

October to December 2004
Issued February 2005

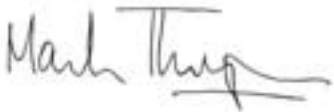


Programme Complaints

Report by the Director-General

Our new procedures for handling complaints across the BBC came into operation on 1 February, so this will be the last Bulletin which records a full quarter's work by the Programme Complaints Unit. There's a change of name – to the Editorial Complaints Unit, reflecting a somewhat wider remit – and a significant change in the way it fits into the overall picture. In future, it will only investigate complaints from people who are dissatisfied with the responses they have received from elsewhere in the BBC. This is because the emphasis of the new procedures is on establishing a high standard of complaint-handling across the board, and ensuring that as many complaints as possible are resolved at an early stage.

Of course there will always be cases where people are dissatisfied with the BBC's initial response, and the aim then is to give them the opportunity of independent investigation by the Editorial Complaints Unit – and it will be genuinely independent, because we have removed the requirement for the Unit to seek agreement from the management of the programme division before finalising a decision to uphold a complaint. Cases already in the system will be processed according to the old rules, but the Unit's view on the cases which reach it after 1 February will be final, subject only to appeal to the Governors.

A handwritten signature in black ink, appearing to read 'Mark Thompson', with a stylized flourish at the end.

Mark Thompson
Director-General

Analysis of complaints and findings

From 1 October to 31 December 2004 the Unit dealt with 498 complaints concerning 243 items (normally individual programmes, trailers, Ceefax entries or online entries, but in some instances a series as a whole). Topics of complaint were as follows:

Table 1
Topics of complaint

	No. of complaints		No. of items	
<i>Matters of fairness and accuracy</i>				
Unfair treatment of the complainant	12	(2.5%)	12	(5%)
Infringement of the complainant's privacy	1	(<1%)	1	(<1%)
Harm to individuals/organisations featured in programmes	23	(4.5%)	14	(6%)
Party political bias	11	(2%)	8	(3.5%)
Other bias	199	(40%)	72	(29.5%)
Factual inaccuracy	24	(5%)	24	(10%)
<i>Matters of taste and standards</i>				
Poor taste	104	(21%)	26	(10.5%)
Bad language	11	(2%)	10	(4%)
Sexual conduct	4	(<1%)	4	(1.5%)
Violence	8	(1.5%)	6	(2.5%)
Racism	8	(1.5%)	7	(3%)
Sexism	1	(<1%)	1	(<1%)
Sensitivity and portrayal	28	(5.5%)	21	(8.5%)
Intrusiveness	2	(<1%)	2	(<1%)
Offence to religious feeling	41	(8%)	16	(6.5%)
Bad example	8	(1.5%)	6	(2.5%)
Standards of interviewing/presentation	6	(1%)	6	(2.5%)
Commercial concerns	1	(<1%)	1	(<1%)
Other matters	6	(1%)	6	(2.5%)
Total	498		243	

