

Premium Rate Telephony and Associated Issues
Final Report from the BBC Director General to the BBC Trust, May 2007

1. Introduction

1.1 Context

Following a number of revelations and resulting investigations into broadcasters' use of premium rate telephony, allegations about BBC activity in this area surfaced in late February of this year. Reports were first published in the *News of the World* on 25 February about some pre-recorded editions of *Saturday Kitchen*. These were followed by a contact from a member of the public to the BBC on 9 March regarding an edition of *Blue Peter* broadcast in November 2006. On 17 March the *Daily Mirror* made further allegations about audience deception in relation to a second children's programme, *Smile*.

This report seeks to provide for the Trust an overview of the issues surrounding the BBC's use of premium rate phonelines and the particular incidents which have been investigated. It also provides an account of the actions that have and will be taken by the BBC in relation to the various concerns which have surfaced.

1.2 Investigative Work Undertaken

The BBC has investigated each set of allegations as they have arisen and where issues have been identified has sought to address them comprehensively. Over the last two months, the following work has therefore been undertaken:

- Initial review by Controller, Daytime of *Saturday Kitchen* 5th March 2007
- Initial review by Controller, BBC Children's of *Blue Peter* 9th to 14th March 2007
- Initial review by Controller, BBC Children's of *Smile* 16th to 19th March 2007
- Independent review to inform BBC management on what went wrong on *Blue Peter* by Andrea Wills, former Chief Adviser, Editorial Policy, for the Director, BBC Vision, 17th May 2007.
- Internal review of BBC premium rate telephone interactivity including a review of programmes which have used premium rate telephony services over the last two years, and those currently in production or delivered for transmission, conducted by Director, BBC Vision for the Director General. This has looked at 98 programmes across radio and television including 31 regional and 28 children's programmes 2nd April 2007.

1.3 Interaction with Regulatory Bodies

Interim reports have been presented by the Director General to the BBC Trust at its meetings in March and April on the progress of investigations, actions taken, and proposed further work.

Icstis has asked for information about *Saturday Kitchen*, although the BBC has not been notified of any complaints or asked for a statement. The BBC has in addition alerted the premium phone line regulator to the telephony problems identified in relation to *Blue Peter*. The BBC's internal review of premium rate services within BBC programming has been shared with Icstis to help its general inquiry into broadcasting. Representatives of the BBC participated alongside other broadcasters in a summit meeting organised by Icstis on the issues that had been raised around broadcasting and telephony generally.

Ofcom has initiated formal proceedings against the BBC in relation to breaches of its broadcasting code regulations around fair competitions and the dignity of children resulting from the *Blue Peter* broadcast. The regulator has requested a recording of *Smile*, although no complaints have been received. The BBC has co-operated with Ofcom in respect of all these requests, and as this report makes clear, the BBC accepts that *Blue Peter* did breach broadcasting rules. The BBC is also supporting Ofcom in its wider review of the use of premium rate phone line services across the broadcasting industry.

2. Saturday Kitchen

2.1 Context

Saturday Kitchen has been used as a BBC programme brand for a number of years, combining celebrity chef studio cooking with cookery archive. The independent production company Cactus TV (part of All3Media) was selected to produce the programme in 2006 following a competitive re-tendering of the contract and has been responsible for the show since 24 June 2006. The terms of the arrangement between Cactus and the BBC included provision for some pre-recording of shows, some format changes, and clarity around compliance arrangements and the division of responsibility between the independent producer and the BBC. The programme is broadcast on Saturday morning, and is the responsibility of BBC Daytime.

2.2 Allegations against *Saturday Kitchen*

Allegations were published by the *News of the World* on 25 February following the editions of *Saturday Kitchen* broadcast on Saturday 10 February 2007 and Saturday 17 February 2007, which were both pre-recorded. A copy of the article is attached at appendix 1.

The report suggested that:

- Viewers were being deceived into calling a premium-rate number to win a chance to appear on the following week's show, even though it was to be pre-recorded later that afternoon.
- Viewers were invited to call a premium-rate number to put questions to guest chefs, even though they could not have contacted them since the programme they were watching was not live.
- Viewers were encouraged to participate in influencing what happened in part of the programme, although they could not in fact influence the outcome, since it had been pre-recorded.
- There was an attempt to link *Saturday Kitchen* to the fraud allegations under investigation at Channel 4 as both the independent producer (Cactus) and the telephony provider (Eckoh) were the same in both cases.

2.3 Facts Uncovered Through Investigation

2.3.1 Relevant Contractual and Operational Arrangements

The contract in place between the BBC and Cactus TV explicitly addressed issues around pre-recording and compliance. It had been agreed that it would be acceptable to pre-record the show on a limited number of occasions to address issues around chef availability. The BBC had emphasised that these shows should never make any claim to be live or suggest through their presentation that they were live.

The issue of use of interactivity and pre-recording was highlighted through these initial discussions since one of the format changes agreed with the new producer was a celebrity “heaven” or “hell” vote, in which callers are asked to vote on which dish they would like to see the celebrity guest eat. To ensure that this process operated fairly when shows were pre-recorded, Cactus TV recorded alternative outcomes. Calls from viewers during the live transmission were collated to determine in real time which outcome was played out. The framework to support this process was approved by Editorial Policy in keeping with BBC guidelines.

Cactus was told explicitly at the outset that no profit could be made from phone lines, and it was agreed that any residual revenues raised through the telephony process would go to charity.

Arrangements were also in place which reflected standard compliance procedures for perceived low-risk, long-running programme strands. All programme scripts were signed off by a BBC Daytime commissioning executive, and responsibility for compliance was then devolved to an executive producer at the independent production company.

2.3.2 Editorial Issues

In reviewing the nine pre-recorded episodes of *Saturday Kitchen* produced by Cactus TV (of a total of 38 episodes in the series) it is apparent that there were at least two, and possibly three areas in which loose scripting may reasonably have misled viewers about the nature of their interaction with the programmes:

- Chef James Martin said: *“If you have any questions for today’s chefs then give us a call.”* This wording implied it was possible to talk to the guest chefs live even though the show was pre-recorded.
- James Martin invited viewers to call in to win a place on the chef’s table *“next week”*. In the majority of cases of pre-recording, two shows were recorded back-to-back, with the result that viewers to the first show stood no chance of winning a place in the following week’s show since it was already filmed by the time they phoned in.
- Scripting around the “heaven or hell” competition did not clearly identify how the competition worked given that the programme had been pre-recorded, and therefore may have misled viewers as to the pre-recorded nature of the programme that they were watching.

In all three cases, BBC Daytime commissioning executives and the Cactus executive producers signed off ambiguous scripting. Those script lines misrepresented the status of the show to viewers and should have been spotted.

2.3.3 Competition Issues

The review of the programme has also considered whether the competition elements were fair to viewers:

- In the case of the invitation to win a place on the chef’s table, although viewers could not have won a place “next week” due to the pre-recording schedule, they were all eligible to win a place at the table at a later date and phone records show that some of them did.

- In relation to the “heaven or hell” part of the show, viewers’ votes clearly determined which outcome was transmitted in line with the operational arrangements which had been agreed and were effectively in place.

The operation of the phone lines associated with the programme was also examined. These appear to have functioned effectively.

2.4 Actions Taken by the BBC

Since the failures outlined above came to light, a series of actions designed to prevent repetition and to restore audience trust have been initiated by the BBC:

- The BBC refused to accept any future pre-recording of the series, and agreed with Cactus TV that the independent producer would meet any additional costs incurred as a result of this change.
- This change in approach was made public, and processes put in train to change the title to *Saturday Kitchen Live* from the start of the next series (April).
- All scripting around interaction in the programmes has been reviewed and where necessary amended so that the invitation to viewers to interact with the chefs now makes clear that very few people will get through to talk to the chefs live on air and directs viewers to post-show web-chats with the chefs.
- Callers who do not get through are now being dealt with by operators who are fully briefed about the show and its content.
- [Redacted – Personal Data]
- Cactus TV has been formally reminded of its responsibilities to ensure that the programme complies with BBC editorial guidelines once the script has been signed off by the BBC commissioning executive.
- The phone line system supporting the series has been reviewed again by Editorial Policy. Although no problems in relation to the phone lines’ operation have been identified, the provider has been changed and all calls are now handled by Audiocall.

