readers to take sides.

- The ECU said it seemed to be a reasonable question to ask in the light of Mr Gordievsky’s prestigious award and a question which had been carefully worded to ensure it did not influence the reader’s response.

“It is not a leading question and doesn’t assume a right or wrong answer. Readers are free to make their own judgement....”

- The ECU said it was satisfied that the question met the editorial requirement of being balanced, objective and even handed.

7. **The complainant appealed to the ESC putting forward further evidence to support his objection to the use of the phrase “campaign” in the online article. The complainant also objected to the interpretation of the use of the word “scandal” by the BBC executive which he believed was not presented in clear and precise language.**

**The complainant also raised concerns about the forum and in particular the moderation of the comments received regarding the question “Do you think spying is a heroic profession?” which he believed breached the BBC’s house rules on comments posted on the website. The ESC noted that this element of the complaint had not received a stage 2 response as it fell outside of the ECU’s remit. The Committee therefore referred it back to BBC management to investigate before it could consider it on appeal.**

8. **Applicable Editorial Standards**

### **Section 3 - Accuracy**

## **Introduction**

The BBC's commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation.

For the BBC accuracy is more important than speed and it is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered.

We aim to achieve accuracy by:

- the accurate gathering of material using first hand sources wherever possible.
- checking and cross checking the facts.
- validating the authenticity of documentary evidence and digital material.
- corroborating claims and allegations made by contributors wherever possible.

## **Gathering material**

We should try to witness events and gather information first hand. Where this is not possible, we should talk to first hand sources and, where necessary, corroborate their evidence.

We should be reluctant to rely on a single source. If we do rely on a single source, a named on the record source is always preferable.

We should normally only rely on an agency report if it can be substantiated by a BBC correspondent or if it is attributed to a reputable national or international news agency.

We should record our interviews with sources wherever possible. In circumstances where recording might inhibit the source, full notes should be made, preferably at the time, or if not, then as soon as possible afterwards.

## **Fact checking**

We must check and verify information, facts and documents, particularly those researched on the internet. This may include confirming with an individual or organisation that they posted material and that it is accurate. Even the most convincing material on the web may not be what it seems.

## **Reporting allegations**

We should not normally use live unscripted two-ways to report allegations. It must be the editor's decision as to whether they are an appropriate way to break a story. When BBC colleagues follow up a story they must ensure they understand the terms in which the allegations are to be reported and do so accurately.

Any proposal to rely on a single unnamed source making a serious

allegation or to grant anonymity to a significant contributor must be referred to a senior editorial level, or for Independents to the commissioning editor. In the most serious cases it may also be necessary to refer to Controller Editorial Policy and Programme Legal Advice. We will need to consider:

- whether the story is of significant public interest.
- whether the source is of proven credibility and reliability and in a position to have sufficient knowledge of the events featured.
- any legal issues.
- safety concerns e.g. whistleblowers.
- whether a response to serious allegations has been sought from the people or organisations concerned.
- sensitive and personal issues such as whether the serious allegation was made or substantiated "off the record".

We should script carefully the reporting of allegations made by an anonymous source to explain:

- the nature of the allegation.
- that the allegation is being made by an anonymous source and not the BBC.
- whether the allegation has been independently corroborated.

### **Misleading audiences**

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences. We may need to label material to avoid doing so.

### **Correcting mistakes**

We should normally acknowledge serious factual errors and correct mistakes quickly and clearly. Inaccuracy may lead to a complaint of unfairness. An effective way of correcting a mistake is saying what was wrong as well as putting it right. Where we may have broadcast a defamatory inaccuracy Programme Legal Advice should be consulted about the wording of a correction

## **Section 4 – Impartiality**

### **Introduction**

Impartiality lies at the heart of the BBC's commitment to its audiences. It applies across all of our services and output, whatever the format, from radio news bulletins via our web sites to our commercial magazines and includes a commitment to reflecting a diversity of opinion.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK and throughout the world to support fair and informed debate. It specifies

that we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of political or industrial controversy. It also states that the BBC is forbidden from expressing an opinion on current affairs or matters of public policy other than broadcasting.

In practice, our commitment to impartiality means:

- we strive to reflect a wide range of opinion and explore a range and conflict of views so that no significant strand of thought is knowingly unreflected or under represented.
- we exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate as long as there are good editorial reasons for doing so.
- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.
- we must ensure we avoid bias or an imbalance of views on controversial subjects.
- the approach to, and tone of, BBC stories must always reflect our editorial values. Presenters, reporters and correspondents are the public face and voice of the BBC, they can have a significant impact on the perceptions of our impartiality.

### **Achieving impartiality**

Impartiality must be adequate and appropriate to our output. Our approach to achieving it will therefore vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposted to our audiences.

Impartiality is described in the Agreement as "due impartiality". It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

News, in whatever form, must be presented with due impartiality.

### **Controversial subjects**

In the United Kingdom controversial subjects are issues of significance for the whole of the country, such as elections, or highly contentious new legislation on the eve of a crucial Commons vote, or a UK wide public sector strike.

In the nations and regions of the UK, controversial subjects are those which have considerable impact on the nation or region. They include political or industrial

issues or events which are the subject of intense debate or relate to a policy under discussion or already decided by local government.

In the global context, some controversial subjects such as national elections or referendums will obviously have varying degrees of global significance but will be of great sensitivity in that country or region in which they are taking place. We should always remember that much of the BBC's output is now available in most countries across the world.

## **9. The Committee's decision**

The Committee considered the complaint against the relevant editorial standards, as set out in the BBC's editorial guidelines. The guidelines are a statement of the BBC's values and standards.

In reaching its decision the Committee took full account of all the available evidence, including (but not limited to) the Editorial Adviser's Report and the subsequent submissions from the complainant, the web team and the ECU.

This Appeal raised issues requiring consideration of the editorial guidelines relating to accuracy and impartiality.

### Accuracy

The guidelines say that BBC output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language.

The guidelines also provide that the BBC should not distort known facts, present invented material as fact, or knowingly do anything to mislead audiences. It also requires the BBC to check and cross check the facts.

### Impartiality

The BBC is charged to ensure that impartiality must be adequate and appropriate to its output. The approach to achieving impartiality will vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposted.

News, in whatever form, must be presented with due impartiality.

The BBC must be fair and open minded when examining the evidence and weighing the facts as well as being objective and even handed in its approach. Impartiality does not require the representation of every argument or every facet of an argument on every occasion or an equal division of time for each view.

The Committee when coming to its finding considered the issues concerning the BBCRussian.com article “The Queen honours Gordievsky” before considering the wording of the forum question.

