

Analysis of complaints.....	2
Standards of service.....	2
Summaries of upheld complaints	2
Force apology over racist remarks, bbc.co.uk , 4 April 2005	2
Council mosque decision ‘flawed’, bbc.co.uk , 29 November 2006	2
Council decides on town mosque, bbc.co.uk , 21 December 2006	2
Controversial mosque plan backed, bbc.co.uk , 22 December 2006	2
Inside Out, BBC1 (East), 6 November 2006	3
Newsnight, BBC2 & File on 4, Radio 4, 14 November 2006	3
Scott Mills, Radio 1, 24 November 2006.....	4
Monkeys, Rats and Me, BBC 2, 27 November 2006	4
Newsnight Special – Act of Disunion, BBC2, 16 January 2007	5
Today, Radio 4, 24 January 2007.....	5
Top Gear, BBC2, 28 & 31 January 2007	6
Meet Daisy the cow - global climate’s enemy number one, bbc.co.uk , 2 February 2007.....	6
Phil Upton at Breakfast, Radio WM, 28 February 2007	6
Comic Relief Does Fame Academy, BBC1, 10 March 2007	7
News Bulletins (3.00pm & 4.00pm), Radio Merseyside, 19 March 2007	7
Football Focus, BBC1, 24 March 2007	8
BBC News (6.00pm) BBC1 (date withheld)	8
Report of further action.....	9
Wales and the Spanish Civil War, BBC1 Wales, 16 July 2006	9

Analysis of complaints

From 1 April to 30 June 2007 the Unit reached findings on 81 complaints concerning 73 items (normally a single broadcast or webpage, but sometimes a broadcast series or a set of related webpages). Topics of complaint were as follows:

Table 1

Topics of Complaint	Number of Complaints	Number of Items
Harm to individual/organisation (victim complaint)	14	14
Harm to individual/organisation (3rd party complaint)	1	1
Infringement of the complainant's privacy	1	1
Party political bias	2	2
Other bias	13	10
Factual inaccuracy	15	13
Offence to public taste	9	9
Bad language	5	4
Sensitivity and portrayal	11	9
Racism	1	1
Offence to religious feeling	3	3
Bad example (adults)	1	1
Bad example (children)	1	1
Commercial concerns	2	2
Other	2	2
Total	81	73

In the period 1 April - 30 June, 15 complaints were upheld (7 of them partly) - 18.5% of the total. Of the items investigated in the April - June quarter, complaints were upheld against 12 items (15% of the total). A further 3 complaints (about 3 items) were resolved. This report contains summaries of the findings in those cases.

Standards of service

The Unit's target is to deal with most complaints within 20 working days of receiving them. A target of 35 days applies to a minority of cases (19 in this quarter) which require longer or more complex investigation. During the period 1 April - 30 June, 58% of replies were sent within their target time.

Summaries of upheld complaints

Force apology over racist remarks, bbc.co.uk, 4 April 2005

Council mosque decision 'flawed', bbc.co.uk, 29 November 2006

Council decides on town mosque, bbc.co.uk, 21 December 2006

Controversial mosque plan backed, bbc.co.uk, 22 December 2006

Complaint

Cllr Richard Sherras, Chair of Ribble Valley Borough Council's Planning and Development Committee, complained of inaccuracies in reports relating to the efforts of the Muslim community to establish a mosque in Clitheroe and the final granting of planning permission for the conversion of a former Methodist church. The overall effect was to give an unfair impression of the Council's position and conduct in the matter.

Ruling

The reports were compiled by a team in Manchester on the basis of material broadcast by BBC North West and Radio Lancashire, for sub-editing and formatting by a separate team in Birmingham. During this process, details of the story should have been checked with the original reporters, but that did not happen in this case. As a result, the pages contained a number of errors about the history of the Council's conduct in the matter and the extent to which it had been subject to criticism by the Local Government Ombudsman. The inaccuracies were removed or corrected in response to Cllr Sherras' complaint, and the Unit considered the complaint to have been resolved on that basis.

Resolved

Inside Out, BBC1 (East), 6 November 2006

Complaint

The medical scientist Professor Sir Peter Lachmann complained of the way his contribution had been used in a programme which explored the impact of secret Government tests involving a cadmium-based compound carried out in the 1950s and 60s. Sir Peter had been commissioned by the Government in 1999 to report on the possible health consequences, and found no ground for concern. Subsequently, a surgeon in Norwich had suggested a possible link between the tests and the unusual incidence of oesophageal cancer he had observed in the areas affected. Sir Peter gave an interview in which he put forward scientifically-based arguments for concluding there were no detrimental health effects, but the programme had presented his conclusions largely shorn of their reasoning, leaving viewers to suppose that they were on a par with contrary views which had no scientific basis.

