

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.

The Committee comprises five Trustees: Richard Tait (Chairman), Chitra Bharucha, Mehmuda Mian, 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 or is available from:

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

Contents

	Page
Remit of the Editorial Standards Committee	I
Summary of findings	3
Findings	8
BBC News at Six, BBC News summary at 8.00pm and BBC News at Ten, BBC One, 24 January 2008	8
Eggheads, BBC Two, 19 March 2008	19
Saturday Kitchen, BBC One, 15 December 2007	24
Cardinal moots celibacy rethink” and “Celibacy 'obligatory' for priests”, BBC Online, 4 December 2006 and 13 March 2007	32

Summary of findings

BBC News at Six, BBC News summary at 8.00pm and BBC News at Ten, BBC One, 24 January 2008

The complaint relates to news reports about crime statistics broadcast on the BBC BBC News at Six and the 8.00pm bulletin on 24 January 2008. The complainant felt that undue emphasis was placed on the rise in gun crime and drug related offences given that overall crime figures had fallen. The complainant also complained of the absence of any report on crime figures on the BBC News at Ten and the way the report from the BBC News at Six was labelled in the online news player. In addition to this, the complainant questioned the remit of the ECU and the handling of his complaint.

(The Trust was not able to accept the element of the complaint relating to a BBC website headline as neither the Trust nor the complainant was able to locate the item.)

The Committee concluded:

Accuracy and impartiality

- that the BBC News at Six had been accurate in its reporting of the quarterly crime figures and had mentioned the downturn in the overall figures twice.
- that, while it recognised that the complainant was disappointed that the report had highlighted one aspect of the figures, the Committee was satisfied that the report had accurately reported the facts as published.
- that the news programme had the editorial freedom to produce content about any issue, at any point on the spectrum of debate, as long as there were editorial reasons for doing so.
- that it was satisfied that the news programme had clearly set out the reasons for its treatment of the crime figures.
- that, whilst the bulletin had highlighted the issue of gun and youth crime, in doing so it had not misrepresented the overall crime figure.
- that, by including details of the Government's policy on the issue and the steps it was taking to combat youth crime as well as a criticism of Government policy by the mother of a victim, the news editor had ensured that the item avoided bias and had met the requirement for impartiality.
- that, with reference to the BBC News summary at 8.00pm, it was particularly difficult to cover everything within 90 seconds and that it was reasonable for the news team to highlight the issue that it considered of most interest to the audience, as long as the comment

met the BBC's editorial standards.

- that there was a good editorial reason to concentrate on this aspect of the story given the public concern about the use of guns at the time of the bulletin.
- that the omission of the crime figures from the BBC News at Ten was an editorial judgement taken by the news team based on the various news values of the stories available to it on the day.
- that, although it would have been better to have included a reference to the crime figures in the BBC News at Ten, the Committee was satisfied that the non-inclusion of the figures was not a breach of the guidelines.
- that, as there was no evidence that BBC News was omitting significant news stories, the issue comes down to an individual news judgement on the day and, as such, is not a breach of the BBC's editorial guidelines.

Complaints handling

- that the delay had been down to human error and that the individuals involved had been made aware of the error and appropriate training had been carried out to prevent the issue being repeated.
- that it would include in its finding letter an apology to the complainant for the delay. The Committee was satisfied, however, that no further action need be taken at this point.

Remit of ECU

- that the remit of the ECU was a matter for the BBC Executive.
- that the ECU should guide complainants to the appropriate person and directorate once it had identified that an element lay outside its remit.

The Committee did not uphold the complaint with regard to accuracy and impartiality, however, it did uphold the complaint against the handling at stage 1 and will write to apologise to the complainant for the errors in process.

For the finding in full see pages 8 to 18

Eggheads, BBC Two, 19 March 2008

The complaint relates to uses of the word "Sioux" when referring to a tribe of Native American Indians, the latest being broadcast in an episode of Eggheads on 19 March 2008. The complainant alleges that the word is a form of insult and means "throat-cutters" in the language of the Cree. The complainant requested that the BBC apologise and stops using old Cree insults such as "Sioux" and "Eskimo".

The Committee concluded:

Accuracy and Harm and Offence (portrayal)

- that its investigation found many sources offering the origin of the word “Sioux” as a corrupted form of the Ojibwa word for adders but only one suggesting the negative connotation, and that was an unattributed reference on Wikipedia. The Committee’s investigation also found that a number of relevant organisations in North and South Dakota freely use the word “Sioux” in their literature.
- that, in addition, the official tribal website of the Oglala tribe (the more commonly used name of the Ogala) is called the Oglala Sioux Tribe website.
- that, given the evidence of how the various tribes of the “Sioux” referred to themselves, the reference to “the Sioux” was accurate.
- that no material had been uncovered in the course of the Committee’s investigation to support the complainant’s contention that the description was generally considered offensive or that it amounted to a stereotype, which the guidelines caution against.
- The Committee concluded that there was insufficient evidence to support the complainant’s view that the term “Sioux” to describe the seven tribes that make up the “Sioux” (including the Ogala or Oglala) was generally regarded as offensive or unacceptable to those to whom it applied.

The Committee did not uphold the complaint.

For the finding in full see pages 19 to 23

Saturday Kitchen, BBC One, 15 December 2007

*****PLEASE NOTE THIS SECTION CONTAINS THE OFFENSIVE LANGUAGE COMPLAINED OF*****

The complaint relates to an exchange during the live broadcast of Saturday Kitchen in which the celebrity guest used the word “fucking”. The complainant felt that this constituted a serious breach of editorial standards and that inadequate steps had been taken by the BBC to prevent the use of this language being broadcast. The complainant also felt that the apologies made by the presenter were light-hearted and insincere. It was also suggested by the complainant that the BBC should end live broadcasting to ensure such events did not happen in the future. Finally, the complainant raised concerns over the handling of his complaint.

In its finding the Editorial Complaints Unit had upheld the complaint and found that the programme was in breach of the guidelines on harm and offence (language).

The Committee concluded:

Harm and offence

- that the programme had breached the guidelines on language and the Committee endorsed the ECU finding in this respect.
- that this was a serious breach and should not have occurred.
- that the programme had followed the BBC’s guidance on live output and had appropriately briefed the contributors about their conduct and use of language prior to the broadcast.
- that it was satisfied that the presenter had acted appropriately following the swearing, and that the language in which the apologies were couched was appropriate within the context of this programme.
- that the benefits of live broadcasting outweighed the risks and that it was satisfied that the present policy on live output was correct.

Complaints handling

- that the ECU’s investigation had been confined to its remit and that a thorough investigation of this complaint had been carried out.
- that it was the ECU’s role to come to a decision on whether specific broadcast or published content had breached the BBC’s editorial guidelines.
- that it was satisfied that the ECU had fulfilled its remit and no further action need be taken.

The Committee endorsed the ECU’s decision regarding the breach of the guideline on harm and offence. It did not uphold the complaint regarding complaints handling.

For the finding in full see pages 24 to 31

“Cardinal moots celibacy rethink” and “Celibacy 'obligatory' for priests”, BBC Online, 4 December 2006 and 13 March 2007

The complaint related to two articles published on bbc.co.uk on 4 December 2006 and 13 March 2007. The complainant believed that both articles contained inaccuracies and were misleading. As a result of the complaint the wording was changed. The complainant felt that the revised wording was still inaccurate and appealed to the Trust. The complainant also raised issues with how his complaint had been handled at stages 1 and 2.