The Committee divided its finding on the article into four parts:

- a) The use of the phrase “...played an important role in a campaign” (the ESC’s emphasis)
- b) The use of the word “scandal”
- c) The use of the word “death” with regard to Mr Litvinenko
- d) General comments about the website article

- a) The use of the phrase “...played an important role in a campaign”

The Committee noted where the phrasing had been used within the article:

“Oleg Gordievsky played an important role in a campaign following the death of Alexander Litvinenko in London.”

The Committee also noted the complainant’s objection to the use of the phrasing of the comment within the article. The Committee noted that the complainant believed that the comment was inaccurate and misleading. It also noted that the complainant considered that the Russian reader would, within the context of the piece, have thought it referred to the campaign funded by Boris Berezovsky, a Russian exile and critic of the Kremlin. The complainant said there was no evidence to suggest that Mr Gordievsky had any involvement with the Berezovsky campaign.

The Committee concluded, having noted that both sides accepted the English word “campaign” as the correct translation from the Russian, that the usage of “campaign” had been acceptable in the context. The Committee was satisfied that it had been an appropriate description of Mr Gordievsky’s activities following the death of Mr Litvinenko. The Committee noted that Mr Gordievsky had been vocal in his view of Kremlin involvement in the death of Mr Litvinenko. His view was well known and had been reported in various media.

The Committee also concluded that the word “campaign” referred to Mr Gordievsky’s general activities and did not accept the complainant’s view that it implied a link to the campaigning activities of the Russian exile, Boris Berezovsky. The article had not mentioned Mr Berezovsky or inferred involvement in an organised campaign.

In conclusion, the Committee considered that the complainant was reading more into the phrasing than was intended. The use of “campaign” had been accurate in the broad sense, its use captured the general views of dissidents, including Mr Gordievsky, who had voiced concerns that the Kremlin was involved in Mr Litvinenko’s death. As such, the language, given the context, had been clear and precise. Mr Gordievsky was a leading dissident and his comments to the media had

represented the views of other like minded exiles whether or not he was speaking for himself or in a formal capacity.

b) The use of the word “scandal”

The Committee noted how the word had been used in the article:

“This scandal resulted in a sharp worsening of Russian-British relations.”  
(ESC’s emphasis)

The Committee noted the complainant’s concern that the use of the word “scandal” had inferred some criticism of what Mr Gordievsky had said about the Russian authorities and that it was Mr Gordievsky’s comments which had led to a worsening of relations between Britain and Russia.

The Committee concluded that the word “scandal” clearly referred to the Litvinenko case as a whole and the on-going disagreement between the two countries. The Committee did not accept the complainant’s view that the wording referred to Mr Gordievsky’s comments. The Committee was satisfied therefore that its use in the context of the article had been an accurate and precise reflection of the tensions between the two countries and not a reflection of what Mr Gordievsky had said in light of Mr Litvinenko’s death.

c) The use of the word “death”

The Committee noted how the word was used in the article:

“Oleg Gordievsky played an important role in a campaign following the death of Alexander Litvinenko in London. He accused the Russian leadership of murdering Litvinenko.” (ESC’s emphasis)

The Committee noted that the complainant believed the use of the word “death” in this context inferred that the Russian service believed he had “died” rather than been murdered.

The Committee concluded that given that the use of the word in this context was ambiguous - that is there was more than one way to read what it meant - the Committee was satisfied that its usage did not imply, as the complainant assumed, that the Russian service took a view as to whether Mr Litvinenko had or had not been murdered. The Committee agreed that, given no one at that time had been charged with having murdered or assisted in the murder of Mr Litvinenko, the article was fair and open minded when referring to the circumstances of Mr Litvinenko’s death. The use of language was appropriate to the output and did not breach the BBC’s guidelines on impartiality.

d) General comments about the website article

The Committee noted that the complainant had made a number of comments about the article including concerns that the article had not mentioned Mr Gordievsky's achievements.

The Committee was satisfied that the article had provided sufficient background to Mr Gordievsky's achievements given its context and length. The report was reasonable in setting out Mr Gordievsky's previous role as former Colonel of the KGB recruited by the British intelligence service; the article had been appropriately balanced and had met the requirements of the BBC editorial guidelines on accuracy and impartiality.

#### Wording of the forum question

The Committee noted the phrasing of the question on the Russian.com 'Have Your Say' section of the BBC website:

“Do you think spying is a heroic profession?”

The Committee noted the complainant's concerns that the phrasing had been used as a vehicle to direct hate against a British hero. The Committee concluded that it was a reasonable question to put to readers of the message board given the story of Mr Gordievsky's honour. The Committee was satisfied it was neutral in tone and did not lead the reader to take a specific view on whether spying was right or wrong. The readers were free to make their own judgement.

The Committee agreed that the question did not break any of the guidelines on impartiality as it was balanced, open minded and even handed.

#### **Finding: Not upheld**

**bbc.co.uk: Who supplies the guns on our streets?**

**bbc.co.uk: Britain's changing firearms laws**

#### **I. The complaint**

The complaint concerns a BBC News website story claiming that since the ban on handguns was introduced, following the massacre at Dunblane in 1996, criminals had found it more difficult to find guns.

The complainant claimed that the report on the BBC website entitled “Who supplies the guns on our streets?”<sup>1</sup> was inaccurate.

- “This report says ‘Since a ban on handguns was introduced after Thomas Hamilton murdered 16 children and their teacher at Dunblane in 1996, criminals have found it harder and harder to find guns’. I am sure this is

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<sup>1</sup> <http://news.bbc.co.uk/1/hi/uk/6937457.stm>

factually incorrect...at no time have I come across any evidence whatever that the Dunblane ban affected the ease of obtaining an illegal handgun.”

- “The situation is exacerbated by two other reports I have since seen on your website. One suggested that the guns used by Thomas Hamilton were legally acquired, which is untrue.”<sup>2</sup>

The complainant further claimed that a separate story included a comment from the campaigning group Gun Control Network<sup>3</sup> which led to a lack of balance because no contrary opinion was given.

The complainant also believed there was a general bias on BBC Online on the reporting of the issue of the ban of handguns and produced a number of links to various stories on the website to support his case.

## **2. The BBCi News Editor replied (stage 1):**

- He said he had spoken to Chris Summers, the reporter who had written the story, who had told him that he had spoken to a number of people including police officers, criminologists, and the curator of the Royal Armouries.

“They were all very insistent that handguns were not easy to come by and that this has coincided with the ban on handguns which reduced the supply.”

## **3. The complainant replied saying he was dissatisfied with the answer stating:**

- “[I am] quite prepared to believe that most people your reporter spoke to claimed that the ban was effective...indeed, I am also sure that he would have obtained the same response from canvassing senior politicians, journalists and relevant civil servants”.
- “Support for ‘gun control’ laws has been what you might reasonably call the Establishment position for several decades now and this in itself should have caused your reporter to smell a rat.”
- “If these laws were in any way effective then gun crime in this country should today be at an all time low.”