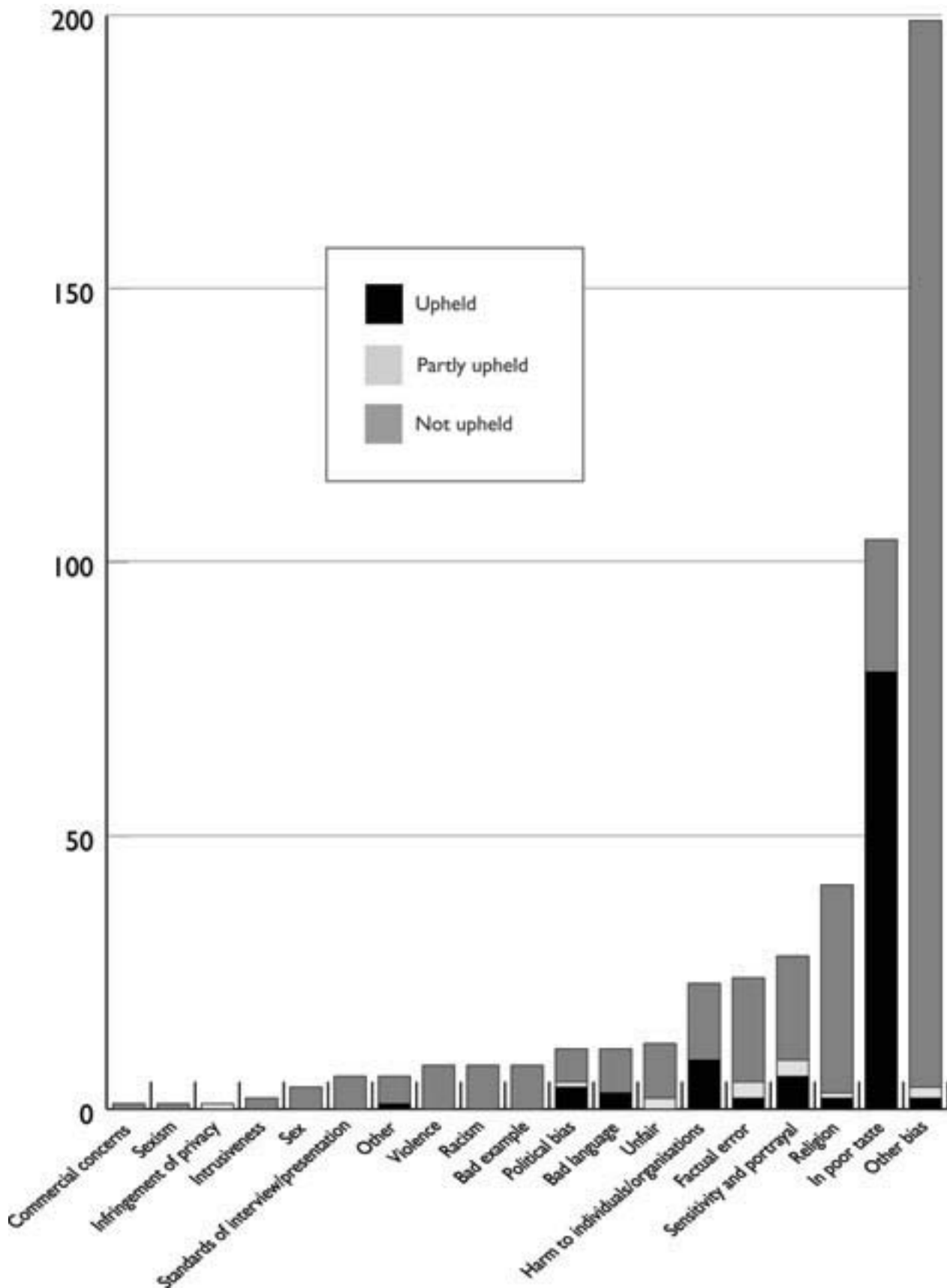
The number of complaints arising from different types of programme (classified by broad categories) was as follows:

Table 2
Complaint by programme type

Factual programmes	185	(37%)
News and current affairs	135	(27%)
Fiction and drama	13	(2.5%)
Entertainment programmes	142	(28.5%)
Sport	13	(2.5%)
Religion	3	(<1%)
Other	7	(1.5%)

In the period 1 October–31 December, 122 complaints were upheld (13 of them partly) – 24.5% of the total. Of the items investigated in the October–December quarter, complaints were upheld against 31 items (13% of the total). This report contains summaries of the findings in those cases.

Graph 1
Complaints upheld and partially upheld by topic



Summary of complaints upheld

This is a record of all cases where investigations were completed between 1 October and 31 December 2004, and where any aspect of the complaint was upheld. The extent to which the complaint was upheld is indicated in each summary. In all instances the complainant received a letter of appropriate acknowledgement or apology on behalf of the BBC.

Matters of fairness and accuracy

Unfair treatment of the complainant

Rony Robinson

BBC Radio Sheffield, 27 June 2004

The complaint

A contributor to this discussion programme complained that insufficient care had been taken in the preparation of the programme and this had led to disparaging remarks being made by the presenter about both her husband and herself.