The Committee concluded:

Accuracy

- that the articles were intended for a non-specialist audience and that there was little consensus in academic circles over when the “early Church” ended. In this context the use of the term “early Christian Church” was an acceptable approximation and no breach of the guideline on accuracy had occurred.
- that although the Catholic Church had found it difficult to enforce

celibacy for priests, there had indeed been a “formal ban” in the Middle Ages. For this reason the statement made in the article did breach the guideline on accuracy.

- that, although it was not specifically stated by the ECU in its finding, the ECU’s decision to uphold the complaint regarding the statement, “Roughly 150,000 men worldwide have left the priesthood to marry” rendered the subsequent statement, “The Church considers them outcasts” incorrect as well. The Committee endorsed the ECU’s decision to uphold on issues of accuracy on both sentences and was satisfied that no further action was required.

Impartiality

- that there was no evidence to show that the articles had been lacking in impartiality or had breached the guidelines in that respect.

Correcting Mistakes

- The Committee agreed that a failure to update all the relevant webpages carrying the phrasing (apart from the pages prepared by BBC News) was unacceptable.

Complaints handling

- there were no indications that the ECU had failed to view the complainant’s individual points as a whole or that a failure to do so had affected the ECU’s finding.
- the stage 1 response to correcting mistakes in this case was inappropriate in the face of a straight forward correction.
- the ECU delays in keeping the complainant informed of the investigation and its finding were unacceptable. The Committee agreed that a letter of apology should be sent to the complainant.
- the Committee would also apologise to the complainant for the delay in its own processes.

The Committee agreed that the decision to refer to married clergy before the 16th century in an article about contemporary celibacy and the priesthood was an editorial decision for the BBC Executive to make and raised no considerations regarding editorial standards.

The complaint was upheld in respect of the element relating to the accuracy of the statement, “But in the Middle Ages there was no formal ban on marriage for the clergy” and with regard to correcting mistakes. All other elements of the complaint were not upheld.

For the finding in full see pages 32 to 41

Findings

BBC News at Six, BBC News summary at 8.00pm and BBC News at Ten, BBC One, 24 January 2008

1 The news story

On this day the Government announced that the quarterly crime figures for England and Wales fell by 9% during the third quarter of 2007 compared to the previous year. The figures also reported a 4% rise in gun crime and a 21% rise in drug related offences in the same period.

2 The complaint

The complainant emailed BBC Information on 25 January 2008 setting out his complaint against the previous day's BBC One news broadcasts. With regard to the BBC News at Six he complained that the report concentrated on the 4% rise in gun crime "devoting almost all the time for this item to the bad news". He also complained the BBC news player covering the BBC News at Six on the BBC website had headlined the item as "Crime rises 4%". The complainant also pointed out that the BBC News summary at 8.00pm referred to the 4% rise in gun crime without any reference to the 9% fall in crime and the BBC News at Ten made no comment at all about the crime figures.

The complainant then emailed on 13 February, 3 March and wrote on 20 March 2008 asking why he had not received a reply to his complaint. BBC Information responded apologising for the delay to his reply which they said was caused by an administrative error. The reply directed the complainant to a blog on the BBC website by the Head of the BBC Newsroom, Peter Horrocks, who discussed the reporting of the figures and the questions raised by the drop in overall crime and the rise in gun crime. He also said it was not the BBC's job to play down crime but it was the BBC's duty to report crime accurately and when appropriate act as a corrective to other media.

On 25 March 2008 the complainant wrote to the Editorial Complaints Unit (ECU) dissatisfied with the response from BBC Information. He wished for an explanation as to what was meant by an administrative error. He also referred to the content of the blog which "very indirectly addressed" the terms of his complaint and reiterated his complaint.

There then ensued an exchange of correspondence between the complainant and the ECU concerning what the complainant had seen on the online BBC news player and the remit of the ECU to consider only broadcast content.

The ECU replied to the complainant on 17 April. It did not consider the complaint against the BBC News at Ten as this fell outside of its remit i.e. it did not concern broadcast content. In respect of the complaints against the BBC News at Six and the BBC News summary at 8.00pm, the ECU replied that what is broadcast in a news bulletin is at the discretion of the news editor based on a story's news value. The reply pointed out that the ECU is not authorised to investigate questions of news judgement and that editors of news bulletins are entitled to decide whether or not to include the crime figures in a specific bulletin and what aspect of the figures they feel is most newsworthy.

The ECU explained that the Deputy Editor of the BBC News at Six had explained he had concentrated on gun crime because he felt it was an issue of genuine public concern particularly in the light of recent high profile murders such as that of Rhys Jones in Liverpool. The ECU also pointed out that the report put the rise in the context of an overall fall in the crime figures both in the introduction to the piece and in the report itself. The ECU reply also pointed out that the report on gun crime had included figures of those killed and injured by guns to give the piece context and so as not to add to people's fears of becoming victims of gun crime. With regard to the BBC News summary at 8.00pm the ECU pointed out that the script had accurately reported the figures on firearms offences but was so brief it had not gone into any detail.

As to the report carried on the website, the ECU had difficulty ascertaining what exactly the complainant had seen. It pointed out that the angle taken in the archived BBC News at Six was a news judgement over which it had no jurisdiction. The archived headline had accurately relayed the figures of the crime report.

The complainant then wrote to the BBC Trust on 25 April 2008 wishing to escalate his complaint on appeal. He also asked the ESC to consider whether it was right for questions of editorial discretion to be outside the remit of the ECU. He also noted that the ECU had not responded to his request of an explanation of the administrative error at stage 1. In reply the Trust noted that the issue of the lack of a comment on the crime figures in the BBC News at Ten had not been addressed at stage 2 of the complaints process and returned it to BBC News for a reply.

The Head of Editorial Compliance, BBC News, replied on 10 June 2008 pointing out that the BBC News at Ten Editor on reflection agreed that the bulletin should have marked the crime figures "even though it was a busy news day". The reply also explained how the crime figures story had been squeezed out of the bulletin due to the resignation of Peter Hain and the news about Société Générale. The reply also explained why the bulletin had contained lighter stories on coffee and Amy Winehouse. The BBC News reply also defended the decision to highlight gun crime on the BBC News at Six pointing out:

"There was no misrepresentation of the general picture ...the average viewer would have got the clear message that overall crime figures were down."

The complainant appealed to the Trust (ESC) on 24 June 2008 reiterating his points regarding:

- the BBC News at Six
- the BBC News summary at 8.00pm
- the BBC News at Ten (which omitted the story)
- the online coverage

He argued that the lack of coverage on the BBC News at Ten and terms of the actual coverage on the Six, Eight and online amounted to a breach of impartiality that should be condemned by the Trust. He said that the apology for not including the item in the BBC's leading news programme was not good enough and that a public apology should be made. The complainant also believed that to report "such a socially important good news story entirely in terms of the fractional bad news element [was] misrepresentation by whatever standard is used".

The Trust was unable to discover a copy of the BBC website headline that the appellant referred to and was unable to accept that element of this complaint

3 Applicable editorial standards

BBC's Editorial Guidelines

Section 1 - BBC's 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 & 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.

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.

Reporting statistics & risks

We should report statistics and risks in context, taking care not to worry the audience unduly, especially about health or crime. It may also be appropriate to report the margin of error and the source of figures to enable people to judge their significance. This may involve giving trends, taking care to avoid giving figures more weight than can stand scrutiny. If reporting a change, consideration should be given to making the baseline figure clear. For example, a doubling of a problem affecting one in two million people will still only affect one in a million.

We should consider the emotional impact pictures and personal testimony can have on perceptions of risk when not supported by the balance of argument. If a contributor's view is contrary to majority opinion, the demands of accuracy may require us to make this clear.

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.

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 every facet of an 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.

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.