The complainant went on to say that:

- “this position is based on ideology, not facts or evidence. I have been in contact with [various bodies over the years] and nobody has ever produced any evidence to support the idea that any gun control law at all is effective...”
- “And note that by ‘any evidence’ I do not mean ‘ambiguous evidence’ or ‘slight evidence’ ... I mean no evidence whatever, not one single fact, figure or academic study, only completely unsubstantiated opinion.”

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<sup>2</sup> <http://news.bbc.co.uk/1/hi/uk/7056245.stm>

<sup>3</sup> <http://news.bbc.co.uk/1/hi/uk/7047649.stm>

The complainant also went on to say that there was however, clear evidence to the contrary and he gave several examples.

- “The official report into the Dunblane tragedy, the Cullen Report specifically states (para 9.113) that ‘I do not consider that the banning of handguns for target shooting or the banning of shooting clubs would be justified’.”

Secondly, a study by Leicester University in 2000 stated that the ban on handguns was unlikely to have a significant effect on violent crimes involving firearms.

Thirdly, a graph the BBC News website published itself in a report on 14 November<sup>4</sup> showed that

- “[...] although gun related deaths fell in 1997 and 1998, they then rose again; there’s clearly no significant reduction in the last ten years”.
- “Experience in the US, where...many areas have very tough firearms laws, shows no correlation between such laws and lower crime figures”.

The complainant went on to say that the reporter should have been able to find this out for himself but the News Editor BBCi had made no mention of any such consultation.

The complainant concluded that the report had reported as fact what

- “is in reality only opinion”

The complainant said that this opinion was

- “not only unsubstantiated but actually flies in the face of evidence.”

And

- “Contrary to the BBC’s duty of impartiality, you have not even tried to consult anybody of opposite opinion.”

#### **4. The News Editor BBCi again replied:**

- He told the complainant that in the interests of clarity he had amended the story to read:

“Since a ban on handguns was introduced after Thomas Hamilton murdered 16 children and their teacher at Dunblane in 1996, many police officers and criminologists believe criminals have found it harder to find guns”.

#### **5. The complainant replied that the News Editor BBCi had not**

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<sup>4</sup> <http://news.bbc.co.uk/1/hi/uk/7047649.stm>

### **addressed his two points:**

- Firstly, although he had changed a statement of fact to one of opinion, “you have nevertheless still not made clear that that opinion has no foundation in fact. Readers of the BBC website have a right to expect, and will expect, that quoted expert opinions will be well grounded in solid evidence.”
- The complainant added that this was still not true and therefore readers were still being deceived.
- Secondly, the complainant said that no contrary opinion had been quoted nor had it been indicated that any existed.

The complainant said that the situation had since been exacerbated by two other reports the complainant had seen on the BBC News website. He believed the BBC website was systemically biased.

### **6. The News Editor BBCi replied:**

He told the complainant that he did not agree there was any systemic bias in the BBC News Online coverage of gun stories.

- “The thrust of our coverage in the last 12 months has been on teen, gang and drug-related gun crime because of the spate of killings that it has led to”.
- “Our recent special series of reports on gun crime focused more on issues of the moment – guns and gangs, trafficking of weapons and the issues of most victims of gun crime being black.”
- “I also feel our coverage has distinguished between the problems of a criminal with a ‘real’ firearm and those converting imitations of replica weapons.”

He went on to say that the question and answer sessions BBC News Online had carried out with Vernon Coaker MP as part of the gun crime series had “afforded ample opportunity for readers to put their questions.”

### **7. The complainant then wrote to the ECU:**

- The complainant noted that the webpage of the original article had been modified following his complaint but that the issues raised with the News Editor BBCi had not been further advanced (i.e. evidence).
- The complainant said that he had not been informed who the ‘police officers and criminologists’ referred to were.
- “nor explained on what basis the BBC chose them for interview, nor provided any of the evidence on which the claimed opinions are based.”
- “The fact is that gun homicides have not gone down – on the contrary, they rose after 1998.”
- The complainant wrote that he had also pointed out problems with two other pages in his correspondence exchange with BBCi, but nothing had been done.

The complainant said that:

- “It was worth pointing out that the factual mistake... was one routinely made by anti-gun campaigners.” (<http://news.bbc.co.uk/1/hi/uk/7056245.stm>)
- “Also I would be interested in whether the BBC has any formal criteria to decide when or if any particular pressure group gets publicity, and if so why it might be that the Gun Control Network qualifies; my understanding is that it is a very small one.” (<http://news.bbc.co.uk/1/hi/uk/7047649.stm>)

The complainant concluded by saying that BBCi had rejected his complaint of general bias, by referencing various pages. The complainant said that the pages did not support this rejection.

- “although [News Editor, BBCi] has rejected the accusation of bias, he has not produced a single instance of the BBC challenging the government position that intolerant laws reduce crime, nor of the effect that the ban has had on what after all is an Olympic sport.... If the total absence of representation of a particular point of view is not bias, what would be?”

**8. The ECU replied to the complainant pointing out the complaint would be considered in relation to the guidelines on impartiality and accuracy. The ECU did not uphold the complaints.**

The ECU looked first at the story entitled: “Who supplies the guns on our streets?”

- The ECU pointed out that the article did not say it is harder for criminals to find guns, only that this is the opinion of “many police officers and criminologists”.
- It pointed out that the BBCi News Editor had already explained that the reporter had based this on numerous conversations he had had with senior police officers, criminologists and the curator of firearms at the Royal Armoury.
- The ECU said that one officer was quoted in the article as saying “The suggestion that Britain is awash with guns is simply not true.”
- The ECU said it had spoken to the reporter Chris Summers and he had asked the ECU to keep the names of the people he had spoken to confidential. The ECU hoped the complainant would accept his assurance that the people spoken to were all senior, respected individuals in their field.
- As to the guidelines on accuracy the ECU stated: “... it seems to me that Mr Summers met these requirements by making it clear he was reporting a point of view which he knew to be genuinely held by experts, based on their experience in the area.”
- The ECU responded to the complainant’s concerns that there was an inconsistency between increased gun homicides and the article’s suggestion that guns were harder to obtain. The ECU stated: “It seems to be that it is quite possible that gun crime could go up even if guns are harder to come by. If those with guns are more willing to use them, the incidences of gun crime could easily increase.”
- The ECU in setting forth this argument drew on statements by the Commissioner of the Metropolitan Police and the Chief Constable of Merseyside as well as a report by the Home Office which had pointed to the involvement of teenagers in gun crimes.

- The ECU concluded that it did not “believe the article was inaccurate in the way it reported the opinion of some experts in the field” or that “the evidence you have cited necessarily negates the legitimacy of such a point of view.”