Ruling

With some exceptions, the editing of Sir Peter's contribution was as he described it, and would have tended to leave viewers with the impression he objected to. In fact there was no scientific evidence for a link between the cadmium-based compound and oesophageal cancer, and analysis showed that the incidence of oesophageal cancer in the affected areas was no higher than would be expected for the population profile.

Further action

The programme team have noted the ECU's finding and the Editor and Head of Local Programmes have introduced a series of editorial controls to ensure that future coverage of science-based stories adheres fully to the BBC Guidelines.

Newsnight, BBC2 & File on 4, Radio 4, 14 November 2006

Complaint

The programmes carried versions of a report on the activities of the Islamic organisation Hizb ut-Tahrir, which drew on sources and information provided by Vigil, an organisation devoted to gathering intelligence in support of counter-terrorism. A representative of Hizb ut-Tahrir challenged the reliability of Vigil and its supposed sources within the organisation and complained that a misleading impression of the organisation and its activities had been given.

Ruling

The programme-makers were entitled to rely on sources whose identity was known to them and whose accounts could be to some degree corroborated, and the overall picture presented was well supported by evidence. However, both programmes included a suggestion that Hizb ut-Tahrir (or a splinter group of its members) was responsible for planning a fire-bomb attack on a Croydon synagogue, based on information passed on by Vigil from a source not identified to the programme-makers. This was not a strong enough

basis on which to mount such a serious allegation. In addition, **File on 4** included an exchange in which the reporter seemed to be assuring a Home Office Minister that the programme had clear evidence that Hizb ut-Tahrir was in breach of the law on glorifying terrorism, whereas the programme's evidence (though it gave legitimate grounds for concern) did not establish this point.

Further action

The Editors of **Newsnight** and **File on 4** discussed the issues arising from the ruling with their programme teams and the correspondent in question. They stressed the need for care in assessing and treating serious allegations from single unnamed sources and, in relation to **File on 4**, the need for precision when framing questions, particularly when they relate to allegations about a third party.

Scott Mills, Radio 1, 24 November 2006

Complaint

In the programme's regular "revenge" item, a woman described how she had used a key logger on her computer to discover her unfaithful partner's password and make alterations to his MySpace site. A listener considered that this encouraged illegal activity and facilitated imitation. In the Stage 1 response the programme-makers acknowledged that the item should not have been broadcast, but the listener was not satisfied that all his points had been addressed (particularly the point that no thought had been given to the privacy and dignity of the victim), and argued that the programme should return to the subject in order to make the illegality of such behaviour clear.

Ruling

Although there is little case law in relation to the relevant legislation, it seems likely that the use of the password without permission was illegal, even if the use of a key logger (on what was the woman's own computer) was not. As the information in the item was given for entertainment rather than for a journalistic purpose, the ECU did not see a public interest justification for broadcasting it, and agreed that the item conflicted with the guidelines on the portrayal of such activity. However, this point had been implicitly conceded by the programme-makers' acknowledgement of error. As the item identified the woman only as "Sam" and didn't identify the partner at all, the ECU did not believe it would have added significantly to the impact of the incident on his privacy and dignity. After discussion with the producer of **Scott Mills**, the ECU was satisfied that proper steps had been taken to guard against broadcasting such items in the future, and that it was not necessary to return to the topic on air. The ECU therefore considered that the matter had been resolved.

Resolved

Monkeys, Rats and Me, BBC 2, 27 November 2006

Complaint

Focussing on the work on primates by Professor Tipu Aziz and his colleagues in Oxford and the controversy it has generated, the programme set out to explore the efficacy and ethics of animal experimentation for medical purposes. Shelley Willetts complained on behalf of Europeans for Medical Progress (EMP) that the programme was biased in that claims about the benefits of animal experimentation were allowed to go unchallenged, and that some of the claims were in fact inaccurate. Two other viewers complained in broadly similar terms.

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

Ruling

The programme included strong claims by scientists about the efficacy of animal experimentation which were not challenged. As these claims lay within the range of scientific opinion, the issue they raised was one of balance rather than accuracy. Although the programme-makers had recorded material critical of the scientific case for animal experimentation, they did not use it because their research had led them to conclude that the criticisms were not sufficiently substantial. However, irrespective of the scientific merits of the case against animal experimentation, the area of exploration proposed by the programme was such that a way should have been found to reflect it appropriately. The complaints were upheld to that extent.

