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Analysis of complaints

From 1 July to 30 September 2007 the Unit reached findings on 63 complaints concerning 61 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) | 7 | 7 |
| Harm to individual/organisation (3 rd party complaint) | 3 | 3 |
| Party political bias | 4 | 4 |
| Other bias | 24 | 22 |
| Factual inaccuracy | 11 | 11 |
| Offence to public taste | 2 | 2 |
| Violence | 1 | 1 |
| Sensitivity and portrayal | 5 | 5 |
| Racism | 1 | 1 |
| Bad example (adults) | 2 | 2 |
| Bad example (children) | 1 | 1 |
| Commercial concerns | 1 | 1 |
| Other | 1 | 1 |
| Total | 63 | 61 |

In the period 1 July - 30 September, 19 complaints were upheld (15 of them partly) - 30% of the total. Of the items investigated in the April - June quarter, complaints were upheld against 17 items (28% of the total). A further 4 complaints (about 4 items) were resolved. This report contains summaries of the findings in those cases (with the exception of findings on a complaint about a broadcast and related news and online coverage, the last of which was not reached until the October-November quarter, and an unrelated finding where appropriate further action has not yet been decided upon, which will be reported in the next bulletin).

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 (11 in this quarter) which require longer or more complex investigation. During the period 1 July - 30 September, 60.5% of replies were sent within their target time.

Summaries of upheld complaints

Guinea Pig Kids, BBC2, 30 November 2004 and related websites

Complaint

The Director of Planning and Policy Research of the New York-based Center for HIV Law and Policy, supported by several academics and other agencies involved in HIV research and treatment, complained that the programme unfairly claimed that New York City's Administration for Children's Services, together with a number of medical and child care institutions, "*effectively conspired to force helpless children of colour into inappropriate and sinister 'experiments' when in fact they made life saving drugs already approved for adults available to children living with HIV/AIDS who were in the foster care system*", that it gave a misleading impression of the effects of anti-HIV medication, and that it falsely claimed that

“denying medication to children with AIDS will improve their health while appropriate treatment will kill them”.

Ruling

The programme explored legitimate concerns about a research project involving the testing of anti-HIV drugs on children in the care system, where (it had emerged) there had been a failure in some cases to provide independent advocacy as required by the research protocols. However, the programme portrayed this failure as being the more serious because the drugs being trialled were, it claimed, both “lethal” and ineffective. In support of these claims, the programme interviewed an expert witness who was, though the audience was not told, a leading advocate of the propositions that HIV is unconnected with AIDS, that anti-retroviral drugs do not work in the treatment of AIDS and that they are, in fact, responsible for deaths attributed to AIDS. The audience was not told that his was a minority and controversial view which would be challenged by mainstream medical opinion. No other medical opinion was heard on this subject.

The programme also gave the false impression that parents or carers who objected to their children being placed in the trials risked losing custody of their children. In fact, the three case studies which created this impression did not involve children connected with the trials. Though there was no explicit claim that *“denying medication to children with AIDS will improve their health while appropriate treatment will kill them”*, the treatment of case studies in the programme contributed to that impression.

Party upheld

Further action

A correction will be published on bbc.co.uk, as part of the pages on which the material complained of appears, with a link to this summary. In addition, the ECU will contact other websites featuring the material in order to draw their attention to its ruling. The management of BBC News is addressing the issues arising from the ruling for the commissioning and supervision of independent productions of this kind.

News (10.00pm), BBC1, 18 April 2006

Complaint

A viewer complained about references to the Greenpeace report, “Chernobyl Catastrophe Consequences on Human Health” in a **Newsnight** item and in news bulletins in *“the lead-up”* to the item. By quoting the report’s estimate of about 100,000 excess deaths attributable to Chernobyl without appropriate qualification, the BBC had given credence to a highly tendentious figure from a campaigning organisation with a dubious record in the presentation of evidence.

Ruling

There was no **Newsnight** item matching the description. However, the 6.00pm and 10.00pm bulletins on BBC1 included packages linked to the 20th anniversary of the Chernobyl explosion which alluded to the Greenpeace report. There was nothing in the body of the packages or in the studio introduction to the package in the 6.00pm bulletin which would have led viewers to give undue credence to the Greenpeace estimate, but the studio introduction in the 10.00pm bulletin didn’t make it sufficiently clear that the figure came from a campaigning source.