The ECU then looked at the story “Britain’s changing firearms laws”:

Taking the complainant’s point that it was inaccurate to report Thomas Hamilton as having killed 16 school children and a teacher “with four legally-held pistols”, the ECU said that:

- “the official report into the Dunblane tragedy conducted by Lord Cullen<sup>5</sup> confirmed that Hamilton was first granted a gun licence in 1977 and at the time of the shooting he was authorised to keep the four weapons which were found on the scene (two .357mm revolvers and two 9mm pistols) as well as two other rifles”.
- “Lord Cullen set out the history as from February 1977 of the firearms and ammunition which he (Hamilton) was authorised to and did acquire and concluded that Hamilton’s firearm certificate was last renewed on 28 February 1995 and allowed him to purchase two of the weapons used at the school just over a year later.”

The third story the ECU considered was “What can be done about gun crime?”:

- The ECU noted the complainant’s view that the article lacked balance, but stated: “In this case, the article was about what could be done to reduce gun crime in the UK. Gun Control Network put one point of view but this was far from the only opinion that was reported.”
- “The criminologist Gavin Hales called for the focus of attention to be put on addressing economic and social issues rather than introducing stricter legislation; Derek Frame from the Crown Prosecution Service said more support had to be given to witnesses to encourage them to give evidence; and Professor Gus John from Strathclyde University called for more understanding of why young people are attracted to joining gangs.”

The ECU also considered the complainant’s questions with regards to whether the BBC had any formal criteria for which organisations were included in its coverage.

- The ECU replied: “It has long been established that it is a matter of discretion for editorial staff to use their experience and judgement to decide the most suitable or appropriate contributors depending on the nature of the story they are reporting.”

The ECU then responded to a number of other articles quoted by the complainant from the BBC website as well as a complaint concerning general bias in the BBC’s coverage of the use of firearms.

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<sup>5</sup> <http://www.archive.official-documents.co.uk/documents/scottish/dunblane/dun01.htm>

- “it is not the role of the ECU to consider allegations of systemic or general bias because its remit is confined to cases where there may have been a breach of editorial standards... in a specific item broadcast or published by the BBC.
- Therefore the ECU was not able to reach a finding on this area.
- The ECU suggested the complainant, if he wished, could raise the matter with senior managers in BBC News.

## 9. **The complainant wrote to the Head of Editorial Compliance, BBC News**

The complainant was not satisfied with the response he had received from the ECU. He stated:

- “The web page in question ‘Who supplies the guns on our streets?’ expresses the opinion of ‘many police experts and criminologists’ but I have not been supplied with the names or qualifications of these ‘experts.’”
- “The argument about ‘confidentiality’ is clearly bogus. If these people really are experts in their fields, and they are confident in their opinions, they should not have any problems with their opinions being made public, or with explaining why they hold them.”
- The complainant also questioned why the curator of the Royal Armoury had been interviewed for the article.
- The complainant also pointed out that in another article ‘community leaders’ gave a different view to that which was reported on the accessibility to firearms.
- The complainant also stated: “For the state-funded broadcaster to simply assert ‘expert opinion’ without detail in support of government policy is to put it mildly inappropriate.”

The complainant went on to point out that the ECU’s assertion that Thomas Hamilton did possess a firearms certificate was ‘underinformed’. The complainant said that the certificate had been obtained by deceit and:

- “[it] cannot be regarded as valid. Somehow, the policemen involved in supplying Lord Cullen with relevant information omitted to mention this extremely relevant fact, which had to be uncovered by campaigners.”

The complainant said that the ECU had still not given any justification as to why the Gun Control Network was quoted when no opposing campaigning group was.

- “I appreciate that you do not have to give equal weight to every viewpoint; but that is not the same as simply and consistently omitting one viewpoint on every occasion.”

The complainant concluded by saying that the other pages he had raised were all balanced but said that was not the point of him raising the issue. He pointed out that:

- “[...] the BBC does not represent the views of shooters...[the ECU] has simply asserted a lack of bias without actually producing any evidence to support it.”

**10. The Head of Compliance, BBC News replied that she was unable to reply to the letter and that it had been returned to ECU “a higher authority in this matter” to respond. The ECU replied:**

As to the issue of naming the experts referred to in the piece, the ECU stated:

- “The reporter spoke to a number of distinguished experts such as Detective Chief Inspector John Lyons of the Greater Manchester Police and Gavin Hales, a criminologist.”
- Nevertheless, it noted that the author had spoken to experts on an ‘off the record basis’ or on the basis that they were not named in the article and therefore the ECU said it would be inappropriate for him to pass on their names.

The ECU went on to address the complainant’s additional point:

- “I am sorry that you feel that I have ignored your point that other pages on the BBC News site have reported the view of community leaders that handguns are widely available...I think the issue here is whether this particular article was accurate and appropriately balanced”.
- “In this case, Mr Summers was attempting to answer the question ‘Who supplies the guns on our streets?’. He reported the views of those who believe handguns are harder to come by...[he] also reported on the rise of replica guns... and reported the views of police officers and MEP’s... The article also said there are other sources of handguns...”

The ECU addressed the complainant’s second point that Thomas Hamilton obtained his firearms licence by deceit.

- “... the fact is that Hamilton did have a licence for the guns in his possession and so the report was not inaccurate or misleading.”
- “I appreciate that some campaigners believe there was a conspiracy involving certain police officers but I have not seen any evidence to substantiate this. However, even if such evidence does exist, it would not change the fact that Hamilton did possess a licence for the guns in his possession.”

The ECU addressed the complainant’s third point about the inclusion of a particular individual or group within an article.

- The ECU stated it was its role to consider breaches of guidelines, it was not its role to “justify the inclusion of a particular individual or group.” The ECU stated that this was the responsibility of the editorial team involved. However, the ECU added that it did not agree with the complainant’s claim that the BBC was not interested in consulting pro-shooting groups.

The ECU addressed the complainant's fourth point about the views of the pro-shooting lobby being more widely represented. The ECU said:

- “an allegation of general bias is one which could only be addressed by those with editorial responsibility, which in this case is the Head of Compliance, BBC News.” The ECU noted that Head of Compliance, BBC News would write to the complainant in due course about this issue.

The ECU concluded by saying that it did not believe that there were grounds to change its original finding. The ECU told the complainant if he disagreed with the ECU findings, it was open to him to appeal to the BBC Trust.

## **11. The complainant wrote to the ESC setting out his appeal adding:**

That the appeal centred on two issues:

The first was

- “The promulgation of specific errors of fact”

And the second was

- “The underlying assumptions and lack of professionalism which have produced these errors and might well produce similar ones in the future.”

The complainant also pointed out some confusion had arisen as the ECU had said the complainant should escalate the matter to Head of Compliance, BBC News:

- “...she has now written to me disclaiming any responsibility. I have tried phoning them both to clarify the situation but both are unavailable.”