The Director General also requested a broader inquiry into the use of premium rate telephony across BBC output, and compliance with existing guidance. This included a study of nearly 100 programmes broadcast over the last two years. Further detail of this review and its conclusions can be found in section 5.

3. *Blue Peter*

3.1 Context

Blue Peter is one of the BBC’s flagship programmes for children aged 6 to 12. It is broadcast 3 times a week on BBC One in term time, and repeated on the BBC’s digital-only channel for this audience, CBBC. Around 120 editions of the programme are made each year, with the majority (around two-thirds) wholly or partially live broadcasts.

Blue Peter is run by an editor who reports into BBC Children’s Head of News, Factual and Learning, and who also meets each month with the Controller, BBC Children’s, who himself

reports to the Director, BBC Vision. The editor at the time to which these issues relate had been in post since September 2003. The programme team comprises approximately 60 people, led by the programme editor, who is supported by a deputy editor and series producer. For the 2006/7 series around 20% of the team were new recruits to *Blue Peter*. Of these, five or six staff were new to BBC Children's.

Blue Peter's content is varied, but regularly includes invitations to viewers to interact with the programme in a variety of ways. These include a number of competitions each year which utilise different formats. The programme has in the past run texting-based competitions, and a limited number of phone-in votes and other competitions. These have not included voice-based phone-in competitions in which the entire event, including the determination and announcement of the winner, takes place within the body of a single programme.

The nature of the programme team and broadcasting schedule has led *Blue Peter* to develop its own set of standard procedures. These include routine responses to technical difficulties during a live programme. The producer tells the presenters, via their earpieces, to explain there are problems and advises them on the approach that they should take.

Within BBC Children's, premium rate telephony is commonly used to support viewer interactivity as it is a way of capping the cost of call charges for children (typically at around 10p) to enable them to communicate with programmes without generating costs to other licence payers and without excessive charges for whoever pays the telephone within their household.

3.2 Surfacing Issues

The *Blue Peter* programme team did not inform anyone else in the editorial chain of command, elsewhere in BBC Children's, or in any compliance area of the BBC about any issues around the programme broadcast on 27 November 2006. Consequently there was no knowledge of what had happened during that edition of *Blue Peter* outside the team until Friday 9 March 2007 when an email arrived at the BBC as a result of a phone-in on Radio Five-Live discussing the general concerns around broadcasters' use of telephone interactivity. It came from an adult who had been in the studio for that show as a visitor with their child. The email can be found at appendix 2.

The email was brought to the attention of the Controller, BBC Children's who the same day commissioned an initial report from the Editor of *Blue Peter*. The Controller also asked BBC Children's Head of News, Factual & Learning to conduct an internal inquiry into what had happened.

By the early part of the following week, these reports had confirmed that there had been a serious failure in relation to the competition on 27 November 2006, that the allegations contained in the email received were essentially correct, and that there had been no referral of the incident up the editorial chain of command at any time following the broadcast. On Wednesday 14 March in addition to taking steps to make public what had occurred and to initiate a range of remedial actions (detailed at 3.5), the Director, BBC Vision also initiated an immediate further independent review of the incident, the actions taken and the lessons to be learned from it.

Since first becoming aware of the issue, senior managers have worked to establish the facts of the case and to deal with the issues raised appropriately, to ensure that both the public and regulators were kept properly informed, and to ensure that steps are taken to prevent any similar incident taking place in future either within *Blue Peter* or elsewhere in the BBC.

3.3 Facts Uncovered Through Investigation

3.3.1 Competition Context

As part of its 45th annual charity appeal in aid of UNICEF, *Blue Peter* planned to run a series of phone-in competitions called “Whose Shoes?” This involved a guest celebrity, live in the studio, standing on a related clue with the camera focused on their shoes. Viewers would be given a choice of three identities and could enter the competition by dialling a premium rate number costing 10 pence a call which would generate 3.25 pence per call for UNICEF after recouping the telephony cost. The winner would be selected during the live programme and receive a prize chosen from a list of children’s toys.

3.3.2 The Course of Events in Advance of Broadcast

17 October 2006: A CBBC producer, with expertise in this area, contacted CBBC phone suppliers – Cable and Wireless who supply the lines, and Telecom Express who provide the IVR (message recording, data capture and send out) – in relation to the competition.

2 November 2006: An email was sent to Cable and Wireless stating that average call duration would be 45 seconds and call volumes might be between 20,000 and 50,000.

22 November 2006: A meeting took place involving the producer responsible for setting up the phone line, assistant producers and researchers from *Blue Peter* competition team, and two representatives of Telecom Express. Telecom Express explained the procedure for retrieving competitors’ calls. The researcher to whom responsibility for the competition had been delegated raised concerns about the short time available for capturing calls, phoning a potential winner and getting them on air. She was assured that the tight turnaround would work. The delegation of responsibility reflected *Blue Peter* practices at the time in appointing one person to look after one item in a live programme. The task was seen as operational and not involving any difficult editorial issues.

23 November 2006: Cable and Wireless confirmed the line had been tested and calls were getting through to the IVR at Telecom Express. They also sent out a Mass Call Notification to their traffic planning department to warn them to expect high call volumes for the *Blue Peter* competition dates.

24 November 2006: The researcher emailed the producer who set up the lines to check that the lines would definitely be closed after the programme went off air at 5.30. She also wrote that there was a problem with getting the numbers covered up for the 6.30 repeat. Instead, there would be a caption saying “lines closed”, and she said that she needed to check that people would not be charged if they did try to ring in. She referred this issue to her *Blue Peter* producer who took the view that the precautions were adequate as her understanding at the time was that such callers would not be charged.

27 November 2006 – AM: Telecom Express opened the phone lines for testing by the researcher up until midday. The lines were not tested because the researcher says she was too busy to ring them. The *Blue Peter* team rehearsed and recorded a studio show in the morning, in which the researcher was also involved.

27 November 2006 – 15.30: The researcher tested the lines. She rang the competition line, left a message and tried unsuccessfully to retrieve it. She spoke to Telecom Express who said they would switch on the lines. A dress rehearsal for the show took place using a runner as the substitute competition winner.

27 November 2006 – 16.00/ 16.30: The researcher tested the phone line again and successfully retrieved a message. Her anxiety about the competition led her to develop her own contingency plan in the event of a problem during the live programme. She asked the assistant producer looking after the 12 “Blue Peter team players” (members of the programme’s focus group) and their parents who were watching the programme go out from

the studio floor whether she could pick one of the children to stand in, in the event that something went badly wrong. She did not refer this plan up. It did not occur to the assistant producer, focussed on her own responsibilities, that the plan had not been referred to the producer.

27 November 2006 – 16.30/ 17.00: The researcher who was also responsible for the competition's celebrity (Bradley from *Eastenders*) made sure he was clear about what was expected of him.

3.3.3 Events While the Programme was On-Air

17.00: The researcher made her way to the sound gallery ready to retrieve the competition winner by phone. The gallery used is separate and has no direct line of sight with the main gallery where the editor, deputy editor and producer were viewing the live transmission.

17.05: A couple of minutes after the competition phone line number was first promoted, the researcher tried to retrieve a competitor's call. The message she heard said "you have no messages".

17.10: The researcher called Telecom Express to express her concerns about being unable to retrieve any callers. She was put on hold before being told there had been a technical problem but that calls were now being patched through. The researcher continued to try and retrieve calls without success. Telecom Express say they told the researcher that calls were coming through and they had the option of making a manual draw during the programme. The researcher has no recollection of this aspect of the conversation and disputes that she was given any options.

17.15: The researcher felt panicked and decided to put her contingency plan into action. She felt it was her responsibility to sort out the problem and did not go to the gallery. She went down to the studio floor and asked the assistant producer whether she had anyone for her.