Section 7 - Crime and Anti-Social Behaviour

Introduction

Our reporting of crime and anti-social behaviour aims to give audiences the facts in their context. It must not add to people's fears of becoming victims of crime when statistically they are very unlikely to be so.

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 and complaints

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.

Additional editorial guidance

Reporting Crime

General

Our output may add to people's fear of becoming crime victims even when, statistically, they are very unlikely to be so. It is against this background that we need to judge our crime reporting. This does not mean we should “explain crime away”, but we do need to keep our crime coverage in proportion.

We must ensure that over time, all our principal news and factual programme outlets – network, regional and local – report the whole crime picture: the relevant trends as well as the individual events that lie behind, and sometimes contradict, them

News reporting of crime

Violent crime is a small percentage of total crime but it occupies a greater proportion of our crime coverage and we should be sensitive to the fears this may create.

4 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 Appeal raised issues requiring consideration of the editorial guidelines relating to accuracy, impartiality and accountability.

In coming to its finding the Committee considered the three bulletins separately under the guidelines relating to accuracy and impartiality. The Committee then

considered the issue of complaints handling in relation to the editorial guideline on accountability.

Accuracy and Impartiality

The Committee noted that the editorial guidelines on accuracy say that BBC output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. The BBC should be honest about what it does not know and avoid unfounded speculation

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

The Committee also noted that the editorial guidelines state that impartiality applies across all the BBC's services. 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. 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.

a) BBC News at Six

The Committee noted the transcript of the studio introduction and report on the quarterly crime figures as broadcast in the bulletin:

George Alagiah - Newsreader in studio:

Gun crime has risen by four per cent in England and Wales according to police figures but there's less overall crime – that's fallen by nine per cent. Separate figures also show a dramatic increase in drugs related offences, up 21 per cent. Our Home Affairs Correspondent June Kelly reports.

June Kelly - reporter (JK):

Wilma Francis and her daughter Juanita lost a son and a brother just over a year ago. Arian Arthur was shot in a nightclub in east London. His mother is highly critical of the government.

Wilma Francis – Interviewee:

I don't think they've done enough or put enough resources or enough money into it to find the root, where the guns are coming from. It's coming from somewhere but they have to find out where it's coming from. It's too easy for people, for kids of thirteen to pick up a gun.

JK:

This sort of killing shows the depth of the problem in some parts of the country. The government says its priority is to target the supply

of guns and stop deactivated weapons from being used again. Today's stats on gun crime cover the twelve months up to September 2007. The total number of firearms offences in England and Wales was 10,182. 49 people were killed, a slight drop on the previous year, and 368 were seriously injured. While today's figures show that crime generally in England and Wales is down, youth crime is a massive public issue. The conviction of three teenagers for the murder of Gary Newlove has brought juvenile offending into sharp focus. Now senior police officers are saying that children and teenagers who are at risk of turning into criminals should be targeted. It's all about the police sharing information with children's services.

Ian Carter, ACPO:

Working together, the coming together of all the agencies involved in children's services at the early stage in children's lives to identify those that may be at risk of subsequent criminality and work with them and their families to empower them to take control of their responsibility and problem.

JK:

The government's also working on plans to stop today's teenagers becoming tomorrow's criminals.

The Committee also noted the complainant's concerns about how the figures were presented in the news programme:

“Why did the Six O'Clock News cover this item by leading on the 4% rise in gun crime, devoting almost all the time for this item to the bad news, with only very passing references to the overall good news?”

The Committee concluded that the programme had been accurate in its presentation of the quarterly crime figures in that it had accurately stated that the overall crime figure was down, but that gun crimes had risen. The Committee noted that the overall figure was mentioned twice, once in the studio introduction where the percentage drop was accurately stated as nine per cent and again in the film report where the reporter said: “While today's figures show that crime generally in England and Wales is down...” The Committee recognised that the complainant was disappointed that the report on crime figures had highlighted the rise in one aspect of the figures, but the Committee was satisfied that the report had accurately reported the facts as published in the quarterly figures.

As to the issue of bias, the Committee was satisfied that the bulletin had met the guidelines on due impartiality. The Committee noted that the news programme had the editorial freedom to produce content about any issue, at any point on the spectrum of debate, as long as there were editorial reasons for doing so. It also noted that the Deputy Editor of the BBC News at Six had explained he had concentrated on gun crime because he felt it was an issue of genuine public concern particularly in the light of recent high profile murders such as that of Rhys Jones in

Liverpool. The Committee was satisfied that the news programme had clearly set out the reasons for its treatment of the crime figures. The Committee noted that whilst the bulletin had highlighted an issue of current public concern i.e. the issue of gun and youth crime, in doing so it had not misrepresented the overall crime figure.

The Committee also noted that whilst the item had carried specific criticism of the Government on the issue of gun crime – the comments made by the mother of a victim of gun crime – it had also set out the Government’s policy on the issue, that is to “target the supply of guns and to stop deactivated weapons from being used again”. The Committee also noted the item carried a comment from a representative of the Association of Chief Police Officers (ACPO) who set out how the authorities were tackling youth crime, and ended with a clear message of the Government’s intention on this issue in which the reporter stated:

“The government’s also working on plans to stop today’s teenagers becoming tomorrow’s criminals.”

As such, the Committee was satisfied that the news editor had ensured that the item had avoided bias or an imbalance of views on a controversial subject and had met the requirement that news, in whatever form, must be presented with due impartiality.

The Committee did not uphold the complaint on accuracy or impartiality.

b) BBC News summary at 8.00pm

The Committee noted what was said in the bulletin which lasted a total of 90 seconds:

“Hello, I’m Kate Silverton with your ninety second update. Now how does one man lose nearly four billion, yes billion, pounds? That’s the question the French are asking today. Jerome Kerviel, a trader at the bank, Société Générale, has done just that. It’s the biggest bank fraud in history. Here, a cabinet minister has resigned. Peter Hain, the Work and Pensions Secretary quit after it was confirmed the police were investigating him. He failed to declare political donations on time. Detectives say they’ve smashed a child slave gang operating out of Slough. Ten children, one just three months old, were rescued in raids. Police say they’d been forced to beg and steal in London. **Gun crime is up in England and Wales. Official figures show around 200 firearms offences are carried out every week. That’s a 4% rise on 2006.** And Amy Winehouse has tonight gone into rehab. The singer’s decided she needs specialist help to battle drug addiction.” (Our emphasis)

The Committee also noted the complainant’s specific criticism of the bulletin:

“The 8pm summary referred to the 4% rise in gun crime without any reference to the overall 9% drop.”

The Committee acknowledged that the bulletin did not refer to the overall figure but was satisfied that the phrasing used was accurate and duly impartial. The Committee noted that the choice of news story was an editorial decision based on news values and was the sole responsibility of the news editor. The Committee agreed that there was a good editorial reason to concentrate on this aspect of the story in a short summary which was the public concern about the use of guns at the time at which the bulletin was broadcast. The Committee noted that the summaries editor had recognised in hindsight that the phrasing could have been changed to have included mention of the overall figure, but was satisfied that whilst a different use of wording could have improved the overall understanding of the crime figures, the language used had not been inappropriate and had not breached the guidelines.

The Committee recognised that it was particularly difficult to include everything within a 90 second bulletin and, therefore, it was reasonable for the news team to highlight the issue it considered of most interest to the audience as long as the item met the BBC’s editorial standards, which this did.