Party upheld

Further action

The Editor of the bulletin reminded the programme team of the need to ensure that claims by campaigning organisations are clearly identified as such.

Points West, BBC1 (West), 29 January 2007

Complaint

A viewer complained that, in an item on a case of alleged bullying at Bulford Army Camp, the reporter had gratuitously introduced criticism of the Government which, reinforced by an interview with a Conservative MP, resulted in anti-Government bias.

Ruling

The concerns which had arisen in relation to Bulford Camp were not isolated ones, and it was legitimate, particularly in a region where the army is prominent, to broaden the story to include questions of army morale and the effect on it of the Government's actions. It was also legitimate to include an interview with the MP in question, who had served in the army and whose answers largely reflected his military experience rather than his political affiliation. However, the premises of the presenter's questions, together with the opportunity offered to an opposition MP to criticise the Government in a controversial area without challenge resulted in a degree of bias.

Party upheld

Further action

The Editor of **Points West** discussed the issues arising from the finding with the reporter concerned.

Look North, BBC1 (North East) & Drivetime, Radio Newcastle, 3 April 2007

Complaint

Sunderland Housing Group (which has since changed its name to Gentoo Group Ltd) a Registered Social Landlord (RSL) which manages what was the Sunderland Council housing stock, complained that reports in these two programmes, which dealt with a proposed restructuring of the organisation, gave a wrong impression that the Group and its executive were taking a controlling share in the board which would enable it to put up rents and sell housing stock; that the Group was facing massive tax problems; that a consultative exercise conducted amongst its tenants was inadequate; that the wording used in the reports showed bias against the Group; that the outcome of an application for judicial review by tenants had been inaccurately reported; and that the Group had not been afforded a proper right of reply.

Ruling

The proposed restructuring of Sunderland Housing Group was complex, involving the transfer of stock from four of its subsidiary companies to a fifth which would become the RSL. To avoid a tax liability of several million pounds, voting rights were to be amended temporarily to demonstrate that the parent company had control over the subsidiaries, which would then be wound up. The broadcast items, however, failed to make clear that this was not a permanent arrangement, which would have conferred upon the board and the executive the power to raise rents and sell off stock. In fact, none of this was the case. The items also misconstrued the tax liability which might arise if these arrangements were not put in place within the current financial year as a pending "*massive tax bill*" which would lead to redundancies. Prior to broadcast, moreover, the programmes had failed to put a number of the substantive allegations to Sunderland Housing Group. Had they done so, it is likely that these mistakes would have been corrected. These points of complaint were upheld. Further complaints concerning biased language and the way that a consultative exercise and an application for judicial review by tenants were reported were not upheld.

Party upheld

Further action

The issues arising from the finding have been discussed with the programme-makers concerned, with a view to not repeating the errors in future reports. The items complained of will not be re-transmitted, and an appropriate correction will be broadcast.

Scotland Live, Radio Scotland, 2 May 2007

Complaint

The programme, on the eve of the Scottish local and Parliamentary elections, included an item intended to reflect the experiences of activists from the main parties during the campaign in Dundee. Fraser Macpherson, a Liberal Democrat Councillor, complained that interviews with himself and one of his Council colleagues were dropped from the item, on the grounds that the item had not intended to include candidates for the Council (the parties having been informed beforehand that Parliamentary candidates were to be excluded, but not that Councillors too were ineligible). This resulted in no Liberal Democrat representation in the item - a fault compounded by the inclusion of a Conservative interviewee who was in fact a Councillor. In response to his original complaint, the Editor of Scotland Live acknowledged that the programme team had failed to make clear to the parties that candidates for both the Council and the Scottish Parliament were to be excluded from the item, and to identify one of the Conservative interviewees as a Council candidate. However, Cllr Macpherson remained concerned about the possibility of a recurrence and the absence of a follow-up broadcast designed to correct the imbalance.

Ruling

The item was faulty in the ways described by Cllr Macpherson, leading to serious imbalance. As the outcome of the elections in Dundee gave no editorial occasion for revisiting the topic, the Unit accepted the Editor's view that a follow-up broadcast would not have been appropriate. However, its investigation established that steps had been taken to guard against a recurrence, though Cllr Macpherson had not been made aware of them at the time. In view of these steps and the Editor's acknowledgement of fault, the Unit considered the complaint to have been resolved.

Resolved

Garage biofuel pumps called for, news.bbc.co.uk, 3 May 2007

Complaint

A visitor to the page complained that the item suggested that environmental groups enthusiastically supported the increased use of biofuels, when in fact the leading groups had serious concerns about the environmental impact of biofuel production.