17.15-17.30: The exact sequence of events is somewhat unclear, but it seems the assistant producer went to talk to the child's father, whilst the researcher and a runner took the child off to a nearby makeup room where a phone was available. The runner acted as the child's chaperone. The researcher made sure the child knew the competition answer and briefed her about what to expect when she answered the phone. The researcher made her way back to the sound gallery. En route she met the producer who had popped out of the gallery to check whether the researcher had a caller. The researcher indicated that she did have one but also that there had been a problem, which she would explain later. The researcher gave the name of the child to her producer and then went to the sound gallery to make the call down to the makeup room and put the call on air. The delay observed on the programme in getting the child on air was caused by the researcher panicking again and not patching the call through to the sound desk quickly enough. At this point the editor, deputy editor, producer and gallery director did not know that the call being put live on air was an internal call. All dealings with phone lines take place in the sound gallery.

3.3.4 The Course of Events Immediately After the Programme

17.30-18.00: Immediately after the programme came off air, the researcher told her producer that she had encountered a problem and explained what had happened. The producer then went to inform the editor and deputy editor. At almost the same time one of Blue Peter's presenters realised the competition winner had the same, unusual name as one of the team players who were visiting the studio, and commented on the bizarre coincidence to the editor.

As soon as the editor and deputy editor became aware that something had gone wrong with the phone competition they spoke to the researcher. They were angry about the failure to

refer to them in the gallery and the problems with the competition. The researcher says she was asked what had happened and was aware that putting the fake caller on the line was their biggest concern. [Redacted – Personal data

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18.00 – 20.30/21.00: There was the usual programme review involving the editor, deputy editor, series producer and presenters. The issue of the faked competitor was one of the many issues of concern discussed that night although senior editorial staff present now suggest that it was not given the urgent editorial attention it required.

3.3.5 The CBBC Repeat

The *Blue Peter* production team also has editorial responsibility for the repeat of the programme which goes out at 18.30 on the CBBC channel, although there is no direct involvement in the mechanics of its rebroadcast. There is no evidence of any discussion as to whether the repeat should go ahead on 27 November in the light of events during the live broadcast.

In addition, the programme producer had discussed in advance issues around showing a recorded programme which included an invitation to call into a competition which was completed within the live broadcast. The producer had however rejected a proposal from Red Bee (the BBC's playout supplier) as to how competition phone numbers could be obscured. The producer considered the proposal too restrictive editorially and did not feel there were sufficient guarantees that it could be implemented effectively in the time available between the live broadcast and the repeat. The producer opted instead for a small note at the top of the screen which simply read "lines closed!" The programme was broadcast in this format and generated a further 3574 calls for the competition. As the competition had been concluded within the live broadcast, these calls could never have been entered into the draw.

3.3.6 The Days Following the Broadcast

28 November: The Editor announced his decision to cancel the competition. He asked for details about what went wrong with the telephone service but fell short of asking for a full investigation. He says he did not consider re-running the competition. He and the deputy editor had a further conversation with the researcher but details of this are sketchy. Everyone agrees the researcher was very upset and the editor said he felt there was nothing to be gained by taking the matter further as she had suffered enough from her mistake.

29 November – 1 December: The programme producer, to whom the researcher should have referred any concerns, held a meeting with her immediate programme team where she talked about the show. She says it was not a formal debrief and the emphasis very quickly shifted from Monday's programme to the next programme to be produced by the team. On Thursday 30 November 2006 there was a production meeting for the whole *Blue Peter* team. Although the precise details of this meeting are difficult to piece together, it was not used as an opportunity to discuss the seriousness of using a "fake competitor" and reminding the team of the BBC Editorial Guidelines. Instead the researcher was congratulated for her quick thinking in keeping the show on the road. At the time it was considered a good way of raising morale and getting the team back on an even keel.

3.4 Key failures

The events detailed above highlight a sequence of failures of adherence to the relevant guidelines and codes, and grave errors of judgement.

Viewers were deceived during the programme and witnessed a “fake” competition:

- The winner was not a genuine caller to the programme – genuine callers could not in fact compete to win because of the telephony problems
- The child who won knew the answer to the question because she had seen the mystery guest live in the studio.

Planning around the competition did not permit a “fair” competition to be run:

- No adequate consideration had been given to the relationship between drawing a winner and closure of phonelines. If the telephony system had worked, and a winner been drawn as originally planned at around 17.14, a large number of callers to the competition would never have stood a chance of competing.
- Although a "close" message was placed on the line at 17.30, the premium rate phone number was never itself officially closed on the programme to mark the end of the competition. There was therefore no indication to viewers – or plan to indicate to viewers – that the period in which it was possible to compete for the prize had ended.
- The failure to ensure that the telephone number was covered up during retransmission (in line with standard BBC practice) meant that those watching the retransmission were led to believe that they could also compete. This resulted from the failure by the programme team to arrange for the number on screen to be shown in a way which would make it practical for it to be obscured on the repeat.

The child involved should not have been asked to support a fake competition, and adequate consent was not sought from the child’s parent.

A series of grave editorial misjudgements was made:

- The team’s inexperience in relation to live telephone competitions was not acknowledged, nor were the risks in trying to run a competition in its entirety live on air during a 30 minute programme recognised.
- Proper advice to manage either these or the more general issues around the use of premium rate telephony was not sought and therefore appropriate procedures and mitigations were not put in place.
- The task of handling the telephony issues during the programme was given to a junior member of the production team.
- Issues around the retransmission of the programme were not effectively dealt with.
- The seriousness of the incident was not recognised in the aftermath of the programme with the result that the issues were neither dealt with effectively at the team level or referred upwards.

The editorial chain of command – in which responsibility for decision-making is devolved down as far as possible, and significant risks, issues and on-air problems referred up – failed.

3.5 Actions Taken by the BBC

As the chronology set out at 3.3.6 demonstrates, in the immediate aftermath of 27 November a decision was taken to cancel the rest of the series of similar competitions which had been planned. Since the BBC’s senior management became aware of the incident, a range of further steps have been taken:

- The BBC sought immediately to inform viewers and to take what action is possible to redress the unfairness of the competition and to rebuild trust:
 - The BBC publicly apologised both in the press statement of 14 March 2007 and in the Blue Peter broadcast of the same date. The Controller, BBC Children's gave many media interviews and the Director General was questioned about the incident in interviews for Sunday AM and Panorama.
 - A freephone number was made available for viewers who took part in the competition or who wanted more information about the incident or to express concerns about it. By the end of 20 March 2007, 62 criticisms and complaints of varying nature had been received on this freephone number. Where appropriate, a refund of call charges was offered. Other comments and criticisms were emailed to the BBC complaints website as well as being communicated to the general BBC and Blue Peter telephone numbers. In total 156 communications were logged, of which just over two thirds can be categorised as complaints or criticisms.
 - Viewers were provided with information about the incident at www.bbc.co.uk/cbbc.
 - The BBC took steps to re-run the competition draw using phone messages from the original competition entrants which had been stored by Telecom Express. The proposed course of action was confirmed with Icstis and the competition draw conducted off-air at noon on 14 March 2007 at Television Centre, witnessed by a solicitor from Davenport Lyons.
 - The Controller, BBC Children's contacted the father of the child involved in the competition personally to apologise to him.
- The BBC has sought both to provide information for its regulators about its investigations into this incident, and to work co-operatively with them:
 - The BBC provided an initial statement to Ofcom on 14 March 2007, and a more detailed statement subsequently. The BBC has co-operated to the fullest extent with Ofcom in its investigation and will continue to do so.
 - Moreover, the BBC ensured that Telecom Express contacted ICSTIS and then liaised with them to agree an acceptable way forward.
- Steps have been taken to address the issues raised in relation to the Blue Peter team specifically:
 - Controller, BBC Children's met with the *Blue Peter* team on 14 March 2007 to discuss the seriousness of the incident.
 - The programme editor has accepted that serious errors of judgement occurred.
 - [Redacted – Personal data

] The programme editor
has been moved to a new role within CBBC.