The complainant added that he was disappointed that it was taking so much time and effort

- “to rectify a few sentences for which the BBC can muster no justification whatsoever.”

## **12. Applicable Editorial Standards**

### **Section 3 – Accuracy**

#### **Introduction**

The BBC's commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation.

For the BBC accuracy is more important than speed and it is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered.

We aim to achieve accuracy by:

- the accurate gathering of material using first hand sources wherever possible.
- checking and cross checking the facts.
- validating the authenticity of documentary evidence and digital material.
- corroborating claims and allegations made by contributors wherever possible.

### **Checking contributors**

We should make checks to establish the credentials of our contributors and to avoid being "hoaxed". The precise nature of these checks should be appropriate to the nature and significance of their contribution and the genre.

We should consider whether it is appropriate to make more in depth checks about people who are the main subject of, or who are to make a significant contribution to, the programme. This may include ensuring they are interviewed and if necessary checked by, more than one member of the production team using a combination of the following:

- documentary evidence to validate their identity and story.
- corroboration from people other than those suggested by the contributor.

### Identifying sources

We should normally identify on air and online sources of information and significant contributors, as well as providing their credentials, so that our audiences can judge their status.

### **Anonymous sources**

Sometimes information the public needs to know is only available through anonymous sources or contributors, generally on an "off the record" basis.

When a source asks for anonymity as a condition of giving information, or a contributor demands anonymity when taking part, we must agree with them precisely the way they are to be described. However, with an anonymous source, especially a source making serious allegations, we must give the audience as much information about them as is compatible with protecting their identity, and in a way that does not mislead the audience about their status.

Whenever a BBC story involves an anonymous source, the relevant editor has the right to be told their identity. In cases involving serious allegations we should resist

any attempt by an anonymous source to prevent their identity being revealed to a senior BBC editor. If this happens, the reporter should make it clear that the information obtained confidentially may not be broadcast.

When anonymity is agreed everyone must be clear about its extent. It may be sufficient to ensure that contributors are not readily recognisable to the general public, or in the case of significant contributors it may be necessary to ensure they cannot even be identified by friends and family.

### **Misleading audiences**

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences. We may need to label material to avoid doing so.

### **Correcting mistakes**

We should normally acknowledge serious factual errors and correct mistakes quickly and clearly. Inaccuracy may lead to a complaint of unfairness. An effective way of correcting a mistake is saying what was wrong as well as putting it right. Where we may have broadcast a defamatory inaccuracy Programme Legal Advice should be consulted about the wording of a correction.

## **Section 4 – Impartiality and Diversity of Opinion**

Impartiality lies at the heart of the BBC's commitment to its audiences. It applies across all of our services and output, whatever the format, from radio news bulletins via our web sites to our commercial magazines and includes a commitment to reflecting a diversity of opinion.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK and throughout the world to support fair and informed debate. It specifies that we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of political or industrial controversy. It also states that the BBC is forbidden from expressing an opinion on current affairs or matters of public policy other than broadcasting.

Special considerations apply during the campaign periods for elections.

In practice, our commitment to impartiality means:

- we exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate as long as there are good editorial reasons for doing so.
- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.
- we must ensure we avoid bias or an imbalance of views on controversial subjects.
- the approach to, and tone of, BBC stories must always reflect our editorial values. Presenters, reporters and correspondents are the public face and voice of the BBC, they can have a significant impact on the perceptions of our impartiality.
- our journalists and presenters, including those in news and current affairs, may provide professional judgments but may not express personal opinions on matters of public policy or political or industrial controversy. Our audiences should not be able to tell from BBC programmes or other BBC output the personal views of our journalists and presenters on such matters.

### **Achieving impartiality**

Impartiality must be adequate and appropriate to our output. Our approach to achieving it will therefore vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposted to our audiences.

Impartiality is described in the Agreement as "due impartiality". It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

News, in whatever form, must be presented with due impartiality.

### **Controversial subjects**

In the United Kingdom controversial subjects are issues of significance for the whole of the country, such as elections, or highly contentious new legislation on the eve of a crucial Commons vote, or a UK wide public sector strike.

In the nations and regions of the UK, controversial subjects are those which have considerable impact on the nation or region. They include political or industrial issues or events which are the subject of intense debate or relate to a policy under discussion or already decided by local government.

In the global context, some controversial subjects such as national elections or referendums will obviously have varying degrees of global significance but will be of great sensitivity in that country or region in which they are taking place. We should

always remember that much of the BBC's output is now available in most countries across the world.

We must ensure a wide range of significant views and perspectives are given due weight in the period during which a controversial subject is active. Opinion should be clearly distinguished from fact. When the issues involved are highly controversial and/or a decisive moment in the controversy is expected we will sometimes need to ensure that all of the main views are reflected in our output. This may mean featuring them in a single programme, or even a single item.

BBC online sites covering controversial subjects may offer links to external sites which, taken together, represent a reasonable range of views about the subject. We should normally try to ensure that when we link to third party sites this does not give strong grounds for concern that this breaches the law or the BBC Editorial Guidelines on harm and offence.

### **13. The Committee's decision**

The Committee considered the complaint against the relevant editorial standards, as set out in the BBC's editorial guidelines. The guidelines are a statement of the BBC's values and standards.

In reaching its decision the Committee took full account of all the available evidence, including (but not limited to) the Editorial Adviser's Report and the subsequent submissions from the complainant, the content team and the ECU.

This Appeal raised issues requiring consideration of the editorial guidelines relating to accuracy and impartiality.

The Committee agreed that its finding would be based on the appellant's appeal letter which concentrated on the first article website "Who supplies the guns on our streets?" The Committee also agreed to cover the issue of the second article "Britain's changing firearms laws" as the complainant continued to be dissatisfied with BBC management's reply.

With regard to the general issue of bias across BBC content as raised in the list of articles submitted by the appellant, the ESC requested that that element of the complaint be returned to BBC News management for reply at stage 2. (see action)

a) [bbc.co.uk](http://bbc.co.uk): Who supplies the guns on our streets?

The Committee's considered the article in the light of the editorial guidelines relating to accuracy and impartiality.

Accuracy

The guidelines on accuracy provide that BBC output should be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. The BBC should not distort known facts, present invented material as fact, or knowingly do anything to mislead audiences.

The guidelines also state that the BBC should normally acknowledge serious factual errors and correct mistakes quickly and clearly reminding content producers that an inaccuracy may lead to a complaint of unfairness.

The Committee noted the particular section of the article that was at the centre of the complaint. The Committee noted what it had said when it had originally been published:

“Since a ban on handguns was introduced after Thomas Hamilton murdered 16 children and their teacher at Dunblane in 1996, criminals have found it harder and harder to find guns.”