The Committee did not uphold the complaint on accuracy or impartiality.

c) Ten O’ Clock News

The Committee noted that the complaint concerned the omission of any mention of the crime figures within the bulletin. The Committee noted what the Head of Editorial Compliance, BBC News said in reply to the complainant:

“The story was dropped as a result of pressure on space following Peter Hain’s resignation as well as news about the Société Générale fraud...while you are dismissive of the stories about the calorie content of coffee and brief news about Amy Winehouse, in constructing running orders bulletin editors bear in mind the desirability of variety, including light and shade if possible.”

The Committee also noted what the editor of the BBC News at Ten said to the Committee during its investigation of the appeal:

“I do think we should have included more on the crime figures - I spelled this out in an earlier response to [the complainant’s] complaint. In mitigation, it was an extremely busy day, and the crime figures had been widely reported all day - however, on balance we should have at least marked them on the Ten.”

The Committee concluded that the omission of the crime figures was an editorial judgement taken by the news team based on the various news values of the stories available to it on that particular day. The Committee agreed with the editor of the BBC News at Ten that with hindsight it would have been better to have included a reference to the figures. Nevertheless, the Committee was satisfied that the non-

inclusion of the figures was not a breach of the guidelines. The Committee noted there was no mandate for news programmes to report on specific issues and the choice of news stories was left to the news editor. Clearly, if significant news stories were regularly not being covered in the bulletin but were featured in most other news and media services, the Committee may consider whether the programme was in breach of the guidelines. As there was no evidence that the programme was omitting significant news stories, the Committee was satisfied that the issue came down to an individual news judgement on the day. As such, the Committee concluded the programme had not breached the BBC's editorial guidelines.

The complaint was not upheld.

Complaints Handling

The Committee then considered the issue of how the complaint had been handled at stage I of the complaints process where the response from BBC Information had suffered from a severe delay due to an administrative error. The Committee noted that the reason for the delay had been down to human error in which the initial complaint and follow-up by the complainant had been closed rather than registered as requiring a reply. The Committee noted that BBC Information had reviewed the situation and had reported the issue to the frontline team responsible for ensuring that complaints are properly handled and replies, when requested, are provided within the appropriate time period of ten working days. The Committee noted that the individuals involved had been made aware of the error and appropriate training had been carried out to prevent the issue being repeated. Nevertheless, the Committee would include in its finding letter an apology to the complainant for the delay in replying to his complaint at stage I of the complaints process. The Committee was satisfied, however, that no further action need be taken at this point.

With regard to the remit of the ECU, the Committee agreed that this was a matter for the Executive. It noted that if the ECU considered a complaint (or part of a complaint) to be out of its remit then a reply could be given by the directorate involved (as it was in this case). To avoid delay it suggested that, where possible, the ECU should guide the complainant to the appropriate person/s and directorate/s once it had identified that an element of a complaint lay outside its remit.

Finding: The Committee did not uphold the substantive complaint on accuracy or impartiality. It did uphold the complaint as to how the complaint was handled at stage I of the process and will write to apologise to the complainant for the errors in process.

Eggheads, BBC Two, 19 March 2008

1 The programme

Eggheads is a general knowledge quiz in which teams from around the UK challenge a panel who have all been television or radio quiz champions.¹

2 The complaint

The complainant wrote initially to the programme Eggheads on 20 March 2008 referring to previous complaints she had made to BBC Information in 2006 concerning Eggheads' use of the name "Sioux" given to the Native American and Canadian Ojibwa tribes by the old Cree tribe. The complainant said that the word "Sioux" was a form of insult and meant "throat-cutter". The complainant stated that her purpose for writing again was that Eggheads had again referred to the "Sioux" as part of a question on 19 March 2008. The complainant requested that the BBC should apologise and ensure old Cree insults like "Sioux" and "Eskimo" "do not crop up again".

BBC Information, on behalf of the Eggheads production team, replied on 10 April 2008 that the programme team had consulted various encyclopaedias and dictionaries without finding that the word "Sioux" was an offensive term. The reply also noted that the official site of the Native American people used "Sioux" freely and the Equality and Human Rights Commission and the BBC's Diversity department had been unable to see any reason why the term should be deemed offensive.

The complainant responded on 18 April 2008 that encyclopaedias and dictionaries were frequently 10 to 20 years out of date. The complainant also pointed out that even if some Native Americans used the label "Sioux", it did not make it less derogatory. The complainant wondered if Eggheads could use the term "Ojibwa", or "Ojibwa, sometimes referred to as Sioux" in its questions.

BBC Information replied on 7 May 2008 explaining how the complainant could escalate the complaint to stage 2 of the complaints process.

On 10 May 2008 the complainant wrote to the Editorial Complaints Unit (ECU) setting out her complaint. The ECU responded on 13 June 2008 stating that Ojibwa referred to one of seven groups which made up the Lakota people, the Lakota being one of seven related tribes which comprised the Sioux. As such, the Ojibwa could not be used as an alternative for "Sioux". The ECU noted that it had found support for the view that the name "Sioux" has negative connotations among at least some tribes to which it was applied. However, it seemed to be in fairly common usage among those to whom it applied including the first woman President of the Ojibwa, who used "Sioux" on occasion. The ECU did not uphold the complaint.

¹ Source: <http://www.bbc.co.uk/bbctwo/programmes/b006z736>

Please note that this page is now dead.

The complainant responded on 17 June 2008 that some Ogala had decided their best policy was to “reclaim” the name “Sioux”, but that did not justify outsiders using it. The ECU responded that it had found the use of “Sioux” in articles addressed to a “Sioux” readership, but also in documents clearly addressed for a broader readership. In those circumstances its use was not parallel to the reclaiming of language such as “queer” by gay people. The ECU pointed out that the Ogala could not legitimately be used in place of “Sioux”, except in application to a particular “Sioux” tribe.

The complainant wrote to the ESC on 23 June reiterating her complaint.

3 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.

Section 8 - Harm and Offence

Introduction

The BBC aims to reflect the world as it is, including all aspects of the human experience and the realities of the natural world. In doing so, we balance our right to broadcast and publish innovative and challenging content appropriate to each of our services with our responsibility to protect the vulnerable.

When we broadcast or publish challenging material which risks offending some of our audience we must always be able to demonstrate a clear editorial purpose. Such material may include, but is not limited to, offensive language, humiliation, sexual violence and discriminatory treatment. We must be sensitive to audience expectations, particularly in relation to the protection of children, as well as clearly signposting the material.

Harm and offence editorial principles...

- We keep in touch with the expectations of our audiences for all of our services.

Audience expectations

We should judge the suitability of content for our audiences... in relation to the expectations of the likely audience at a particular time on a particular day, and in relation to the nature of the service as well as the nature of the content. We should ask ourselves the following questions:

- What is the likely composition of the audience?
- Does the talent, slot, genre or service carry pre-existing expectations which may be challenged by the content?
- Is harm or offence likely to be caused by misleading the audience or in the inclusion of difficult or challenging material?
- Has any difficult or challenging content been clearly signposted?

Portrayal

We aim to reflect fully and fairly all of the United Kingdom's people and cultures in our services. Content may reflect the prejudice and disadvantage which exist in our society but we should not perpetuate it. We should avoid offensive or stereotypical assumptions and people should only be described in terms of their disability, age, sexual orientation and so on when clearly editorially justified.

4 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 Appeal raised issues requiring consideration of the editorial guidelines relating to accuracy and harm and offence (portrayal).

Accuracy and Harm and Offence (portrayal)

The Committee noted that the editorial guidelines on accuracy say that BBC output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. The BBC should be honest about what it does not know and avoid unfounded speculation

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

The editorial guidelines also state that the BBC must always be able to demonstrate a clear editorial purpose when broadcasting challenging material which risks

offending some of the audience. It must balance its right to broadcast innovative and challenging material with its responsibility to protect the vulnerable.