- The incident has also led to a number of actions in relation to BBC Children's more broadly:
 - Information about the incident has been disseminated across BBC Children's.
 - Controller, BBC Children's in a further communication to all those working in BBC Children's and to Independents and outside partners such as talent agents has

- emphasised the need for openness and fair dealing in relation to audiences, and the need for upward referral.
- Controller, BBC Children's has requested additional staff training on sensitive editorial policy issues. As a result, BBC Children's is now working with Editorial Policy to create seminars on the core areas of editorial policy of particular relevance to CBBC staff.
 - BBC Children's is looking more broadly at its use of phone lines and fundraising to see whether any changes to current policy are required.
 - BBC Children's is also reviewing the need for any changes in current induction processes for new staff and freelancers around the core elements of editorial values and procedures.
 - A review of the process for conducting live competitions on CBBC television and editorial control in live studios is underway and it is likely that further recommendations will follow. Actions will arise out of this process which may be of relevance beyond BBC Children's.
- Director, BBC Vision has also taken further steps to ensure that a similar situation could not occur elsewhere within BBC Television:
 - Editorial practice has been reviewed and new guidance issued around repeats of programmes involving the use of premium rate phone lines. This will include requirements that there must be an announcement informing viewers that the programme is a repeat and that the phone lines mentioned are closed; and that any captions displaying phone line information within the repeated programme must be completely masked.
 - Staff referral processes have been reviewed and are being re-enforced.
 - Staff training has been audited, and editorial training prioritised.
 - A review of contracts and procedures with external service providers has been initiated, to avoid misunderstandings and ensure that key operational factors in relation to competitions are always discussed.

Smile

4.1 Context

Smile is a children's entertainment programme broadcast for two and a half hours on Sunday mornings with around 49 editions each year. The programme is made for the BBC by Darrall MacQueen, an independent production company, and launched in February 2002. It has always incorporated interactive elements, and has a strong integrated web dimension. Last year *Smile* won the Children's BAFTA for Best Interactive Programme. Darrall MacQueen also won the inaugural BAFTA for Children's Company of the Year earlier this year.

Smile is usually broadcast live but a small number of editions each year (around five) are pre-recorded, usually on account of the programmes being broadcast on major public holidays or where a shorter programme is being made to fit around a major sporting event.

Smile has featured a number of competitions involving viewer interactivity. These include *Jambusters*, a video game in which contestants use voice commands to control a jam firing cannon. There are two versions of the game. In *Jambusters*, individual contestants compete against a high score. In *Jambusters: The Rivals*, two connected individuals compete against each other in order to settle a score. At the time in question, *Jambusters* was a competition which viewers could apply to enter on the day of transmission or, more usually, in a future programme. *Jambusters: The Rivals* has consistently invited viewers to apply to participate

in a future programme. In live broadcasts, *Jambusters* contestants at that time usually competed from home, though some would be invited to the studio. As pre-recording renders participation from home impossible, all the contestants for those shows participated from a separate area of the studio.

4.2 Allegations Against *Smile*

In an article published on 17 March 2007, the *Daily Mirror* alleged that:

- A number of episodes of *Smile* were pre-recorded, even though the programme represents itself as a live programme which runs live competitions.
- Viewers were encouraged to call the programme to take part in a competition which had already taken place.
- The competition winners were supplied by a theatrical agency (Stagecoach), were given an unfair advantage by being allowed to practise beforehand, and were guaranteed prizes.

A copy of the *Daily Mirror's* article is attached at appendix 3.

4.3 Facts Uncovered Through Investigation

It is believed that the allegations relate to a programme made in a studio session on 10 March 2006 which was broadcast on 19 March 2006. The allegations were examined in advance of publication by the *Daily Mirror*, and rebutted at that point. Neither then or through any subsequent examination has any issue of substance been identified.

4.3.1 Competition Fairness

- Viewers were not encouraged to contact the programme to participate in a competition which had already taken place. The invitation to participate was phrased generically, and not in terms which generated false expectations: "...if you want to settle an argument then get in touch and play *Jambusters: The Rivals*. 09011 900 500. Don't forget to ask permission and all that malarkey. If you want to go to the website it is bbc.co.uk forward slash cbbc and click on *Smile*. You'll find all the games there and you can get in touch as well." The message was reinforced by graphics, with the additional information that "calls cost 10p. Mobile rates may vary".
- The timing of the invitation to participate highlighted the fact that participation would not take place during that edition of the show. The invitation to participate in *Jambusters: The Rivals* was issued immediately after the competition had been played so it was evident to viewers that the contestants that day (of whom photographs were shown) must have contacted the programme on a previous occasion. *Jambusters* was in addition played by individuals at the end of the programme, but there was no further invitation to contact the programme.
- Viewers who contacted the programme as a result of the 19 March broadcast were considered for future editions of the programme.
- Studio based contestants did not have an unfair advantage in playing the competition:
 - These contestants played the game from an area which was separate from the studio and watched the action on a monitor and gave their instructions by phone to simulate as far as possible the conditions for participants from home.
 - Although children attending the studio are allowed to play any of the *Smile* website games on computers located in the phone room during unoccupied

time to prevent them from becoming bored, this gives them no greater advantage than any child accessing the games from a home computer. The online game experience is in any case different to the version played in the programme.

- On 19 March all contestants were in the studio and playing against each other. There was therefore no differential advantage between them.
- There are no “*guaranteed prizes*” for any particular group of *Jambusters* participants.
 - At the time to which the allegations relate, a small prize was given to any contestant who got any score at all (effectively all contestants).
 - An additional item, to the value of about £8, was offered as a prize to contestants who scored more than 60 points (one Stage Coach Saturday School participant did reach this level and therefore won a toy plastic dog which jiggles when connected to an MP3 player).
 - A more valuable prize was awarded to those scoring more than 120 (not a score attained by any contestant in the 19 March programme).
 - All studio visitors received a goody bag as a souvenir, which at the time contained the same item as was offered as the basic “*prize*” for *Jambusters* contestants. For the broadcast in question, this was a cheap, generic MP3 player (not an iPod as the *Daily Mirror* alleged).

4.3.2 Competition Participation

- Participation in *Smile* competitions is organised in a way that is consistent with fairness and the message to audiences.
 - Around 90% of children participating are drawn from viewer contacts with the programme by phone, letter, e-mail or via its website.
 - A minority of participants are drawn from contacts with schools and other children’s groups made during filming visits which typically occur weekly. During these visits, many children will enquire about entering *Smile*’s competitions or will be invited informally to do so. Schools and groups are not invited to supply children.
 - Applicants are screened for suitability wherever they originate from by the production staff handling calls on the six live studio phones (in the case of games and other items which allow for participation in that day’s programme) or by researchers with a view to participation in a future edition.
 - In the case of contestants for future broadcasts, participants are chosen by lot from the pool of suitable applicants.
- Stagecoach Theatre Arts Saturday Schools (of which there are nearly 600 in the UK, with about 40,000 children attending) are among the groups with whom *Smile* has had contact. These groups are separate from (although they have a corporate relationship with) Stagecoach Agency. Children from these groups have participated in *Smile* games on a number of occasions and constituted two of the four *Jambusters* contestants in the 19 March programme.
- The Saturday Schools informed Stagecoach Agency about the participation of their children in *Smile* after that participation had been confirmed.
- No fees were either offered or requested by either the Stagecoach Schools or the Stagecoach Agency in respect of these or any other participants.

5. The BBC and Premium Rate Telephony

5.1 Context

The BBC has used premium rate telephone services for more than a decade as one way of allowing viewers and listeners to interact with the BBC. Over the last couple of years the BBC like other major broadcasters has begun to use premium rate telephony as an integral part of some popular entertainment programming such as *Strictly Come Dancing* to enable viewers to effect the outcome of the competition.