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

Further action

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

Newsnight Special – Act of Disunion, BBC2, 16 January 2007

Complaint

Jeremy Paxman began an interview with Alex Salmond, Leader of the SNP, by saying “*we spoke to the 25 largest companies in Britain and the 25 largest companies in Scotland and none of them favoured independence*”. A viewer complained that no details had been given of the poll which presumably gave rise to this statement, and that the statement was in any case misleading.

Ruling

Newsnight had not commissioned a formally-conducted poll or opinion survey, but had conducted its own straw poll of the companies concerned (though putting the same questions as had been used in a survey previously commissioned from the polling organisation ORB). This was an acceptable way of taking a snapshot of business opinion, and there was no requirement to publish further information about the basis on which it had been arrived at. However, the great majority of the companies contacted had declined to express a view on independence, so the results of the exercise didn't warrant the claim that none favoured it, or the implication that the biggest Scottish and British companies were ranged against it.

Further action

The finding has been discussed with the Editor of **Newsnight** and his senior management team, who have been reminded of the importance of clarity and transparency when reporting and describing snapshots and straw polls of opinion on stories and subjects (as distinct from fully-fledged scientific polls or surveys).

Today, Radio 4, 24 January 2007

Complaint

The programme included an interview between James Naughtie and the Archbishop of York, in which James Naughtie said the Roman Catholic Church taught that homosexuality was a sin, and the Archbishop, without dissenting from this statement, went on to make clear that the Anglican Church did not teach that homosexual orientation was in itself sinful. A listener complained that this misrepresented Catholic teaching, which was in fact the same as Anglican teaching on the issue.

Ruling

This was a slip on James Naughtie's part. It is homosexual acts which are sinful according to Catholic teaching, not homosexual orientation, and Anglican teaching does not differ from this in any way material to the complaint.

Further action

The Deputy Editor of **Today** has discussed the points arising from the finding with James Naughtie. The topic will be discussed at the Radio News Editorial Strategy Meeting and a reminder note will be sent to all Radio News Editors.

Top Gear, BBC2, 28 & 31 January 2007

Complaint

This was the edition in which Richard Hammond returned after his accident. Two viewers complained that Jeremy Clarkson's enquiry, "*Are you now a mental?*" perpetuated an offensive stereotype.

Ruling

The welcome for Richard Hammond from his fellow presenters was in the robust and provocative style characteristic of the programme, and generally within the expectations of the audience. However, the "*mental*" reference was an instance of the use of potentially offensive stereotypes for which BBC guidelines require an editorial justification. There was insufficient editorial justification in this case.

Upheld

Further action

The Deputy Chief Creative Officer, BBC Vision, discussed the issues arising from the finding with the Editor of **Top Gear**, underlining the need for sensitivity in relation to potentially offensive stereotypes.

Meet Daisy the cow - global climate's enemy number one, bbc.co.uk, 2 February 2007

Complaint

The complaint was about **Newsnight**'s "Ethical Man" blog by Justin Rowlatt, in which he had named a restaurant where he had recently eaten in the course of his ethical adventures. A reader considered that his high praise for the restaurant amounted to promotion of a commercial enterprise.

Ruling

There was no promotional intention, but nor was there an editorial justification for naming the restaurant in this context.

Further action

The Editor of **Newsnight** has discussed the background to this complaint with his wider programme team, and reminded them that the informality of blogging should not blunt alertness to usual editorial standards. The name of the restaurant has been removed from the blog.

Phil Upton at Breakfast, Radio WM, 28 February 2007

Complaint

The complaint was against the edition of the programme broadcast the morning after the unexpected decision of Dudley Council to turn down a planning application to build a

mosque on a site owned by local Muslims. It covered the story by interviewing one of the promoters of the application and a member of the planning committee which had turned it down. A UKIP Councillor who had played a leading role in the campaign against the application complained that proper balance required an interview with a supporter of the campaign (such as himself); that, in any event, the member of the planning committee had been allocated less time than the supporter of the mosque plan; that references to *“the threat of the far right”* were a slur on UKIP which he should have had an opportunity to answer; and that one of the presenter’s questions included a serious error which required correction on air.