The Committee first considered how the term “Sioux” had been used within the programme Eggheads broadcast on 19 March 2008:

Dermot Murnaghan - Quizmaster (DM):

“The name of the lake-dweller, axolotl, means water servant when translated from the language of which people? Sioux, Aztec or Inuit?”

Contestant:

“I don’t think that salamanders live in the cold. I have never heard of them in connection with Native Americans so I’m assuming it is Aztec.”

DM:

“I love the way you just slipped it in there. I was going to ask what is an axolotl. It’s a salamander is it?”

Contestant:

“Yes”

DM:

“Well, yeah. It is a word translated from the Aztec. Yes, it means water servant in the ancient Aztec language.”

The Committee noted the complainant’s objection to the use of the word:

“My information (from Native Americans) is that it is a Cree tribe name, a slur, meaning ‘throat cutter’ or dishonourable fighter. I am aware that some reservation Ogala have ‘reclaimed’ it as they put it, but it is not in general favour by the majority and certainly not by me, since it is inaccurate, derogatory, a piece of slang, a nick name, not the name of a tribe, and it keeps cropping up on a programme which is as educational as it is entertaining.”

The Committee also noted the BBC management responses that had found little or no evidence to support the complainant’s belief that the word “Sioux” had a negative connotation. The Committee also noted the evidence found in its investigation of the appeal. In particular it noted the meaning of the word “Sioux” on the homepage of the Standing Rock Sioux Reservation tribe in South Dakota:

“The people of Standing Rock, often called Sioux, are members of the Dakota and Lakota nations. ‘Dakota’ and ‘Lakota’ mean ‘friends’ or ‘allies.’ The people of these nations are often called ‘Sioux’, a term that dates back to the seventeenth century when the people were living in the Great Lakes area. The Ojibwa called the Lakota and Dakota ‘Nadouwesou’ meaning ‘adders.’ This term, shortened and corrupted by French traders, resulted in retention of the last syllable as ‘Sioux’.”

The Committee also noted there were similar references to the word's meaning on the website of the Akta Lakota Museum and Cultural Centre, Britannica.com and the Catholic Encyclopaedia. The Committee also noted that its investigation had only produced one reference to the name "Sioux" having a negative connotation and that was the Wikipedia entry for "Sioux", but no source was provided for the entry. The investigation had, however, found that a number of relevant organisations in North and South Dakota freely use the word "Sioux" in their literature. For example, the South Dakota Office of Tribal Relations says that its role is to liaise with nine "Sioux" tribes in the area – all but one of these tribes use "Sioux" in their official names and websites, including Cheyenne River Sioux and Crew Creek Sioux tribes.

The Committee also noted that on the official tribal website of the Oglala tribe, the more commonly used name of the Oglala, the website is called the Oglala Sioux Tribe website.

The Committee concluded that there was insufficient evidence to support the complainant's view that the term "Sioux" to describe the seven tribes that make up the "Sioux" (including the Oglala or Oglala) was generally regarded as offensive or unacceptable to those to whom it applied. The Committee also concluded that given the evidence of how the various tribes of the "Sioux" referred to themselves the reference to "the Sioux" was accurate.

The Committee noted that the Editorial Adviser to the Committee had not uncovered material that supported the complainant's contention that the description was generally considered offensive or that it amounted to a stereotype which the guidelines caution against. The Committee was satisfied that the use of the term "Sioux" had not breached the editorial guidelines on accuracy or portrayal.

The Committee did not uphold the complaint.

Finding: Not Upheld

Saturday Kitchen, BBC One, 15 December 2007

*****PLEASE NOTE THIS SECTION CONTAINS THE OFFENSIVE LANGUAGE COMPLAINED OF AS WELL AS OTHER OFFENSIVE LANGUAGE QUOTED FROM THE BBC GUIDELINES*****

1 The programme and context

Saturday Kitchen is a cookery programme made by Cactus TV. The format includes viewers phoning in to decide whether the celebrity guest should get their “food heaven” or “food hell”. On this occasion the celebrity guest was Bruno Tonioli.²

In this particular edition of the programme the guest used the F-word when preparing with the presenter his “food hell”. He had earlier stopped himself from swearing when the presenter had announced the viewers’ choice for him to eat.

Following the use of the F-word the guest immediately apologised for the use of language as did the presenter. The presenter also made another apology to the viewers for the use of language at the end of the programme.

2 The complaint

The complainant wrote to the BBC on 17 December 2007. He complained that the use of the F-word constituted a serious breach of editorial standards. He also felt that inadequate steps had been taken by the BBC to prevent the use of bad language from being broadcast. The complainant also felt that the apologies by the presenter were light-hearted and insincere. He requested that the programme be discontinued with immediate effect.

BBC Information replied on 18 February apologising for any distress the language had caused the complainant and family. The reply also pointed out that the programme had made it clear to all the contributors as to how they must conduct themselves setting out what was and what was not acceptable behaviour. The reply also stated that the presenter had made two apologies to the audience, the first following the incident and the second at the end of the programme.

The complainant replied on 27 February saying the reply from BBC Information did not leave him with much confidence that the BBC actually wished to comply with the Broadcasting Code. He asked what action the BBC was going to take to avoid a repetition of this incident and that if it was not going to review procedures perhaps the programme should be pre-recorded. The complainant also set out a number of actions the BBC could take with contributors to prevent incidents like this happening again. The complainant concluded:

² Source: http://www.bbc.co.uk/food/tv_and_radio/saturdaykitchen_index.html
Please note that this page is now dead.

“I believe that the BBC has failed in its duty of care towards licence payers by breaching the Ofcom Broadcasting Code and the BBC’s own Producers’ Guidelines and under such circumstances I request, once again, that the BBC offer some financial compensation or gesture of goodwill for the hurt and deep offence caused.....by the lack of any explanation in your letter of improved procedures it would appear that the BBC is not demonstrating any willingness to take greater care in the future.”

On 18 March BBC Information responded stating that the programme guest had not intended to cause offence. It had been a slip, but that this was the first time this had happened in the two years the show had been on air. The letter noted that once the bad language was broadcast the response was fast and appropriate and in accordance with the BBC’s guidelines.

The complainant wrote to the Editorial Complaints Unit (ECU) at stage 2 of the complaints process on 23 March dissatisfied with the replies he had received.

The ECU replied on 22 April and acknowledged that the use of particularly strong language was not appropriate and constituted a breach of the standards expressed in the guidelines. The reply also outlined the various mitigating factors involved such as the programme being live and the guest’s disappointment at having to eat an oxtail dish. The ECU reply also noted how the presenter had apologised. It acknowledged there may have been some jocularly in the wording and delivery of the apology but did not accept that the presenter’s apology was insincere. In conclusion the ECU believed the programme had acted appropriately in the circumstances and regarded the complaint as resolved, “on the grounds that the programme’s response to the incident was sufficient”.

In a reply to the ECU on 16 May the complainant expressed strong dissatisfaction with the ECU finding. He asked why the BBC could not use sensible precautions like a time-delay or pre-record programmes as well as ensuring that people who breached the rules were not employed. The complainant could not agree that the situation was resolved. He also asked who he should contact to obtain compensation.

The ECU and the complainant exchanged further correspondence in which the complainant and the ECU reiterated their views on the matter.

The complainant appealed to the ESC on 9 June 2008 reiterating his complaint. He also stated that the ECU had failed in its duty to take all necessary facts into consideration in its deliberations. In particular, the complainant noted that the ECU had failed to:

- investigate the reasons as to why the BBC did not intervene at an earlier stage when the guest almost swore
- recognise that the BBC had not taken reasonable steps to avoid swearing being broadcast

- recommend appropriate advice for the future and to recognise that the apologies given were not sincere.