Unlike other broadcasters, the BBC has never sought to generate income to support its programming through this form of interactivity. Calls are priced at the lowest tariff necessary to cover costs and the phone operator's fee, except on those occasions when the BBC working with its charity partners makes use of premium rate telephony to raise money from audiences. The revenue raised for Children in Need through premium lines in 2006 was £1,639,386, and over the last two years all the votes for prime time entertainment programmes on the BBC have been used to raise money for charity.

The BBC and independent producers supplying programmes to the BBC appoint third-party commercial companies who set up and manage the premium rate services for BBC-commissioned programmes. These include BBC Audiocall, a business owned by BBC Worldwide Ltd, the BBC's commercial subsidiary. BBC Audiocall currently handles between 80 and 85% of the BBC's business as well as providing services for other broadcasters. The company's procedures for setting up premium rate services is detailed as appendix 4.

BBC Children's uses premium rate telephony almost exclusively as a mechanism for minimising call charges to children, and of limiting the costs more broadly of their interaction with BBC programmes. Since August 2003, BBC children's programmes have generally used a single low cost number charged at 10 pence from BT landlines regardless of the length of the call (less than half the cost of a second-class stamp). This ensures that calls into programmes remain cost neutral to the BBC – the BBC makes no revenue from the service and there is no subsidy of calls by other licence payers. The number is not used on the BBC's service for younger viewers, Cbeebies. The service is supplied by Cable and Wireless, who provide the lines, and Telecom Express who provide the interactive voice response. Included in the contract with Telecom Express is that staff who have access to children's details should have to complete an NSPCC disclosure form.

Each programme or online area making use of the BBC Children's number takes on managerial and editorial responsibility for it. Teams are told to show the cost of calls and to tell viewers that they must ask permission before calling. Calls are terminated to address situations in which children leave the phone off the hook. Staff involved in this kind of interactivity are trained in the system either by telephony service suppliers or by other experienced staff within BBC Children's and they receive a phone manual including details on emergency procedures, call costs, and data protection.

5.2 BBC Existing Guidance Framework

The BBC Editorial Guidelines set out the standards the BBC has set itself over the years and codify the good practice expected from those responsible for all BBC content, whether it is produced by BBC staff or by external suppliers for the BBC, and however it is received by audiences. *Section 15: Interacting with our Audiences* deals explicitly with key editorial principles governing telephone services, mobile devices, competitions, prizes, interactive TV services (red button), games and user generated content.

It contains clear guidelines and referral procedures in relation to the use of premium rate telephony. The key guidelines are:

- *We should normally ensure that premium rate calls are priced at the lowest tariff. They should not normally be used to generate a profit with the exception of BBC charity appeals.*
- *With premium rate numbers we must tell people how much calls cost. With other numbers we should try wherever possible to tell people the cost.*
- *We must prompt children to seek permission to call from the bill payer.*
- *Any proposal to use premium rate lines for BBC output must be referred and approved by a senior editorial figure or for Independents the commissioning editor. In addition, any proposal to use a premium rate for phone-ins must be referred to Chief Adviser, Editorial Policy.*
- *We must comply with the code of practice issued by the industry regulator, the Independent Committee for the Supervision of Standards of Telephone Information Services (ICSTIS).*

Guidelines on competitions similarly set requirements as to how the BBC should set up and run competitions and what additional advice should be sought by programme teams:

- *We should ensure there is a clear editorial purpose for our competitions whether on television, radio, mobile devices or online.*
- *We should offer a genuine test of skill, knowledge or judgement appropriate to the audience. Skill must be required to win when premium rate lines are used for competitions, otherwise the competition may be illegal.*
- *Any proposal to set up a competition involving premium rate lines must be referred to Programme Legal Advice.*
- *We should retain our editorial independence and not promote any service product or publication. This includes avoiding competition questions that refer to any branded goods or services that are provided as prizes.*
- *We should not require people to buy anything to enter a competition unless it is linked to a BBC charity appeal.*
- *We should publish rules to make sure competitions are run properly, fairly and openly.*

Guidance is also included in relation to red button television interactivity and audience voting. This is less relevant to the issues which are the focus of this report but included for reference at appendix 5.

The BBC's Programme Legal Advice team routinely prepares rules for BBC competitions, and clear standard rules are also accessible on bbc.co.uk whenever a competition is run online. Key rules such as age limits or closing dates/times would normally be stated on air at the time that the competition is announced. Programmes are advised that rules should be sent out to anyone requesting a copy. Most competitions are usually publicised online where there is a hyperlink through to the applicable rules together with the BBC's privacy policy.

5.3 Internal Review of BBC Premium Rate Telephone Activity

The BBC initiated an internal review of its premium rate telephone activity across all BBC services in the wake of concerns following the revelations about *Saturday Kitchen* and in advance of any announcement of an external review of the issues. It subsequently made a

commitment to ICSTIS to share its findings with the regulator, and passed its conclusions to the regulator at the end of March.

The audit reviewed 98 programmes making use of premium rate telephone interactivity, including those broadcast over the last two years, forthcoming programmes, and those currently delivered for broadcast. This included 31 programmes broadcast in the Nations and English Regions, and a comprehensive review of BBC Children's phone activity across 29 different programme strands. The full list of programmes and services examined is at appendix 6.

The review team also carried out spot checks on a number of shows, including editions of *How do you solve a problem like Maria?* (BBC One), *Celebrity Scissorhands* (BBC Three), *Only Fools on Horses (Sport Relief)* (BBC One) and *Ready Steady Cook* (BBC Two). This involved viewing recordings and assessing the accuracy and clarity of the competition information given out both verbally and visually throughout the programmes.

In all cases the review team found that it was clear why people were being asked to phone and information on how to take part was given repeatedly throughout the programmes. This was done both verbally and through graphics which, taken together, clearly identified costs of calls and when the lines were open. In those shows which included a percentage of call-costs going towards charities, this was clearly flagged in captions and voice-overs.

In addition it was noted that:

- Calls to *Ready Steady Cook* cost 25p. No information was given regarding where any incidental profits might go, but calls covered costs with no surplus.
- In the live voting programmes not all information given in captions was re-enforced verbally by the presenters at the same time, although the overall balance appeared appropriate across the complete programme.
- *Only Fools on Horses* gave the impression it was live but actually included a 15 minute delay for safety reasons (in case there was an accident). The closure of the phone lines was consistent with this delay.

Additional checks were also carried out on two of the most high profile recent shows to use premium rate telephony - *Restoration* and *Strictly Come Dancing* and no issues of concern were identified.

The exercise included risk assessments on all current and forthcoming programming which involved high volume interactivity, and involved meetings with executive producers, interactive producers, telephony service providers, and advisors from BBC Legal and Editorial Policy. Questions were asked around the robustness of the telephony system for the interactivity proposed, escalation processes in case of difficulty, on air information around the interactivity, contingency plans in case of technical failure, and the adequacy of competition rules.

It was found that in all cases programmes had appropriate arrangements in place to ensure transparency of call costs, charity contributions and vote closing times. However the BBC made these arrangements even more explicit to address heightened audience concern in the wake of the problems that had been publicised. In some cases changes were made prior to transmission to ensure systems and contingency planning were as robust as possible, and more detailed escalation procedures were put in place.

In the light of issues raised by *Blue Peter* particular attention has also been paid to the counting of votes. The BBC has found no evidence in its investigations to date to suggest that votes are not counted in time in live shows.

Typically the BBC allows at least three minutes for interactive voice response voting (IVR) and where possible build in extra time particularly if the vote is for a major show, to allow for the real-time statistics to be refreshed to make sure that all calls are counted.

For text voting the BBC generally allows 15 minutes which is more time than is often recommended by telephony service providers. Where text and phone services are used, the text services are closed at least 15 minutes before the phone lines to allow for "latency" - the possible delay in large-volume bottle-necks at mobile network operator level and delays in bounce back messages which tell people their vote has registered. In some shows with a very high level of interactivity the BBC has built in extra time; for example half an hour was allowed for counting, processing and checking text votes for *Making your mind up* on BBC One, Saturday 17 March 2007. The text votes closed at 21.00 during the break between the main show and results show. The audience was reminded of this verbally and with on screen text information.