The Committee then noted the amendment to this section of the article following an exchange of emails between the complainant and the web team at stage 1 of the BBC’s complaints process:

“Since a ban on handguns was introduced after Thomas Hamilton murdered 16 children and their teacher at Dunblane in 1996, **many police officers and criminologists believe** criminals have found it harder and harder to find guns.” (ESC’s emphasis)

The Committee also noted the complainant’s on-going concerns about the article in question:

“I am sure this is factually incorrect. I have had an interest in this subject for the past ten years, and at no time have I come across any evidence whatever that the Dunblane ban affected the ease of obtaining an illegal handgun.”

The Committee, when coming to its finding, endorsed the action of the web team to amend the original story; it considered the change had provided greater clarity as to the background of the opinions expressed in the piece. As such, it was a more accurate representation of those who had contributed to the article.

The Committee then focused on the accuracy of the amended copy and the particular phrasing used in this section of the article.

“[...] many police officers and criminologists believe criminals have found it harder and harder to find guns.”

The Committee when assessing whether this statement was well-sourced and based on sound evidence, first considered whether it had been appropriate for the reporter to have chosen not to reveal his sources to the appellant.

The Committee agreed that conversations with sources do not usually include checking whether their details may be made public in case of inquiry. The Committee also acknowledged that journalists were generally protective of their sources for a number of laudable reasons such as protecting the identity of a 'whistleblower' or an official speaking 'off the record' or to protect an individual who may be put in danger for disclosing information. The Committee noted that when making decisions on confidentiality there was no hard and fast rule. The Committee was satisfied therefore that decisions of this kind should be left to the journalist to decide based on their understanding of how the information was obtained and the possible repercussions for those who had provided the information. The Committee recognised that such decisions would be made on a case by case basis, but was satisfied that on this occasion it was not unreasonable to withhold the names of less senior police officers or of academics speaking 'off the record'. The Committee noted that the information had come from a variety of sources and had been based on substantially more than one person's perspective. The Committee was satisfied this was the case as the ECU had contacted the author during its investigation and been shown the list of people who had been contacted and provided an opinion. The Committee agreed that it was not necessary to have listed the individuals contacted to achieve accuracy nor was it reasonable to have given out their details on request as the information had been provided under the assurance of confidentiality. The Committee, however, did note that given that this was a contentious area it would contact BBC News to draw the issue of when it was or was not appropriate to name sources in the process of a complaint to management's attention.

With regard to the accuracy of the phrase, the Committee concluded it was not unreasonable for the correspondent to state that many criminologists and police officers believe the Dunblane ban made it harder for criminals to obtain guns if during his research for an article this was a predominant view expressed by professionals working in this field. The Committee had already noted that the amended wording had provided a more accurate representation of the views that had been expressed to the author.

The Committee was therefore satisfied that given the context of the piece which was to establish who was supplying guns illegally, the amended statement had been well sourced and presented clearly.

### Impartiality

The guidelines on impartiality provide that the BBC must ensure that impartiality must be adequate and appropriate to its output. The approach to achieving impartiality will vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposted.

News, in whatever form, must be presented with due impartiality.

The BBC must be fair and open minded when examining the evidence and weighing the facts as well as being objective and even handed in its approach. Impartiality does not require the representation of every argument or every facet of an argument on every occasion or an equal division of time for each view.

The Committee noted the complainant's concern that the BBC should have consulted those who believed the handgun ban had been ineffective and who lobbied for a repeal of this law. The Committee noted what the complainant stated in his letter of appeal on this matter:

“[...] it had become apparent that BBC staff are basing their reports only on the opinions of those in favour of legislation, and are neither communicating with those against it, nor making any independent investigation which might tend to produce evidence against its effectiveness.”

The Committee concluded that within the context of the article it was not relevant to talk to people who opposed the ban, noting that the thrust of the item concerned the methods criminals employ in order to obtain guns. The Committee was satisfied that the online team had been editorially justified in reporting on a specific element of the issue of gun crime and that the use of the views of professionals working in the field on the difficulty of obtaining firearms had not misrepresented those who opposed that view.

In conclusion, the Committee was satisfied that the article had met the required guidelines on accuracy and impartiality.

b) [bbc.co.uk](http://bbc.co.uk): Britain's changing firearms laws

The Committee considered this article against the guidelines on accuracy.

### Accuracy

The complainant had argued that it was inaccurate to state that Thomas Hamilton had used legally-held pistols to commit the Dunblane killings. The Committee noted that the ECU had replied to the complainant quoting from Lord Cullen's official report of the tragedy. The ECU stated:

“[...] the official report into the Dunblane tragedy conducted by Lord Cullen confirmed that Hamilton was first granted a gun licence in 1977 and at the time of the shooting he was authorised to keep the four weapons which were found at the scene (two .357mm revolvers and two 9mm pistols) as well as two other rifles. Lord Cullen 'set out the history as from February 1977 of the firearms and ammunition which he (Hamilton) was authorised to and did acquire' and concluded that Hamilton's firearm certificate was last renewed on 28 February 1995 and allowed him to purchase two of the weapons used at the school just over a year later.”

The Committee endorsed the comments made by the ECU and concluded that given the official view it was accurate for the report to refer to Thomas Hamilton's "four legally-held pistols". The Committee did not uphold the complaint of inaccuracy.

### **Finding: Not upheld**

**Action: The Committee requested that the complaint of general bias regarding coverage of the issue of gun ownership should be referred back to stage 2 for a response before the ESC would consider if it was appropriate to take an appeal on the issue.**

## **Animal Testing: Monkeys, Rats and Me, BBC Two, 27 November 2006**

### **1. The programme**

The programme focused on the work on primates by Professor Tipu Aziz and his colleagues in Oxford and the controversy it has attracted. The programme set out to explore the efficacy and ethics of animal experimentation for medical purposes.

### **2. The complainant**

This complaint was brought by the organisation Europeans for Medical Progress (EMP), which describes itself as:

An independent, not-for-profit organisation of scientists and medical professionals. Our goal is to protect human health by promoting human-specific medical research. There is overwhelming evidence that animal experiments provide results that, when applied to humans, can prove misleading or fatal. These tests exhaust precious research funding, waste valuable time, produce ineffective solutions, and delay progress toward human cures.

### **3. Summary of the complaint to BBC Information (stage 1 and the Editorial Complaints Unit (ECU) (stage 2)**

- The programme was biased in that claims about the benefits of animal experimentation were allowed to go unchallenged, and that some of the claims were inaccurate, breaching BBC editorial guidelines on accuracy and impartiality.
- An opponent of animal experimentation, Mel Broughton, had participated in the programme on the basis of assurances about balance, which were not made good: "The BBC appears to have its own opinion on animal experimentation and refused to challenge anyone speaking in its favour."
- "Worse still, the BBC routinely misrepresents all opponents on animal experimentation as violent and/or ignorant and misanthropic anti-science extremists."
- The complainant stated that the major theme of the programme – that treatment such as deep brain stimulation would not have been possible without experiments on monkeys – was pure fiction "...deep brain stimulation for

Parkinson's disease and dystonia was pioneered in patients not monkeys (see New Scientist, vol 183 issue 2457, 24 July 2004, page 40)."