Prior to the complaint being heard the ESC reminded the complainant that under its terms of reference (10.2)³ the Committee may decide to decline to hear an appeal where it relates to matters which are likely to be the subject of, or relevant to, legal proceedings. The complainant confirmed that he would not pursue a legal claim for compensation.

3 Applicable editorial standards

Editorial Guidelines

Section 8 - Harm and Offence

Language

Offensive language is one of the most frequent causes of complaint. It can be a particular source of offence in sub-titles or online.

Judgements about its use are difficult because they depend on tone and context. There is no consensus about words that are acceptable, when, and by whom. Different words cause different degrees of offence in different parts of the world. So a person's age, sex, education, employment, belief, nationality, and where they live, all impact on whether or not they might be offended.

We do not include any offensive language in pre-school children's programmes or websites (four years and under).

We must not include offensive language in programmes or websites made for younger children except in the most exceptional circumstances.

We must not include offensive language before the Watershed or on radio when children are particularly likely to be in our audience, or in online content likely to appeal to a high proportion of children, unless it is justified by the context and then its frequent use must be avoided.

We must be able to justify the use of offensive language in challenging factual programmes, comedy and drama broadcast throughout the day on our speech radio stations. It will also generally require clear content information.

We must not include the MOST offensive language before the Watershed, or on radio when children are particularly likely to be in our audience, or in online content likely to appeal to a high proportion of children.

³ 10.2 The Committee also reserves the right to decline to hear an appeal whilst it relates to matters which are the subject of or likely to be the subject of, or relevant to, legal proceedings.

We must make careful judgements about the use of the most offensive language post-Watershed and ensure it is clearly signposted.

Any proposal to use the most offensive language (cunt, motherfucker and fuck) must be referred to and approved by a senior editorial figure or for Independents by the commissioning editor and the relevant output controller for television, radio, online and any other service. Chief Adviser Editorial Policy may also be consulted.

Language that causes most offence includes:

- sexual swearwords...

Editorial Guidance

Live Output

Note To Content Producers

This document has been produced by the BBC's Editorial Compliance Working Party to provide you with detailed guidance about how to minimise the risks of "going live".

It is recommended that you tailor this document to reflect the specific needs of your output area and that you detail within it your own referral procedures.

It is also recommended that you produce a "check list" for prominent display in studios/galleries/scanners which details agreed procedures in the event of a serious problem occurring live on air. It should also list office and out of hours contact numbers for senior editorial figures to consult about such issues.

Your compliance manager is available to offer advice about a check list and referral procedures.

Briefings

The presenter(s), contributor(s) and production team should be briefed on editorial issues that may pose a risk prior to the live broadcast. For example, difficult or controversial subjects such as dealing with child abuse or euthanasia which could involve issues of privacy including anonymity, fairness and harm or offence.

Where appropriate a note should be made of the advice given and other actions taken. For example, logging that song lyrics have been checked for suitability for the likely audience and time of day and noting any agreement made with the singer/band about replacement words if there is a language issue.

If the briefing involved legal advice any note should indicate the subject of the legal issue, for example, contempt, privacy and so on, but it should not detail the advice given.

It may also be appropriate to remind people that we should avoid putting phone-in contributors straight on air and that phone-ins are not a vehicle for the personal opinions of presenters, who have obligations to be impartial.

How To Deal With A Serious Incident In A Live Broadcast

It is important that everyone involved in a live programme is adequately prepared for dealing with a serious incident if it arises. However, as every incident will be different, hard and fast rules are not practical.

Offensive language

We should make an on-air apology at the earliest opportunity if the most offensive language is used (f-word or its derivatives, mf-word, or c-word) pre-Watershed or when children are particularly likely to be listening.

We should normally dip the sound and/or move to a different camera if there is an outburst of the most offensive language, for example, by a competitor, referee or spectators at a sporting event. We should normally avoid showing close-ups where the most offensive language may be easily lip-read, unless it is clearly editorially justified.

We should consider whether it is appropriate to give an apology at the end of the programme if it was not possible to give one within the programme itself.

4 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.

The Appeal raised issues requiring consideration of the editorial guidelines relating to harm and offence.

The Appeal also raised a separate issue about the way in which the ECU had handled the complaint at stage 2 of the complaints process.

Harm and Offence

The editorial guidelines state that the BBC must always be able to demonstrate a clear editorial purpose when broadcasting challenging material which risks offending some of the audience. It must balance its right to broadcast innovative and challenging material with its responsibility to protect the vulnerable.

The BBC is aware that offensive language is one of the most frequent causes of complaint and that the most offensive language (which includes the word "fuck") must not be broadcast before the Watershed when children are likely to be part of the audience, unless it is justified by context.

In coming to its finding the Committee considered the complaint against the relevant guidelines, and applied the following tests:

1. Did the programme include the “MOST offensive language”?
2. If so, was the inclusion of the language in a programme broadcast before the Watershed?
3. If so, was the breach dealt with adequately and appropriately in the programme?
4. Is there any need for further action?

The Committee noted what was said on the programme and the context in which it was said. The Committee noted that at the time of the remark being made the presenter James Martin had just announced that viewers had voted for him and his guest chefs to cook Mr Tonioli his “food hell”. Mr Tonioli had almost sworn when the result was announced. The sequence then ran straight on to the making of the oxtail dish and his remark:

Bruno Tonioli (BT):
It’s burning!

James Martin (JM):
Don’t worry about that, that’s fine.
There you go

BT:
Oh! (shouts)

JM:
There you go, pop that in

BT:
You want to burn me or something?

JM:
No, it’s not burning, it’s...colour.

BT:
Is this your revenge time?

JM:
It’s colouring, it’s colouring.

BT:
I can feel it’s this is your revenge time.

JM:
Now you add the ox...

BT:
Give me the fuckin....sorry, give me sorry sh,sh,sh

JM:
Apologies...really sorry about that.

BT:
Sorry, sorry it's passion

The Committee concluded that the programme had breached the guidelines on language and endorsed the ECU finding. The programme had included the “most offensive language” in a pre-watershed broadcast at a time when children were likely to be in the audience. The Committee agreed that this was a serious breach and should not have occurred.

The Committee then considered what the programme had done before broadcast to avoid this kind of incident and what action it had taken after the remark had been made. The Committee noted that the programme had followed the BBC’s editorial guidance on live output and had appropriately briefed the contributors and guests about their conduct and use of language prior to the programme’s broadcast. The Committee also noted that following Mr Tonioli’s comment both Mr Tonioli and the presenter, James Martin, apologised. The Committee also noted Mr Martin’s comments at the end of the programme where he once more apologised for Mr Tonioli’s use of language. He stated:

“...and Bruno while you are tasting that you deserve to get hell for your potty mouth. Everybody at home I can only apologise for the language of my guest. Of course, it is his Italian passion.”

The Committee concluded that the programme had acted appropriately both prior to broadcast and following Mr Tonioli’s comment. The Committee was satisfied that the programme had provided the guests with sufficient pre-broadcast warning as to conduct and language. The Committee was also satisfied that the programme had been prompt in its action to lessen the offence caused by making an immediate apology after the remark had been made and then following that up with a further apology at the end of the programme. The Committee also concluded that the apologies had been sincere and the language in which the apologies were couched was appropriate within the context of this programme.

The Committee wished to assure the complainant that it was concerned to ensure that language in BBC output is at all times appropriate for the audience. It was satisfied in this instance that the programme had adhered to the policies set out for live output.