However it has become clear through the process of this review that in most cases when a competition or vote closes, the lines themselves remain technically open. This is not a problem which is exclusive to the BBC. The BBC ensures that the recorded ansaphone message on the line changes from the 'live' message to a notification that "*the lines are now closed*" and the service provider has responsibility for checking that the message playing out is the correct one. Callers therefore know that their vote/entry has not been counted/entered but will have been charged for making the call. Lines remain open primarily for technical reasons – the systems used for very high call volumes do not allow service providers to switch off the line. For lower volumes of call interactivity, where alternative systems are an option, audience logs suggest that the engaged tone which callers receive in place of an ansaphone message generates more confusion. Resolution of these issues requires pan-industry discussion to develop improved technological systems, although the BBC has also taken steps to ensure that viewers and listeners are reminded both verbally and visually that lines are closed and that they are clearly warned that trying to continue to vote or enter will result in a charge even though their vote/ entry will not be counted.

During and subsequent to this review, a period which has included the broadcast of *Comic Relief*, the BBC has increased the amount of on screen and online audience information in order to help rebuild audience confidence and to meet likely heightened expectations.

Two minor incidents have occurred in relation to premium rate telephony during the period of review – both have been dealt with speedily and effectively.

On 4th March 2007, a number was accidentally given out incorrectly on air during *Comic Relief Does Fame Academy* (BBC Three). As a result callers heard a voice mistakenly announcing that the competition line was closed. The number was, however, another *Comic Relief* line and therefore the service provider had the relevant data. As soon as the error was detected, the data was retrieved. Only a small number of calls were involved. The text (SMS) route was not affected. The programme explained on air that there had been an error and directed people to the website and a free phone number for more information and, if applicable, a refund. All correct entries, both landline and text were entered into a 're-run' draw and the winner was randomly chosen by computer under the supervision of an independent adjudicator. This process was discussed with and met the recommendations of ICSTIS, the industry regulator. The problem escalation process between the BBC, the Independent Production company, the phone service provider and the aggregator was reviewed and strengthened as a result of the incident.

On 11th March 2007 300 text votes from some T-mobile customers did not arrive in time to be counted for the correct day's edition of *Celebrity Fame Academy*. An investigation established that this number of votes was too small to have altered either the Sunday or Monday result. All affected callers were sent a text with a unique pin number to quote when

dialling a free phone number for a refund. Information about what had happened and how to apply for a refund was also posted online.

5.4 Actions in Relation to Premium Rate Telephony

Leaders of Editorial Policy, Business Affairs and Fair Trading have been involved alongside senior editorial leaders in considering the incidents detailed and helping the Director General to identify a way forward. The actions identified which in many cases are already underway are:

- 1. To set up a pan-BBC Working Party** to focus on the issues around telephony and to ensure the effective implementation of changes to current practices. This will include representatives from Vision, Nations and Regions, and Audio & Music - the key programme areas using telephone interactivity, as well as Editorial Policy, Legal, and Business Affairs. The group will be sponsored by Jana Bennett, Director, BBC Vision, and led by Peter Fincham, Controller BBC1.
- 2. To set up an interim editorial policy referral system** while further consideration is given to a permanent system. Editorial Policy will remind all divisions that, as outlined in the BBC Editorial Guidelines, all proposals involving premium rate interactivity must be referred to and approved by a senior editorial figure or for independents the commissioning editor. Over the next few months, the Working Party will consider the value of proposing a change to the guidance to require all projects which are heavily dependent on high level interactivity to alert Editorial Policy to obtain specialist advice.
- 3. To set up an interim approved service provider system** for telephony suppliers, while the Working Party considers establishing a permanent system for approving suppliers and mandating their use across the BBC.
- 4. To establish a BBC policy for use of appropriate premium rate tariffs** to ensure that all the rates used by the BBC are appropriate; that there is clarity and consistency around the circumstances in which the public should be asked to pay more than the standard national rate for phone call in order to raise money for charity; and the rates that are charged in order to raise funds for charities.
- 5. To review the use in any circumstances of premium rate telephony in BBC Children's** whilst recognising that premium rate telephony can be an effective way of capping the cost of calls for children.
- 6. To suspend any further "live" telephone competitions which are intended to be run in their entirety with a winner selected within the framework of a half hour programme** while further consideration is given to the measures and safeguards which should be put in place to ensure that such competitions can be fairly run.
- 7. To identify a senior editorial figure on every production who is formally responsible for the compliance of its premium rate service.** This would be a senior member of every in-house production team, and, for independent productions, a senior BBC commissioner. They will have responsibility to ensure that all relevant guidelines are followed and the appropriate business affairs input has been sought and given.
- 8. To identify a single individual within each of Vision, Audio & Music and Journalism to take responsibility for managing processes and risks around the delivery of telephony services across the area.**

- 9. To produce new telephony compliance forms for live programming and amendments to the existing compliance form for recorded programmes.** Every live programme which plans to use premium rate telephony will be required to complete paperwork in advance of transmission to indicate the nature of the telephony, that the interactivity meets BBC Editorial Guidelines and BBC Interactivity Guidance, whether Editorial Policy has been consulted, and in the case of competitions, that Programme Legal Advice has been consulted. It should indicate whether the programme is to be repeated and that appropriate measures have been taken to ensure repeats are compliant. Existing compliance forms for recorded programmes will be amended to include a new section on premium rate telephony compliance (as above) and also to ensure that appropriate scripting has been used to ensure the interactivity proposed is suitable for a recorded programme, that it does not confuse the audience and does not suggest the programme is live.
- 10. To provide additional editorial and operational guidance and training in this area.** Within the next few months Editorial Policy will issue additional detailed guidance on interactivity, specifically covering issues around voting, competitions, and use of premium rate telephony. The guidance will also update existing advice on contingency planning and how to respond appropriately when things go wrong in a live situation. As part of its regular programme of training seminars for relevant areas, Editorial Policy will also incorporate advice on the use of premium rate telephone services.
- 11. To identify a post in Finance and Business Affairs to scrutinise premium rate telephone service contracts.** A specialised post will be identified with expertise in telephony contracting and to take on responsibility for approving all contracts involving premium rate telephony and ensuring all proposed technical systems and business arrangements are compliant with BBC policy.
- 12. To examine the use of text voting in very popular programming with high levels of interactivity.** Although no specific problems have been identified, this appears to be an area which could benefit from some further examination. The Working Party will work with telephone service providers and mobile network operators to ensure use of text voting meets audience expectations and establish whether further safeguards are needed.
- 13. To review current measures for preventing vote rigging and to explore new ones.** Editorial Policy and BBC Legal will work with telephony service providers to look at existing measures to detect and tackle vote rigging and explore future technical solutions.
- 14. Working with telephony providers to explore measures to close phonedlines after high level interactivity is concluded.** At present there is no technical mechanism to prevent callers being charged for contacting lines even after they have closed. The BBC uses on-screen captions and presentation to deter audiences from using phone lines once they have “closed”. The Working Party will engage with telephone service providers and telephony platform operators to explore whether a technical solution can be found to this problem.

The working party has been asked to report back on its progress to the Director General by 23rd July at the latest.

6. Conclusion

As the review of telephony usage across BBC programming highlights, on the vast majority of occasions the BBC is making appropriate use of telephone interactivity in ways that

audiences can have confidence in. Pan-industry discussions highlight the robust framework which the BBC has in this area which has the potential to help set standards elsewhere.