Ruling

The item alluded to the renewable energy targets agreed by EU leaders in March, which it said had been "*met with jubilation from environmental groups*". While there may have been an overall welcome for the EU targets, the statement was in a context where the strong implication was of enthusiasm for the biofuels element of the EU package. In fact, leading environmental groups have expressed concerns that a move to increased production of biofuels could have a negative environmental impact.

Upheld

Further action

The item was altered to reflect the fact that many environmental groups have reservations about biofuels.

Israelis from Iraq remember Babylon, news.bbc.co.uk, 7 May 2007

Complaint

A visitor to the page, which included first-hand accounts of their upbringing in Iraq by two Israelis, complained that the item gave the misleading impression that Iraqi Jews had not experienced difficulties until around the time of the creation of the State of Israel, and that the selection of two such testimonies indicated bias.

Ruling

In the context of the range of coverage of Israel and the Middle East, it was legitimate, and not indicative of bias, to include the recollections of two people whose childhood experience as Jews in Iraq had been benign. However, the item did give the impression complained of. As there had been concerted, often government-backed pressure on Iraq's Jewish community well before the creation of Israel, the impression was a misleading one.

Partly upheld

Further action

The item was altered to correct the misleading impression.

Richard Bacon, Radio Five Live, 7 May 2007

Complaint

The programme included a phone-in, arising out of the disappearance of Madeleine McCann, in which participants gave their views of the circumstances in which it was justifiable to leave children unattended. A listener complained that the choice of topic was irresponsible, and that it had been handled in a biased way.

Ruling

The topic was legitimate, though clearly a delicate one in the circumstances. The programme-makers sought to show due sensitivity to the feelings of the McCann family, but this resulted in callers who were critical of Madeleine's parents being treated differently from those who regarded their decision to leave her unattended as reasonable in the circumstances.

Party upheld

Further action

A note on the issues arising from the finding was sent to all Editors to pass on to programme teams, and the issues will be discussed at the News Programme Management Meeting.

PM, Radio 4, 8 May 2007

Complaint

A listener complained that the introduction to an item arising out of the unusual number of invalid votes in the Scottish Parliamentary elections give a misleading impression of the issues around the use of a single ballot paper for both the regional and the constituency elements of the election.

Ruling

The introduction said there had been warnings that the type of ballot paper which was chosen "*was more likely to lead to errors that would invalidate a ballot*". This claim, on which much of what followed was premised (and which was reinforced by a subsequent - and incorrect - statement that the Scottish Secretary had confirmed it), was directly attributed to The Scotsman. In fact, this characterisation of the research in question was inaccurate. Its author explained to the Unit that, given the sample size and caveats entered about the effect

of the research situation on the level of mistakes, it would not be accurate to regard this as a “warning” that one kind of ballot paper was significantly more likely to lead to mistakes than another as The Scotsman had suggested.

Upheld

Further action

The management of BBC Radio News discussed the issues arising from the finding with the programme team.

News (10.00pm), BBC1, 18 May 2007

Complaint

A viewer complained that the lead item, about the Commons vote on the proposal to exempt Parliament from provisions of the Freedom of Information Act, displayed bias.

Ruling

Independently of the ECU investigation, News management had discussed this item, and agreed that it did not meet the BBC’s standards of impartiality. They accepted that the tone of the lead-in, the report itself and the two-way between the presenter and the reporter should have been more measured in the reporting of the debate, and that greater efforts should have been made to explain the reasoning behind the proposal.

Upheld

Further action

The Editor of the bulletin briefed presenters, producers and reporters on the need for a co-ordinated approach to ensure impartiality.

Panorama: Wi-fi: a Warning Signal, BBC1, 21 May 2007

Complaint

The programme explored the question of whether the development of wi-fi in schools and city centres posed a risk to health. Two viewers complained that the programme gave an unbalanced impression of the state of scientific opinion on the issue (thus exaggerating the grounds for concern), that it wrongly suggested wi-fi installations give off a higher level of radiation than mobile phone masts, and that an experiment designed to test whether certain people were hypersensitive to such radiation had been misleadingly presented. In addition, Professor Michael Repacholi, a scientist who had appeared in the programme, complained that the scientific issues had been presented in an unbalanced way and that the treatment of his own contribution to the programme was unfair to him.