- "The claim was made many times that all medical breakthroughs have come from animal research, without which medical progress would be impossible. This is a ludicrous claim, which is patently false."
- The complainant stated that the issue of animal experimentation was totally misrepresented: "It was portrayed instead as a simple matter of dispute between altruistic scientists and ignorant animal rights protestors: a "clichéd 'emotion versus reason' impasse."

#### **4. Response from the programme team, on behalf of BBC information (stage 1)**

The programme was made by the independent production company Hardcash Productions by film-maker Adam Wishart.

- Mr Wishart responded that the programme team did try to set out the 'scientific arguments' as promoted by the organisation Europeans for Medical Progress.
- Mr Wishart's response also stated that they had filmed an interview with the EMP spokesperson (the complainant) as well as a former director of the US National Cancer Institute who had refuted the EMP's argument. Several other scientists were also interviewed but in the end these interviews were not used: "We simply did not have the time in the programme to delve into these complicated arguments."

#### **5. Response from the ECU (stage 2)**

The ECU considered three claims:

##### **CLAIM 1**

The programme was biased in that claims made on behalf of the necessity of animal experimentation and its efficacy, were allowed to go unchallenged and were not balanced by views to the contrary.

The ECU responded:

- "Having set the terms of the debate, it is not acceptable to exclude one side of it because you have difficulty fitting it in. Nor is it acceptable to argue that upon examination, one side of the argument did not stand up and so did not merit inclusion in a film which, after all, had presented itself from the outset as a journey of enquiry."
- "With the discursive scope having been narrowed, it was even less appropriate to allow the wide and more controversial claim to go without reply..... I believe the programme makers having decided to include the claims of Professor Aziz and Caroline Lacey, but not to include [the EMP representative], should have found another way of representing an appropriate range of views."

##### **CLAIM 2**

Some of the claims made on behalf of the necessity of animal experiments were themselves false.

- The ECU responded that there was no balancing view or challenge.
- “I therefore take the view that the problem is not that such claims were included in the programme, but... that they were included without any balancing view or challenge. I am upholding your complaint on that ground, irrespective of what might be said about the accuracy of the claims.”

### CLAIM 3

Mel Broughton’s participation in the programme had been obtained by deception, as it had been contingent upon assurances he was given that this debate would be reflected in the programme.

- The ECU did not uphold this aspect of the complaint.

[ECU ruling as published on the BBC Complaints website](#)<sup>6</sup>

#### **ECU ruling: Monkeys, Rats and Me, BBC Two**

Publication date: 09 Jul 2007

#### **Complaint**

*Monkeys, Rats and Me* (BBC 2, 27 November 2006) focused on the work on primates by Professor Tipu Aziz and his colleagues in Oxford and the controversy it has generated. The programme set out to explore the efficacy and ethics of animal experimentation for medical purposes.

Shelley Willetts complained on behalf of Europeans for Medical Progress (EMP) that the programme was biased in that claims about the benefits of animal experimentation were allowed to go unchallenged, and that some of the claims were in fact inaccurate. Two other viewers complained in broadly similar terms.

Ms Willetts also complained that an opponent of animal experimentation, Mel Broughton, had participated in the programme on the basis of assurances about balance which were not made good.

#### **BBC Editorial Complaints Unit's ruling**

The programme included strong claims by scientists about the efficacy of animal experimentation which were not challenged. As these claims lay within the range of scientific opinion, the issue they raised was one of balance rather than accuracy.

Although the programme-makers had recorded material critical of the scientific case for animal experimentation, they did not use it because their

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<sup>6</sup> [http://www.bbc.co.uk/complaints/text/ecu\\_aprjun07.html](http://www.bbc.co.uk/complaints/text/ecu_aprjun07.html)

research had led them to conclude that the criticisms were not sufficiently substantial.

However, irrespective of the scientific merits of the case against animal experimentation, the area of exploration proposed by the programme was such that a way should have been found to reflect it appropriately. The complaints were upheld to that extent.

Although Mr Broughton had been led to understand that scientific arguments against animal experimentation would be reflected in the programme, he had not made this a condition of participating. This aspect of Ms Willetts' complaint was not upheld.

### **Further action**

The issues arising from the finding have been discussed at length with the programme's senior team, and the programme will not be repeated in its present form.

## **6. Further points made to the Editorial Standards Committee (ESC) (stage 3)**

### **Fairness to contributors**

- The complainant said that Mel Broughton was assured at the outset that scientific objection to animal research would be represented as an important focus of the programme and therefore agreed to participate on this basis.
- She concluded that although there was no “intentional deception at the outset” he was deceived as “Mr Broughton’s participation was secured through deception – even though that deception may not have been intentional.”

### **Action as a result of the complaint being upheld by the ECU**

- The complainant claimed that she was told that action would be taken as a result of their complaint being upheld.
- “Yet the only action the BBC intends to take is to desist from repeating the programme in its present form.”
- The complainant claimed that many thousands of people would have watched the programme and based their opinions on animal experimentation upon it. Virtually none of these people would have been aware that the complainant’s complaint had been upheld.

### **BBC denial of complaints**

- The complainant claimed that nothing appeared on the BBC website concerning the upholding of the complaint until 8 months after the programme was transmitted.
- The complainant also claimed that in the adjudication, the BBC said two other viewers complained but she contests this.
- “This is remarkable. It may be that only two other viewers complained to the ECU but I know that a significant number of people complained to BBC Information – don’t their views count?”

## **Accountability**

- The complainant said that animal experimentation was not simply an issue of concern over animal rights, as repeatedly portrayed by the BBC. It is also an issue of importance in human health and medical progress, and that there is a significant strand of scientific opinion that animal experimentation is largely irrelevant and frequently harmful to human health.
- The complainant said she hoped the BBC would amend "...the extraordinarily unbalanced output to date on the subject of animal experimentation, by making or commissioning a programme dealing specifically with scientific challenges to animal testing."

## **7. Applicable Editorial Standards**

### **Section 3 – Accuracy**

#### **Introduction**

We strive to be accurate and establish the truth of what has happened. Accuracy is more important than speed and it is often more than a question of getting the facts right. We will weigh all relevant facts and information to get at the truth. Our output will be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We will be honest and open about what we don't know and avoid unfounded speculation.

We aim to achieve accuracy by:

- the accurate gathering of material using first hand sources wherever possible.
- checking and cross checking the facts.
- validating the authenticity of documentary evidence and digital material.
- corroborating claims and allegations made by contributors wherever possible.