The Committee noted the complainant’s request that the BBC should end live broadcasting to avoid such incidents occurring in the future, but was satisfied that the present policy on live output was appropriate. The Committee agreed that the benefits of live broadcasting outweighed the risks and that incidents such as the one

under consideration were rare and should not be seen as a sign of the BBC allowing standards to drop.

In conclusion, the Committee upheld the complaint about the use of the most offensive language pre-watershed but was satisfied that the actions of the programme team following the remark had ensured that no further action need be taken, the matter having been resolved by the programme team at the time.

Complaints Handling

The Committee then considered the complainant's view that in arriving at its decision the ECU failed to:

- investigate the complaint thoroughly
- recommend appropriate advice to avoid future breaches
- recognise that the apologies did not appear sincere.

The Committee concluded that the ECU's investigation was confined to its remit and that a thorough investigation of this complaint had been carried out. It noted that it was not the ECU's role to recommend advice on future policy but to come to a decision on whether specific broadcast or published content had breached the BBC's editorial guidelines. The Committee was satisfied that this had been done and that no action need be taken.

Finding: Complaint resolved

“Cardinal moots celibacy rethink” and “Celibacy 'obligatory' for priests”, BBC Online, 4 December 2006 and 13 March 2007

I The complaint including BBC management’s response and appeal to the ESC

The original News Online feedback comment by the complainant dated 14 March 2007 objected to a BBC News web page entitled “Celibacy ‘obligatory’ for priests”. The complainant believed the words: “But in the Middle Ages there was no formal ban on marriage for the clergy. In fact many Popes had wives, including the 9th Century Pope Hadrian II”, was misleading and offensive.

The complainant later provided information as to the number of Popes who had, at some time in their lives been married (9 out of 265 officially recognised popes) and requested that the web team either substantiate what it meant by “many” or withdraw the statement with a “full and proper retraction”.

In another email to the website a week later (23 March 2007), the complainant pointed out that the same statement had been used in another report published on the “learning English” web page entitled “Cardinal moots celibacy rethink”. The complainant said in this and in a subsequent email to BBC News interactive that by not correcting the mistake the report was in conflict with the BBC’s editorial policy on correcting errors.

In response on 30 March the Europe desk of the BBC News website amended the initial article entitled “Celibacy ‘obligatory’ for priests”, to read: “In fact many popes and priests in the early Christian Church had wives, including the 9th Century Pope, Hadrian II.”

The complainant was dissatisfied with the amendment pointing out that the change did not alter his original objection to the suggestion that “many popes had wives”.

Following further correspondence the report was amended again to read: “[...] many priests and even some popes in the early Christian Church had wives.”

The complainant noted in an email response to the second amendment to the article that the report “Cardinal moots celibacy rethink” had not been amended at all and that he would be taking the complaint to stage 2 of the BBC’s complaints process, the Editorial Complaints Unit (ECU).

In his complaint to the ECU the complainant raised the following issues:

- The original and amended texts of the two articles were “stretching a point” as only two popes were generally recognised to have been married during their papacy.
- The statement that in the Middle Ages there was no formal ban on the marriage of clergy was false.
- The article entitled “Celibacy ‘obligatory’ for priests” had misleadingly referred

- to 150,000 men worldwide having left the priesthood to marry.
- The reference to priests who had left the Church to marry as “outcasts” was false.
 - The reference to the early Christian Church could only be a reference to the Church up to the end of the 6th century, and could not be used to support a fact dating from the 9th century.
 - What was the relevance of referring to married priests in the early Church (in the amended article on celibacy)?

The complainant also pointed out the unwillingness of the BBC to substantiate the statement about the papacy or, initially, correct the article. The complainant claimed the website was in breach of the guidelines for correcting mistakes and requested that provision be made for ensuring that when a change is made a contemporaneous note is made on the webpage of the change.

The ECU initially responded upholding the complaint of inaccuracy against the original version of the article entitled “Celibacy ‘obligatory’ for priests”, but was satisfied the issue had been resolved following the changes made to it.

The complainant disagreed with the ECU’s finding questioning the historical expertise of the ECU and those responsible for the article.

The ECU reviewed its finding and concluded that the item had not met the guidelines on accuracy with regard to the phrase “some popes” as only Hadrian II could have been considered as having been married at the time of his papacy and the reference to 150,000 men having left the priesthood was “not well founded”.

The ECU was, however, satisfied that the use of the terms “early Church” and “Middle Ages” was sufficiently accurate given that the article was aimed at a wide readership and that the terms used, outside of scholarly usage, would have encompassed a longer period.

The ECU’s published adjudication stated:

Complaint

A reader of these reports about priestly celibacy in the Catholic Church had challenged their statement that “many popes had wives”, and, as a result, the sentence in question was changed to read “in fact many priests and even some popes in the early Christian Church had wives, including the 9th Century Pope Hadrian II”. The complainant wrote to the Editorial Complaints Unit, objecting to the revised wording on the basis that “on any reasonable view there are at best only two generally recognised cases” of men who were in the married state while in occupation of the Papacy (Hadrian II being one of them), while the word “some” suggested a rather higher number. The ECU acknowledged that the original statement had been inaccurate and misleading, but took the view that the change was sufficient to address the issues raised

by the complainant. The complainant challenged this conclusion on the basis that "of only one pope can it be asserted without dispute that he had a wife". He also drew attention to the fact that his complaint to the ECU had questioned the statements "Roughly 150,000 men worldwide have left the priesthood to marry. The Church considers them outcasts" and "in the Middle Ages there was no formal ban on marriage for the clergy", and he made the further point that the revised wording introduced a contradiction because the pontificate of Hadrian II lay outside the period of the Church's history normally designated "early".

BBC Editorial Complaints Unit's ruling

On reviewing the complainant's points, the ECU agreed that the revised wording was unsatisfactory, and that the statement about 150,000 having left the priesthood to marry was ill-founded. These aspects of the complaint were upheld. However, it took the view that the references to the Middle Ages and the early Church, though perhaps imprecise from a scholarly point of view, were acceptable for a general readership. This complaint has been partly upheld.

Further action

The web pages in question have been altered to reflect the finding. The World team at News Interactive, responsible for writing foreign news stories, will be alerted to the errors and asked to ensure that they are not repeated.

Appeal to the Editorial Standards Committee (ESC)

The complainant appealed to the ESC rejecting the ECU's finding stating that:

- the ECU had failed to keep him informed as to the progress of his complaint.
- the ECU finding had been unreasonably delayed
- the BBC and the ECU had provided a "premature and complacent justification and inadequate adjudication" of his complaint.

The complainant also pointed to areas of his complaint which he felt had been ignored or incorrectly adjudicated on:

- He stated that the comment "in the Middle Ages there was no formal ban on marriage for the clergy" was inaccurate as it was in the Middle Ages that a formal and comprehensive ban to the effect was introduced in the 12th century.
- He also stated that the comment "In fact in the early Christian Church many priests, and at least one pope, Hadrian II, had wives" was inaccurate as the "early Christian Church" ended before the emergence of the sovereign papacy in the 6th century under Pope Gregory the Great and no serious commentator would agree that it extended to the 9th century when Hadrian II was pope.
- He stated that the ECU had not addressed two points:

- his objection to the line in the original article that the [Catholic] Church considered men who left the priesthood to marry as “outcasts” [this line was removed following intervention by the ECU – but some copies of the article remained upon the BBC website].
- his objection that a reference to married clergy in the period before the 16th century was irrelevant in an article about celibacy in the contemporary Catholic Church.
- He believed the ECU had not addressed the relevant paragraphs in the report as a whole.