Ruling

The programme reflected concerns about wi-fi which had been expressed by Sir William Stewart, Chairman of the Health Protection Agency, and it was legitimate to focus on questions raised by an eminent scientist with particular responsibility for public health issues. The programme made clear that its measurements of wi-fi and mobile phone mast radiation were taken at the points where schoolchildren were likely to be exposed to the respective signals, thus avoiding the false impression that the level of radiation from wi-fi was higher at source, and the results to date of the experiment on “electro-sensitivity” were correctly represented as inconclusive. However, the programme included only one contributor (Prof Repacholi) who disagreed with Sir William, compared with three scientists and a number of other speakers (one of whom was introduced as a former cancer specialist) who seconded his concerns. This gave a misleading impression of the state of scientific opinion on the issue. In addition, Prof Repacholi’s contribution was presented in a context which suggested to viewers that his scientific independence was in question, whereas the other scientists

were presented uncritically. This reinforced the misleading impression, and was unfair to Prof Repacholi.

Partly upheld

Further action

The Executive Editor/Commissioning Editor for TV Current Affairs discussed the finding, and the need to reflect the weight of scientific opinion effectively, with the **Panorama** team. The team is also planning a special session to explore issues of balance and fair dealing with contributors in relation to scientific and medical topics. The finding against this edition of **Panorama** will be marked on the programme website in the appropriate place.

NewsWatch, BBC1, 25 May 2007

Complaint

A viewer complained that an item about the edition of **Panorama** subtitled **Wi-Fi: a Warning Signal** (which explored concerns about the possible impact of wi-fi signals on health) included unfair and misleading criticisms of the programme. In particular, he cited the suggestion that the credibility of a Swedish scientist who contributed to the programme had been impugned by other Swedish scientists, the statement that it was not until 23 minutes into the programme that an alternative view was given, (whereas the programme had already made clear that the World Health Organisation and the UK Government believed wi-fi signals at current levels were safe), and the misleading idea that the programme's comparison of signal strengths from a wi-fi installation and a mobile phone mast had not been on a like-for-like basis.

Ruling

The purpose of **NewsWatch** is to put viewer's criticisms of BBC News programmes to those responsible for them (in this instance, the reporter Paul Kenyon). A number of viewers had raised doubts about the programme's comparison of relative signal strength, and, although these doubts were based on a confusion, it was right to put them to Paul Kenyon and give him the opportunity of explaining the basis on which the comparison was made. The "23 minutes" statement was true, in the sense that it was at that stage in the programme that a speaker propounding an alternative view was first heard, and Paul Kenyon's response made the point that the position of the Government and the WHO had already been made clear. However, the statement, put to Paul Kenyon by the presenter, that Professor Olle Johansson had been voted "Misleader of the Year" in 2004 by 1600 Swedish scientists rested on information which had emerged late in the production process, and the presenter's paraphrase did not reflect it accurately. The title had been awarded by the Swedish Sceptics Association, whose membership is not confined to scientists, and the award is decided by a committee of the Association on the basis of nominations by members, not by ballot of the membership. To that extent, the item was misleading and unfair to **Panorama**.

Partly upheld

Further action

The **NewsWatch** production team have discussed the use of source material and agreed that, where its provenance needs to be further explained, this should be done clearly and accurately.

Drive, Radio 5 Live, 12 June 2007

Complaint

The Legal and Regulatory Advisor of Sky complained that a statement that Sky News had "*more inaccuracies*" than BBC News 24, made by the presenter in the course of an interview with Sir Gerald Kaufman, was in breach of the standards of accuracy, fairness and

impartiality set out in the BBC's Editorial Guidelines. The presenter had adduced no evidence for his statement, whereas the guidelines on accuracy require BBC output to be "based on sound evidence" and avoid "unfounded speculation"; Sky News had not been given the right of reply required by the guidelines on fairness in cases where individuals or organisations were the subject of allegations; and the statement in question, together with a later statement of preference for BBC News over Sky News, showed bias towards the BBC, contrary to the guidelines on impartiality. In earlier correspondence, the producer of the programme had offered an apology for what he acknowledged was an inappropriate comparison, but had not accepted that there had been unfairness or partiality. The complainant maintained that the breach of standards was serious enough to warrant a written and on-air apology acknowledging inaccurate, unfair and partial treatment of Sky News.