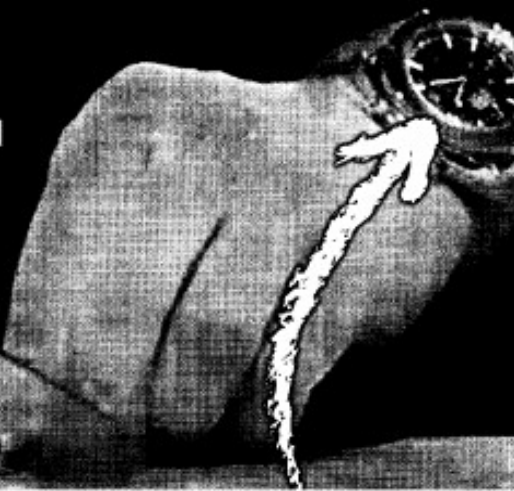
However, as this report makes clear, investigations have identified a number of serious errors and breaches of regulations in relation to the ways that telephony has been used in a small number of cases. The fact that the BBC has not in anyway profited from any of the misuses of telephony identified, and that at no point has any malicious intent been identified is only limited mitigation. As an organisation which prides itself on its editorial standards and for whom audience trust is paramount it is important to recognise that the BBC has fallen seriously short of what the public should rightly expect from it.

In only one case – *Smile* – have we found allegations made to be untrue. There is no evidence that the competition in that programme was run in a way that was unfair, or any reason to believe that viewers may have been misled. In the case of *Saturday Kitchen* there is evidence of compliance failures and of scripting which misled audiences as to the status of the programme and their interaction with it although the competitions themselves were not unfair. *Blue Peter* has however demonstrated failures of editorial oversight, of fair competition, and errors in handling interactions with children which amount to a clear breach of Ofcom's relevant codes as well as the BBC's own Editorial Guidelines.

Since these issues first surfaced, the BBC has managed extensive interactivity successfully around the broadcast of Comic Relief, and has not found it necessary to suspend interactivity for any of its programmes. It is essential now that the actions identified are followed through to minimise the risk of any kind of recurrence, and that the BBC continues to work with Icstis, Ofcom and others in the industry to rebuild audience trust in broadcasters more widely.

NEWS OF THE WORLD clocks premium-rate scam on BBC cooking show

**WE CALL
TIME ON
TV CON!**



**TV chef urges
viewers to call
in to his 'live'
morning show**



SHAM: Martin, right, with guest Paul Merrett

**But his watch
reads 2.20pm
and proves it
was recorded**

EXCLUSIVE

BY DAN WOOTTON

VIEWERS were conned by a phonenumber scam after being asked to ring in to a "live" BBC cookery show—although it had been recorded the previous week.

We can reveal that fans of the flagship BBC1 programme Saturday Kitchen were cheated when celebrity host chef James Martin told them to call to speak to guests "live" on air.

But they had no chance—the show had been filmed the week before.

And fans were also ripped off the previous week by being asked to ring a premium rate number to take part in "next week's show"—although it was being filmed just minutes later.

Evidence

Shockingly, the company that makes Saturday Kitchen is also responsible for the Richard and Judy show—under investigation over the You Say, We Pay phone quiz scam.

But after the News of the World revealed details of the BBC rip-off last night Sir Alastair Graham, chairman of the premium rate phone-

line regulator Ictis, pledged to "urgently" look at our evidence. Viewers were misled during last Saturday morning's show that it was in its usual live format.

The electronic clock on the oven was set to a morning time, but the game was accidentally given away by host chef Martin's WATCH. It showed it was after two o'clock—the REAL time the show had been recorded.

During the 90-minute programme, Martin also asked viewers FIVE times to ring in to speak to studio guests—calls costing 10p a minute—who were unaware of the scam. They included fellow chef Paul Merrett. Three callers did feature on

the show. Martin, 35, even told one of them "You're bright and early this morning", although it was afternoon.

The previous week, on February 10, viewers had also been misled over a competition asking them to ring in to win a place on "next week's show". But in reality recording was starting in a few minutes.

So Martin had twice invited fans to dial a 25p-a-minute premium rate line to enter this competition—which they had no chance of winning.

Saturday Kitchen is made by Cactus TV—run by Richard and Judy producer Amanda Ross, 44, and her husband Simon, 48, the brother of BBC presenter Jonathan Ross, 48.

The only other programme the company makes is Richard and Judy—where viewers also rang in to a contest they had no chance of winning. Phone lines for both shows are run by Eckoh, now also being probed over the Richard and Judy scam.

A BBC spokesman admitted last night that money had been made from phonedines.

He added: "Mistakes were made by James Martin in his presentation. They were simple cock-ups."

But Tory shadow culture secretary Hugo Swire said he would demand an "immediate public investigation into this underhand practice."

PHONEY 1

Martin appeals to viewers to ring in to speak to guests 'live' on air but the show had been filmed during an afternoon seven days earlier



PHONEY 2

Martin solicits calls from the audience so that they can join the panel on the next show even though the episode would be filmed just minutes later

APPENDIX 2: Body of the Email Received from a Listener by BBC Radio Five Live on 9th March 2007

In november my son and i were invited to the bluepeter studios. While we were there a phone in competition was held and callers were offered an array of prizes they could choose from. Inevitably another child visiting the studios was asked to pretend to be the winner and no prize was presented either to her or any caller. Infact no caller ever had the chance to wina prize and most would have been under 12s.

By EMILY MELLER
THE BBC was at the centre of another phone-in scandal last night after bosses pre-recorded a "live" children's game show.

Youngsters ring a 10p phoneline to apply for CBBC's Jam Buster game on its Sunday Morning Smile programme.

But five programmes were pre-recorded with the "winning" children being supplied by an agency and given time to practise their game skills.

The scandal comes after Blue Peter was forced to apologise this week for faking a ring-in when its phone system failed.

Jam Buster viewers playing from home dial in for a chance to win prizes by firing a cannon at moving balloons of sludge.

Hosts Barney, Harwood and Kirsten O'Brien tell their young audience to ring a hotline.

Later the duo answer the phone, apparently at random, to pick those taking part.

But a source disclosed that production company Darrall Macqueen used Stagecoach agency to pick boy and girl "winners" two days before the show was aired.

The children, aged about 10, were given time to practise the game at the London studio.

Then they rang in to the show, pretending to be at their

EXCLUSIVE

homes, from a nearby room. The insider, who used to work for Stagecoach, disclosed: "It was such a shocking betrayal."

"The agency children were guaranteed prizes advertised on the show and went up to the London studio on the Friday beforehand."

"They got in at 8.30am and practised the game, blasting bubbles of splot. They were in another room when the presenter said 'Who have we got on the phone?' as if it was all a surprise."

"The girl started, played the game and won an iPod and a robot dog. Later, it was the boy's turn and it happened all over again."

"He'd been there all morning but nobody would realise that."

"This was miles worse than the Blue Peter problem. It was so premeditated. Kids are innocent. It's the little people who trust the authority to play fair."

"To everybody watching at home these children looked as if they'd phoned in. How stupid."

Billed as a "live studio show" on the Darrall Macqueen website, the show brags: "Smile's young audi-

ence is at the heart of every moment of the show connecting via the technology they love: TV, text, phone, email, webcam."

Accompanied by puppet Nev, cheery Barney and Kirsten encourage children to call the 10p phoneline.

Youngsters register their details so producers can ring back and get permission from parents.

Last night CBBC admitted that five shows had been pre-recorded and said Stagecoach was used to supplement ring-ins.

A spokesman said: "Five programmes were not live. They clashed with sporting events such as the Australian Open and there was greater output on the network."

"Stagecoach fed us children through its drama group but no money changed hands."

"The vast majority of children who take part in the show come from our phonelines or email."

"Children get a goody bag from the show. But they only get a prize if they win the competition."

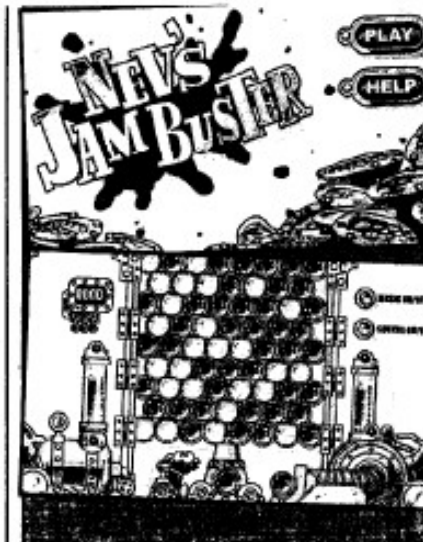
The cheat is the latest in a series of TV blunders. They began last month when the Mirror exposed Richard and Judy's You Say We Pay for picking contestants while viewers were still spending 11 a time to enter.