Finding

A detailed discussion had taken place between the producer and contributor and a thorough briefing had been prepared. However, a disparaging remark about the complainant's husband and the tone in which the complainant had been questioned about having a child out of wedlock had been inappropriate.

Further action

The management of the station discussed the issues arising from the finding with the producer and presenter concerned.

Today

BBC Radio 4, 5 August 2004

The complaint

The Managing Editor of the *Daily Mail* complained about an item on the late Dr John Hughes-Games, whose posthumous provision for window-cleaning at the hospital where he died had attracted press attention. In an interview with Ed Stourton, Mrs Hughes-Games made clear that her husband had acted out of a sense of gratitude to the NHS, and Ed Stourton went on to contrast this with the impression given by some of the newspapers, singling out the *Daily Mail*. He had then misquoted the paper's headline in a way which portrayed it as having wilfully and callously misinterpreted a dying man's last wishes, and invited Mrs Hughes-Games to refute this misinterpretation. This had given an unfair and damaging impression of the *Daily Mail*, and in subsequent correspondence the programme had apologised for the misquotation; but it refused to broadcast a correction.

Finding

The *Daily Mail* had headlined its front-page story "To the shame of the NHS, mourners will pay to wash off SEVEN YEARS' grime and let the sunshine into cancer ward", and Ed Stourton had misquoted the first

phrase as “To shame the NHS”. As this form of words imputed a motive to Dr Hughes-Games which was nowhere explicitly attributed to him by the *Daily Mail*, the inaccuracy and what flowed from it resulted in a degree of unfairness. However, the terms of the paper’s coverage were such that readers might well have formed the impression that the motive had been to shame the NHS, and there was little or nothing to make clear that the imputation of shame for the NHS was simply the paper’s own interpretation of events. The impression *Today* gave of the paper’s treatment of the story was therefore not so different from the reality as to warrant a broadcast correction.

Further action

Independently of the Unit’s investigation, the programme makers apologised to the *Daily Mail* for the error.

Infringement of the complainant’s privacy

Nurseries Undercover – the Real Story

BBC One, 12 August 2004

The complaint

A parent complained that her children had been identifiable despite an assurance that their identities would be obscured, in a programme which had portrayed their nursery in the worst possible light.

Finding

The programme had reported the findings of an undercover reporter who had filmed secretly at the nursery and had found some cause for concern. The commentary made clear that the reporter had also seen examples of good care at the nursery, so it could not be said that it had been portrayed in an entirely negative way. However, the programme team’s assurance (given before transmission) that the identity of the complainant’s children would be obscured had not been implemented effectively enough, and their faces were fleetingly visible.

Further action

The Executive Editor emphasised to the production team the need to ensure that, where anonymity has been guaranteed, identities are properly obscured.

Harm to individuals/organisations featured in programmes

Campbeltown

BBC Two, 31 August 2004

The complaint

Nine viewers complained that the programme gave an unfair and misleading impression of the town and its young inhabitants.

Finding

The intention of the producer of the programme had been to shed light on the lives, attitudes and concerns of a group of teenagers in a small and somewhat remote town, and the fact that the location was

Campbeltown was incidental to this purpose. However, because of the way the programme was titled, publicised and introduced, viewers would have seen it as a portrait of the town itself, and there were lines of commentary in the programme which furthered that impression. Viewers who saw it in that light would have received an unduly negative impression of Campbeltown.

Further action

There are no plans to repeat the programme. The implications of the finding will be considered with programme executives and commissioners during production of any similar programmes in the future, with particular regard to how the programme is titled and marketed both on and off air.

Party political bias

Look East

BBC One (East), 23 June 2004

The complaint

A viewer complained that a report on people going abroad for medical treatment gave a misleading impression by ignoring recent improvements in the NHS, and that it suggested that the number of those seeking private treatment was rising rapidly, when in fact it was falling. In doing so, it merely followed the agenda of the Conservative Party's health proposals which had been launched that day.