In a supplement to the appeal the complainant pointed out that he had found the “offending phrase ‘many popes had wives’” had appeared in at least three more BBC website articles other than the ones complained of and that these had not been amended.

He also pointed out that the amendment or removal of disputed content does not satisfy the editorial guidelines on admitting mistakes.

2 Applicable editorial standards

BBC Editorial Guidelines

Section 1 - BBC’s Editorial Values

Accountability

We are accountable to our audiences and will deal fairly and openly with them. Their continuing trust in the BBC is a crucial part of our contract with them. We will be open in admitting mistakes and encourage a culture of willingness to learn from them.

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.

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.

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

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.

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.

3 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 web team and ECU.

The appeal raised issues requiring consideration of the editorial guidelines relating to accuracy and impartiality. It also raised issues relating to the guidelines on correcting mistakes and complaints answering.

Accuracy

The Committee considered whether the text of the article currently on the website was duly accurate. It noted that the relevant editorial 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. They also require the BBC to check and cross check the facts.

The Committee discussed the target and likely audience for the website article and concluded that it would have been read by a lay and non-specialist audience. It had not been intended for specialist or academic consumption.

The Committee noted that the independent editorial adviser who had investigated the complaint on behalf of the Committee drew on the work of commentators, church historians and medievalists.

The Committee noted the complainant's concern that the reference to the "early Christian Church" in the revised website article "Celibacy 'obligatory' for priests", introduced another inaccuracy in that Hadrian II was a 9th century pope and the Early Church ended before the 9th century. The Committee noted what was said in the revised article:

"In fact in the early Christian Church many priests, and at least one pope, Hadrian II, had wives."

The Committee also noted that this version had already replaced the wording in the original article which had stated:

"But in the Middle Ages, there was no formal ban on marriage for the clergy. In fact many popes had wives, including the 9th Century Pope, Hadrian II"

The ECU in its adjudication of the complaint had not upheld the complaint about the usage of the terms "early [Christian] Church" or "the Middle Ages" stating:

"[...] the references to the Middle Ages and the early [Christian] Church, though perhaps imprecise from a scholarly point of view, were acceptable for a general readership."

The Committee in coming to its finding noted a number of works on early Christian theology and history. It noted there seemed to be little consensus about when the "early Church" ended. The Early Church vol. I (Penguin History of the Church) has the early Church ending when Gregory the Great headed the Western Church (590-604) and when John of Damascus (676-749) led the East.

The Committee noted that Hadrian II was pope in the 9th century but agreed that to a lay audience this use of the term "early Christian Church" was an acceptable approximation and that to achieve due accuracy it was not necessary to use the precise period which academics use.

The Committee concluded that there had been no breach of the accuracy guideline in this instance.

The Committee then considered the other phrase which the complainant believed was inaccurate:

"But in the Middle Ages **there was no formal ban on marriage for the clergy**" (Our emphasis)

The Committee noted the complainant's point that it was in the Middle Ages that a formal and comprehensive ban was introduced by the First and Second Lateran Councils in the 12th century.

The Committee noted the actions of five popes who prompted clerical celibacy between the 6th and 11th centuries. The Committee also noted an explanation by the

Catholic Herald columnist Fr William P Saunders who wrote that “...the First Lateran Council (1123), an ecumenical council of the Church mandated celibacy for the Western clergy. The Second Lateran Council (1139) subsequently decreed Holy Orders as an impediment to marriage making any attempt at marriage by an ordained cleric invalid. Finally the regulations concerning celibacy seemed clear and consistent throughout the Catholic Church.”

The Committee concluded that there was considerable evidence that the Catholic Church had found it difficult to enforce celibacy over many centuries and that there may well have been married priests but that there had indeed been a “formal ban” in the Middle Ages although this had not always previously been complied with. The Committee upheld this part of the complaint on accuracy.

The Committee also noted that the complainant had objected to the suggestion that the Church’s view of priests who had left the priesthood to marry was that they were “outcasts” in the original article. It noted that the ECU had not ruled specifically on this point and that the complainant objected to this. The Committee noted that following the ECU decision and subsequent amendments the lines “Roughly 150,000 men worldwide have left the priesthood to marry. The Church considers them outcasts” had been removed. It noted that the ECU had ruled the first sentence was unfounded and that although this was not specifically stated, this ruling rendered the second sentence incorrect.

The Committee endorsed the ECU’s decision to uphold on accuracy with regard to the first sentence and the removal of both sentences. The Committee was therefore satisfied that no further action was required.

The Committee also noted the complainant’s concern about the reference to married clergy before the 16th century in an article concerned with the celibacy of priests in the contemporary Catholic Church. The Committee considered this was an editorial decision for the BBC Executive to make and that referring to the history of the celibacy of the clergy in the Catholic Church in the context of an article on the contemporary subject of celibacy and the priesthood raised no considerations regarding editorial standards.

The Committee noted the complainant’s concern that the article and the elements he objected to should be viewed as a whole but it saw no indications that the ECU had failed to do that or that such a failure had affected the ECU’s finding.

Finding: Partially upheld regarding accuracy

Impartiality

The Committee next considered its concerns that the article, by reason of its factual inaccuracy, was not impartial.

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 also be fair and open minded when examining the evidence and weighing all the material facts as well as being even handed and objective in its approach. Impartiality 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.

The Committee found no evidence to show that the article had been lacking in impartiality or breached the editorial guidelines in that respect.

Finding: No breach was found

Correcting mistakes

The Committee considered the complaint against the guidelines on correcting mistakes which say that the BBC

“[...] 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.”

The Committee noted that, as a result of successive BBC responses to the complainant, including a partial uphold by the ECU, the original webpage was amended several times. Where the page had been embedded into other parts of the BBC website – such as the learning English pages – it had not been updated at all even when errors of fact had been acknowledged by the BBC. This remained the case until early June 2008 when the pages were eventually corrected after enquiries by the editorial adviser who was investigating the appeal for the Committee.

The Committee also noted that the complainant had pointed out that not all the web pages had been amended and, where they had been, there was no indication, either in the date stamp at the top of the article or in the form of a note in the text, to point out that a correction had been made.

The Committee agreed that a failure to update all the relevant webpages carrying the phrasing (apart from the pages prepared by BBC News) was unacceptable.

It also agreed that when a mistake is found the BBC should follow its guideline and be open in admitting errors.

The Committee was aware that BBC management had made efforts to improve the responsiveness of the website to the correction of factual errors. The Committee was also aware that BBC management was working towards a technical solution for issues concerning the date stamp. The Committee would write to BBC management and invite the web team to discuss the progress in addressing these issues.

Finding: Upheld regarding correcting mistakes

Complaints processes

The Committee noted the responses from BBC Online at stage 1 of the complaints process. It concluded that even when taking into account how many responses the web team may have to consider, the response to correcting mistakes in this case was inappropriate in the face of a straight-forward correction.

The Committee also discussed the very extended time taken to deal with this complaint at stage 2. It acknowledged the ECU's explanation that it had arrived in what had been a very busy period due to other matters which had taken up a lot of staff time. The Committee also recognised that the ECU had had difficulty in communicating with the article's author (due to paternity leave) and the expert because of availability.

Nevertheless, the Committee agreed that the delays in keeping the complainant up to date with the investigation and with coming to its finding were unacceptable.

The Committee agreed that a letter of apology should be sent to the complainant.

The Committee would also apologise to the complainant for the delay in its own processes.

Finding: The Committee endorsed the ECU's finding on accuracy and partially upheld regarding additional accuracy issues. The Committee also upheld the complaints concerned with complaints handling at stage 1 (replies), and stage 2 (the lack of updates) and additionally found there had been a delay at stage 3.