Ruling

As the focus of the coverage was on the council’s decision rather than the controversy which had preceded it, the choice of interviewees was appropriate. The shorter duration of one of the interviews reflected unavoidable operational constraints, and did not lead to imbalance. The *“far right”* reference was framed as a criticism of the council, and in any event there was no reason to think that listeners would have taken it as a reference to UKIP in particular. However, the presenter’s statement (based on a briefing note provided for him) that more people had signed a petition in favour of the mosque than the 20,000 who had petitioned against it was mistaken. There had been no petition in favour of the mosque and, so far as Radio WM are aware, only one written representation in support of it to the council.

Further action

Radio WM broadcast a correction on 13 April, at the same point in the programme as the original error had been broadcast.

Comic Relief Does Fame Academy, BBC1, 10 March 2007

Complaint

A viewer complained that the presenter, Patrick Kielty, had described one of the contestants, who had become emotional while performing a song, as *“a big gayer”*. While accepting that no offence had been intended and that the context was essentially light-hearted, the viewer argued that the derogatory use of a variant of the term *“gay”* without challenge tended to foster the impression that casual homophobia was acceptable.

Ruling

While recognising the light-heartedness of the context and the absence of intent to offend, the Unit saw no editorial consideration which would have justified the use of the potentially offensive phrase.

Further action

Patrick Kielty was immediately told via his earpiece that the term was unacceptable, and the point was underlined by the senior Executive Producer as soon as the broadcast finished. The incident was discussed at Entertainment editorial meetings to ensure that staff working on entertainment programmes were alert to the issues, and at the monthly Editorial Policy Meeting, which representatives of all programme genres attend.

News Bulletins (3.00pm & 4.00pm), Radio Merseyside, 19 March 2007

Complaint

The bulletins reported that the trade union Amicus was taking legal action against Pierhead Housing, a Liverpool-based housing association, claiming that the management of the association had refused to meet the union despite half the company’s workforce asking to be represented by Amicus. Pierhead Housing complained that they had not been given adequate opportunity to respond to this claim, and that their response would have been that

it was inaccurate; Pierhead Housing had never refused to meet Amicus, and had in fact met twice with the union by the time the report was broadcast. Following representations from Pierhead Housing's solicitors, Amicus had removed the claim from its website.

Ruling

The first attempt by the programme-makers to contact Pierhead Housing was at about 2.30pm, when an answerphone message was left which was not picked up until after the 3.00pm broadcast. In the circumstances, this did not amount to an adequate opportunity for Pierhead Housing to respond to a serious allegation against them.

Further action

The editor of Radio Merseyside discussed the finding with the journalists involved, emphasising the need to check facts rigorously and allow due opportunity to respond to allegations before such stories are broadcast. The incident will be used as a case study in discussions with the wider Radio Merseyside team.

Football Focus, BBC1, 24 March 2007

Complaint

A representative of the Muslim Public Affairs Committee UK complained that the reporter in the film broadcast immediately before the England v Israel football match had referred to Jerusalem as the capital of Israel (whereas Israel's claim to sovereignty over Jerusalem is not recognised by the UN and most governments). Although the programme-makers had apologised privately and removed the reference from the programme's website, the matter was one of such sensitivity and concern to the Palestinian people that a broadcast correction and apology was necessary.

Outcome

The reference was a passing one in a context where the focus was on sport, not politics. While recognising the sensitivity of the issue of the status of Jerusalem, the ECU took the view that the programme-makers had taken sufficient action by apologising and rectifying the website.

Resolved

BBC News (6.00pm) BBC1 (date withheld)

Complaint

A viewer complained that his partner had been in shot in one of the reports in the bulletin, and had been recognised in circumstances which gave viewers information the couple had wished to keep confidential.

Ruling

The circumstances were such that the couple had a reasonable expectation of some degree of privacy, even though the filming was conducted in a public place. The programme-makers had no intention of infringing privacy, and had not thought that the shot in question raised a risk of identification. However, there was a moment when the person in shot was briefly illuminated, in a way which allowed recognition.

Further action

The Editor of the 6.00pm **News** and the managers of the correspondent involved in this story have taken their respective production teams through the finding. Staff have been reminded of the extent to which privacy considerations may apply in public and semi-public places, and of the corresponding need for sensitivity in the handling of picture-gathering and picture-selection.

Report of further action

Wales and the Spanish Civil War, BBC1 Wales, 16 July 2006

A finding on a complaint by Mr Noel Rogers about references to his late brother Lance Rogers in this programme was included in the January - March Bulletin. Since the publication of the Bulletin, it has been agreed that BBC Wales will broadcast a clarification and apology.