Finding

The item had been scheduled for transmission before the Conservative Party's launch plan was known, so there was no question of being led by the Conservatives' agenda. As it was about people seeking private treatment abroad in preference to private or NHS treatment in the UK, there was no implication that demand for private treatment in the UK was increasing, and no occasion to deal with general trends in the NHS. However, the programme's headlines described the item in terms which suggested that dissatisfaction with NHS waiting lists was driving increasing numbers of people to seek operations abroad, which went beyond what could be substantiated from the available data, and an interviewee in the item expressed a view on health policy which (though legitimate) tended towards the Conservative position. These factors introduced an element of imbalance.

Further action

The Editor discussed the issues arising from the finding with the producer and reporter concerned.

Today

BBC Radio 4, 28 October 2004

The complaint

Four listeners complained that a discussion prompted by the withdrawal of Mr Robert Kilroy-Silk from the UKIP group of Euro MPs was unbalanced because both participants were hostile to the party.

Finding

The participants had been invited in the expectation that one of them would be broadly supportive of UKIP, but the expectation was misplaced, and the resulting discussion was seriously lacking in balance.

Further action

Independently of the Unit's investigation, *Today* invited a representative of UKIP to take part in the following day's programme.

Other bias

Royal Millions

BBC One, 5 May 2004

The complaint

A viewer complained the programme ridiculed Britain's Head of State and was biased and misleading.

Finding

The programme dealt with a topic of legitimate public interest – the extent of the Queen's and Prince Charles' possessions, which of them they own personally, and which they hold in trust for the nation. Its tone was irreverent, but not mocking, and it largely steered clear of the controversial issues associated with the topic. However, one contributor's analysis of the constitutional implications arising from his estimates of the Royal Family's private wealth took the programme into the area of controversy, and resulted in an element of imbalance.

Further action

The issues raised by the complaint were discussed with the programme team.

Royal Lancashire Show

BBC Radio Lancashire, 28 July 2004

The complaint

A listener complained that undue attention had been given to the Countryside Alliance stand at the show, and that a guest on the programme had been allowed to express a pro-hunting viewpoint without any balancing contributions.

Finding

In view of the nature of the occasion, the attention given to the Countryside Alliance was not excessive, and the invitation to the guest to put the case for hunting had been intended simply as a stimulus for listeners to phone in with their own views. However, no one phoned to express a contrary view, and the presenter did not do enough to balance what the guest had said.

Further action

The presenter and producer of the programme have been reminded of the need to consider how balance may be maintained in a phone-in if there are no calls expressing viewpoints different from that of the guest.

News (12noon)

BBC Radio 4, 17 October 2004

The complaint

A listener complained about the phrase “illegal asylum seekers” in a report on immigration. It was incorrect (as asylum seekers were, by definition, not illegal) and stigmatising to a vulnerable group.

Finding

The reporter had intended to refer to illegal immigrants, but said “illegal asylum seekers” in an uncharacteristic slip.

Further action

The Editor spoke to the reporter concerned and reminded all editorial staff of the need to be constantly vigilant against mistakes by reporters.

Jonathan Ross

BBC Radio 2, 18 September 2004

The complaint

A viewer complained of bias against fox-hunting.

Finding

Most of the exchanges on the topic between Jonathan Ross and his co-presenter went no further than the kind of banter and fanciful humour which is the programme’s stock in trade. At certain points, however, they appeared to be expressing a definite view on one side of the controversy.

Further action

The co-presenter has been asked to reacquaint himself with the BBC Producers’ Guidelines on impartiality, and Jonathan Ross has been alerted to the risks of asking questions which invite personal opinions on controversial topics.