Now in its fifth series, Smile won a Bafta for Best Interactive programme in 2005.



HIT: Smile won Bafta award in 2005

emiller@mirror.co.uk



APPENDIX 4: Report by BBC Audiocall on its Procedures When Using Premium Rate Phone Lines for BBC Programmes

When BBC Audiocall is enlisted to provide premium rate telephone and/or text services for BBC programmes, the procedure is as follows:

1. Where practicable, Audiocall sit in on initial discussions with production team to understand format of the programme
2. Audiocall then advise on the setting of the caller tariff line to ensure ICSTIS Code and BBC Editorial Policy guidelines are adhered to
3. Audiocall supply 'calls cost' message to production team and advise on closing times for the service to ensure sufficient time is allowed to count votes/select a winner
4. Audiocall numbers are provisioned and Audiocall selects the most appropriate platform for the service to run on (this could be the BT Ride platform for mass call voting or an informed selection of service providers for more complex services whilst maintaining enough line capacity to cope with larger call volumes)
5. Audiocall notifies BT (or other) of the services running, opening and closing times and likely call volumes so that BT/other can monitor their network/s effectively
6. Audiocall provide the wording for the script to get the correct information from the caller and ensure this is within the necessary duration required for the call
7. Once recording is complete and ready to test, Audiocall then thoroughly tests the lines
8. When a large 'live' mass call voting application is required, Audiocall has two team members, one based at the studios before, during and after the transmission, and one in a remote location for back up and support. Further testing is carried out, prior, during and at the end of the transmission to guarantee that all is working as planned and agreed. Both members have an 'open telephone' dialogue throughout for further resilience.
9. Close liaison with BT is maintained throughout and in the event of a power failure, BT can provide results directly to the studio and/or remote team member for continuity
10. Lines are closed with enough time to allow for refreshing of call stats so that all calls are counted (minimum of three minutes). For text interactions, these are closed at least 15 minutes prior to the telephone lines closing to allow for possible delays in bottle necks at Mobile Network Operator level
11. Audiocall always provides correct figures at the close of the vote/competition. In the event of a technical glitch and these not being available, Audiocall would advise the production team to inform the viewers of this, unless an extension of the programme is feasible
12. Audiocall notify the BBC Information Offices of each service it runs, including the detail so that in the event that a viewer calls in, the Office has Audiocall contact details and the viewer is dealt with in a friendly and fast manner
13. Competition winners are only selected after the whole competition has closed

14. A new clause has been added into Audiocall contracts to ensure that independent production companies are fully aware of Audiocall's obligations to the ICSTIS code. Audiocall will not sanction any attempt to contravene the ICSTIS code and will withdraw their services forthwith if a client insists on this, and inform ICSTIS and where appropriate- i.e. for a BBC commissioned programme, BBC Editorial Policy
15. Rigging – checks are in place between Audiocall and the Network Provider/Service Provider to spot any deliberate rigging patterns, and relevant parties are immediately notified and remedial action taken. Callers/entrants are notified via the terms and conditions that vote rigging will not be tolerated and will result in disqualification
16. Fulfilment of prizes is robust when Audiocall is responsible for sending these out. A further process has now been put in place with third parties whereby Audiocall seeks notification from the third party on despatch of goods to ensure winners receive their prizes within agreed timeframes.

APPENDIX 5: Editorial Guidelines in Relation to Red Button Interactivity and Voting Generally

- *Interactive TV services are accessed via the red button and should not promote any specific platform.*
- *We should ensure they are appropriate for the related television programme, observe the Watershed and provide content information if necessary.*
- *We should aim to provide something for everyone who can use the red button.*
- *We should make it clear to our audience where payment is required and display the total cost where practical.*
- *Interactive TV services should not be designed to make a profit.*
- *Voting is a popular form of interactivity which gives audiences the chance to participate and to see a result but votes linked to a programme or website will only represent those people who have chosen to respond and should be clearly reported as such. They should not be reported with the editorial prominence of carefully conducted opinion polls.*
- *We should ensure the robustness of the voting mechanism matches the vote's editorial significance and that output which relies on voting is normally based on a vote run or directly commissioned by the BBC.*
- *We must take particular care about the robustness and integrity of votes for competitive awards from the earliest stages in order to protect the integrity of the programmes around which they are built. A great deal may ride on the result for participants as well as lobby or campaigning organisations who may have a strong interest in the outcome of the result. High profile programmes built around the voting process can lead to a public award such as Sports Personality of the Year, or an award which involves money or opportunity, such as Restoration or a talent competition.*
- *We should normally publish rules when running votes so that, for example, we can disqualify for cheating or fraud.*

We should allow enough time in the period between closing the vote and announcing the result for the votes to arrive, be processed and checked and consider carefully whether to announce running totals before the final verified result.

APPENDIX 6: BBC Programmes and Services Examined as Part of the Internal Review of Premium Rate Telephony Usage

BBC One

Any Dream Will Do - Joseph

Blue Peter

Castaway

Come and have a Go

Comic Aid (Tsunami Comedy Benefit)

Comic Relief Night 2005

Comic Relief Night 2006

Comic Relief Does the Apprentice

Comic Relief Does Car Booty

Comic Relief: Celebrity Fame Academy

Comic Relief Wishes You a Hairy Xmas

Do Something Different

Eurovision Song Contest 2005

Eurovision Song Contest 2006

Get Smarter in a Week

Graham Norton's The Bigger Picture A, B, & C

Great Big Bid

How do you solve a problem like Maria?

Just the Two of Us 2006

Just the Two of Us 2007

Level Up (simulcast with CBBC channel)

Making Your Mind Up – Eurovision 2005

Making Your Mind Up – Eurovision 2006

Making Your Mind Up – Eurovision 2007

Newsround

Only Fools on Horses

Roar (simulcast with CBBC channel)

Saturday Kitchen

Short Change

Sportsround World Cup (simulcast with CBBC channel)

Sport Relief Campaign

Sport Relief Get Subbed

Sport Relief Night

Sport Relief – Swimming with Sharks
Sports Personality of the Year
Strictly African Dancing Special
Strictly Come Dancing 2005
Strictly Come Dancing 2006
Strictly Come Dancing Xmas Specials
Strictly Dance Fever 2005
Strictly Dance Fever 2006
Test the Nation (Talent)
The One Show
The Saturday Show
Top of the Pops Reloaded
When Will I Be Famous
Whizz Kid, BAFTA
Your Country Needs You
Question Time

BBC Two

BBC London (N & R)
Casualty – Donors
Chelsea Flower Show 2005
Chelsea Flower Show 2006
Coast
Dance Factory
Dick and Dom in Da Bungalow (premiered on CBBC channel and then simulcast in later series)
East Midlands Today (N & R)
Eggheads
Egypt
Great British Design Quest
Great British Menu
Great British Menu Xmas Special
Greatest Living Icon
Hider in the House
How to Start Your Own Country
Hull (N & R)
Identity
Midlands Today

North West Tonight (N & R)
People's Museum
Picture of Britain
Points West (N&R)
Ready Steady Cook
Restoration 2004
Restoration 2006
See Hear
Short Change Pricebusters
Sodu-Q
Something for the Weekend
Springwatch
Spotlight South West (N & R)
Strictly It Takes Two
Survival
TMi (simulcast with CBBC channel)
The Pod (simulcast with CBBC channel)
The Saturday Show
The Weakest Link
Truth about Killer Dinosaurs
VE Day

BBC Three

Celebrity Scissorhands
Eurovision – A Little Bit More
The Underdog Show

CBBC

Fame Academy
Mighty Truck of Stuff
Smile
Tracey Beaker Parties with Pudsey
Xchange

BBC Radio One

Comic Relief: Radio One Truck of Luck

BBC Local Radio

Radio Cambridgeshire

Radio Derby

Radio Leicestershire

Radio Norfolk

Radio Nottingham