Ruling

The presenter's remarks were in response to Sir Gerald's observation that the only coverage of Parliament he could rely on was that of Sky News. Though it was unfortunate that the presenter chose to make a comparison between Sky News and a BBC service, the manner of his response was appropriate in the context of an interview with a guest who was making his points with characteristic forcefulness, and the Unit found no breach of due impartiality. On the issue of accuracy, the Unit noted that, although the presenter had offered no evidence in support of his remarks, they represented a journalistic judgement by an experienced news professional, and so could not be described as "unfounded speculation"; and, in the absence of any evidence that his judgement had been incorrect, the Unit was unable to reach a finding of inaccuracy. On the issue of unfairness to Sky, the Unit noted that, although Sir Gerald had responded with further praise for Sky News, he was not speaking as a representative of Sky, and his comments were not addressed to the issue of its relative accuracy. To the extent that a specific criticism of Sky News was made in circumstances where there was no practical possibility of a response on Sky's behalf, there was an element of unfairness to Sky. However, as this occurred during a passing exchange in which Sky News had been warmly commended by Sir Gerald, a broadcast apology would have been disproportionate to the offence and any impact it might have had on listeners' perceptions of Sky News.

Resolved

When is a gun not a gun?, news.bbc.co.uk, 29 June 2007

Complaint

For a short time, an item on the trial of a dealer in antique guns reported that he had been found guilty on a charge of selling weapons which had been used in at least 14 gang-related shootings, including three murders. In fact, he had been found innocent, and the item was corrected when the error was noticed. The complainant maintained that, as well as acknowledging the error in correspondence, the BBC should acknowledge it publicly.

Ruling

Two versions of the item had been prepared, in anticipation of each possible verdict, and the wrong one had been erroneously posed. Although it had remained uncorrected only for a short time, the ECU took the view that the error was of the kind to which the following guideline applied: "*We should normally acknowledge serious factual errors and correct mistakes quickly and clearly. Inaccuracy may lead to a complaint of unfairness. An effective way of correcting a mistake is saying what was wrong as well as putting it right.*"

Upheld

Further action

A link directing readers to this finding will be added to the item.

Newsnight, BBC2, 19 July 2007

Complaint

A viewer complained that Tony Blair was described as “*relieved*” by the ending of the cash-for-honours investigation. This implied that he was guilty and had been facing the prospect of punishment.

Ruling

The intention had been to convey the idea that Mr Blair was relieved by the ending of the investigation, and there are contexts where “*relieved*” might be used in a metaphorical sense to convey that meaning. However, it was inappropriate in the context of what had been a criminal inquiry.

Upheld

Further action

The programme team discussed the importance of using careful, accurate and unemotive language in scripting.

Morning Extra, Radio Scotland, 14 August 2007

Complaint

A listener complained that the presenter of this topical phone-in had given the impression that opinion polls suggested the SNP’s plan for a referendum on independence (which was to be formally launched later that morning) was supported by only about a third of Scots, whereas the true figure was much higher.

Ruling

The particular opinion poll in question, published on 10 August, showed 31% support for the idea of independence. In an interjection during the first call in the programme, the presenter alluded to this figure in a way which suggested that it represented the level of support for the proposal to hold a referendum on the matter (whereas such recent survey work as has been carried out suggests that the level of support for the proposed referendum is substantially higher than 31%). The erroneous impression was then reinforced by the caller, and nothing later in the programme served to correct it.

Upheld

Further action

The Editor of **Morning Extra** discussed the finding with the presenter and stressed the need for accuracy when commenting on opinion poll findings.

SNP outlines independence plans, news.bbc.co.uk, 14 August 2007

Complaint

The listener who complained about **Morning Extra** also complained about the online report on the launch of the SNP’s referendum White Paper which, in its original form, included a video link whose title, in juxtaposition with the text of the item, conveyed the same misleading impression that only a third of Scots supported the referendum plan.

Ruling

The item, first posted shortly before the launch, was written in Scotland, but the video link was independently added by the News Interactive Audio-Video team in London. The original headline of the item was “*Independence paper to be unveiled*”, and the first paragraph, in bold type, said “*Scotland’s SNP government is to set out plans for a referendum on independence, despite opposition from other main political parties*”. To the right of this was

a video link with the words *"Poll suggests only a third of Scots support plan"*. As the poll in question included no published figure for support for the plan to have a referendum, the juxtaposition was misleading in the sense complained of. However, it was only a matter of hours before the link was superseded by a link to footage from the launch itself, so the misleading impression did not persist.

Resolved