### **Section 4 – Impartiality and Diversity of Opinion**

#### **Introduction**

Impartiality lies at the heart of the BBC's commitment to its audiences.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK and throughout the world to support fair and informed debate. It specifies that we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of political or industrial controversy.

- we seek to provide a properly balanced service consisting of a wide range of subject matter and views broadcast over an appropriate time scale across all our output.

- we strive to reflect a wide range of opinion and explore a range and conflict of views so that no significant strand of thought is knowingly unreflected or under represented.
- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.
- we must ensure we avoid bias or an imbalance of views on controversial subjects.
- we must rigorously test contributors expressing contentious views during an interview whilst giving them a fair chance to set out their full response to our questions.
- we should not automatically assume that academics and journalists from other organisations are impartial and make it clear to our audience when contributors are associated with a particular viewpoint.

## **Section 17 - Accountability**

The BBC is accountable to its audiences. Their continuing trust in the BBC is a crucial part of our contract with them. We will act in good faith by dealing fairly and openly with them.

We are open in admitting mistakes when they are made and encourage a culture of willingness to learn from them.

We will use the BBC's online presence to provide proper reporting to the public on complaints we have received, and actions we have taken.

### **8. The Committee's decision**

The Committee considered the complaint against the relevant editorial standards, as set out in the BBC's editorial guidelines. The guidelines are a statement of the BBC's values and standards.

In reaching its decision the Committee took full account of all the available evidence, including (but not limited to) the Editorial Adviser's Report and the subsequent submissions from the complainant, the programme team and the ECU.

The Committee noted that the ECU upheld this complaint with regard to a breach of the guidelines on impartiality. The appeal asked the Committee to consider the following outstanding issues:

- the claims made in the programme were in breach of the obligations for accuracy.
- the action as a result of the complaint being upheld by the ECU.
- the BBC's denial of the level of complaints the programme received.

The Appeal also raised issues requiring consideration of the editorial guidelines relating to accuracy and accountability.

The Committee noted that the appeal also raised the issue that the programme was in breach of the guideline on fairness to contributors.

The consideration of unfair treatment to contributors applies only to those who have directly featured or participated in a BBC programme.

As this issue concerns the contribution from another individual not associated to the EMP, and the contributor in question had not himself complained, the Committee confirmed that it was not appropriate to consider the editorial guidelines relating to unfair treatment in respect of this complaint.

#### Complaint from the programme team

The Committee also noted a request by the programme team to review the ECU's finding, upholding the complaint regarding impartiality. The Committee concluded that it was not appropriate to review a decision to uphold an element of the complaint by BBC management and this request was not considered.

- Accuracy

The Committee considered the complainant's claim that the programme was inaccurate, and that this aspect of the complaint had been overlooked by the ECU.

The relevant guidelines on accuracy state:

The BBC's commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation.

We will weigh all relevant facts and information to get at the truth. Our output will be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language.

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead audiences.

We should normally acknowledge serious factual errors and correct mistakes quickly and clearly.

The Committee considered the following statements from contributors to the programme:

Presenter:

“Why Tipu, why do you think animal experimentation is so important?”

Professor Tipu Aziz:

“Well, you see, I don’t think there’s an issue to that. I don’t even think that there is a debate on that, because every medical therapy that exists today has come out of animal research, whether it’s the tablets you buy in a pharmacist’s, or whether the major heart surgery they undergo, or the brain implants I do, all of it has come out of animal research.”

And later in the programme:

Presenter:

“Seeing a rat with a wire in its head seems a long way from benefiting human patients, but for hundreds of years it’s basic experiments like this that have given doctors the foundation on which to build new therapies.”

Caroline Lacey:

“It’s at this stage that all medical advances are made. It’s often not in a doctor’s surgery or hospital, it’s at this stage the medical advances are made. And I think there’s little awareness of that in the public. And we’re not being cruel to animals in order to do this, but we’re trying to help everyone with our medical research.”

The Committee endorsed the ECU’s adjudication that there should have been a challenging argument, but it did not believe the lack of that argument rendered the programme inaccurate. It was satisfied that the contributors, Professor Aziz and Caroline Lacy, were professionally qualified and competent, and therefore entitled to express their views that all medical therapies and advances related to animal research; the main issue was that a counter argument was not represented, and this had been dealt with by the ECU’s upholding the complaint previously on the grounds of a breach of impartiality. The comments were duly accurate.

### **Finding: Not upheld regarding accuracy**

#### Accountability

The Committee then considered the complainant’s further concerns: the action as a result of the complaint being upheld by the ECU; the BBC’s denial of the level of complaints the programme received.

The Committee considered these issues against the BBC’s editorial guidelines relating to Accountability, which state:

The BBC is accountable to its audiences. Their continuing trust in the BBC is a crucial part of our contract with them. We will act in good faith by dealing fairly and openly with them.

We are open in admitting mistakes when they are made and encourage a culture of willingness to learn from them.

First the Committee considered the action taken by the ECU. It noted that the complainant felt the action resulting from the ECU's decision to uphold two aspects of the complaint on impartiality did not go far enough. It considered the points raised by the complainant, including:

“...the only action the BBC intends to take is to desist from repeating the programme in its present form.”

“the damage done by Monkey's Rats and Me must be rectified by screening a programme dealing specifically with scientific challenges to animal testing. The BBC owes it to its licence payers to redress the shameful balance of its output on this subject to date.”

The Committee concluded that the action taken by the ECU was appropriate. The Committee was satisfied that to prevent a further repeat was sufficient censure following its decision to uphold the complaint regarding impartiality. The Committee also noted that the complaint was handled correctly and in a timely manner at all stages.

The Committee then considered the issues concerning the finding published by the ECU on 9 July 2007. The Committee noted the concerns raised by the complainant including: the finding was published eight months after the programme was broadcast; the finding stated that “two other viewers complained in broadly similar terms”.

The Committee considered the complainant's response to this:

“This is remarkable. It may be that only two other viewers complained to the ECU, but I know that a significant number of people complained to BBC Information – don't their views count?”

The Committee recognised the ECU's published ruling was referring to the number of complaints the ECU had handled at stage 2 of the complaints process and agreed that this was therefore an accurate representation of the complaints received by the unit.

The Committee, however, also recognised that at stage 1 of the complaints process well over 100 people had complained of the programme's bias in favour of animal testing. It agreed that when a finding referred to the number of complaints there may be occasions where complaints at stage 1 were also relevant.

With regard to the length of time it had taken to publish the finding of the ECU, the Committee was satisfied that given the complexity of the complaint the time taken

for publication had been reasonable following the ECU's procedure to share a draft finding with all parties for comment ahead of a final ruling and later publication.

**Finding: The complaint was not upheld regarding accountability**