Factual inaccuracy

Who are Hamas?

bbc.co.uk, 18 April 2004

The complaint

A visitor to the website complained that the article used the term “Palestinian territories”, whereas the final status of the West Bank and the Gaza Strip had not been resolved; that it said most of historic Palestine had been contained within Israel’s border since 1948, whereas most of historic Palestine was in the Arab kingdom of Jordan; that it illegitimately distinguished between Hamas’ short-term aim of securing Israeli withdrawal from Gaza and the West Bank and its long-term aim of eliminating the State of Israel; that it misleadingly equated the deliberate targeting of civilians by Hamas with the unintended civilian casualties of Israeli security measures; and that it wrongly implied Hamas had regularly been willing to suspend attacks in

favour of Palestinian diplomacy and these suspensions had often come to an end because Israeli forces had attacked Hamas activists.

Finding

In the context of this article, the description “Palestinian territories” was appropriate. Most of the former British Mandate of Palestine is now contained in the Arab kingdom of Jordan, but the territories of the Mandate is only one possible sense of the term “historic Palestine”. The distinction between Hamas’ short-term and long-term aims was legitimate, and there was no implication that accidental and deliberately inflicted civilian casualties were morally equivalent. However, the suggestion that Hamas cease-fires had “often” ended as a result of action by Israeli forces went somewhat beyond what the known facts warranted.

Further action

The wording of the article was changed in the light of the finding.

BBC News (6pm)

BBC One, 24 April 2004

The complaint

During a report on the use of mobile phones by children, the reporter said there was no evidence that mobile phones damaged health. A viewer complained that this did not represent the situation accurately.

Finding

In view of recent and continuing research, it would have been more accurate to say there was no **conclusive** evidence of damage to health.

Further action

All reporters will be made aware of the National Radiological Safety Board’s advice on the use of mobile phones.

News report

BBC News 24, 27 June 2004

The complaint

A viewer of this report on a survey of attitudes to pesticide residues in food contested the statement that chemical pesticides are banished from organic farms.

Finding

Because the Soil Association allows the use of a very limited number of simple chemical pesticide compounds, the statement should have been qualified in some way.

Further action

Journalists likely to report on such topics had their attention drawn to the relevant pages on the Soil Association website.

Red Runs the Vistula

BBC Radio 4, 4 September 2004

The complaint

Mr Peter Batty complained that the programme, which used soundtrack from his film *The Battle for Warsaw*, falsely and damagingly described it as being commissioned by “a group of Polish political lobbyists”, whereas it was the independent work of Peter Batty Productions Limited. Though the programme makers had acknowledged the error, the subsequent attempts at on-air correction had not been satisfactory.

Finding

Because of a confusion with another film, the programme incorrectly said *The Battle for Warsaw* had been commissioned by “the anti-communist Polish émigré authorities in London in 1975”. This was a serious inaccuracy. The programme makers undertook to broadcast a correction in terms agreed with Mr Batty, but because of a further confusion a version which he had not approved, and to which he took exception, was broadcast instead. There was then a second broadcast correction. However, despite the mistake over the first correction and Mr Batty’s continuing dissatisfaction with the way the matter had been handled, there was nothing in the corrections themselves which constituted a breach of editorial standards.

Further action

The Unit took the view that the programme makers’ acknowledgement of error and the subsequent corrections, taken together, represented sufficient action.

Reporting Scotland

BBC One (Scotland), 24 September 2004

The complaint

The Lord Advocate had appealed against the decision of a lower court to jail a paedophile for five years. According to the complainant, the programme’s coverage of the decision to increase the sentence to eight years omitted the court’s criticism of the media coverage of the case, and reported the facts both sensationally and inaccurately.

Finding

The item was not sensational and had included references to the court’s criticism of the press (there having been no criticism of other media). It did not mention some graphic details that had been incorrectly reported elsewhere. However, it did repeat the claim that the child concerned was 15 months old at the time of the offence, even though the court heard evidence from a doctor that she was between three and four.

Further action

The management of BBC Scotland News discussed the finding with the reporter concerned and emphasised the need for complete accuracy.

Matters of taste and standards

Poor taste

Material between programmes

CBBC, 6 August 2004

The complaint

A viewer complained about presenters Dick and Dom apparently imitating “flashers” and then appearing almost naked while promoting the return of their weekend series on the channel.

Finding

The behaviour went beyond the kind of unplanned tomfoolery which had been anticipated, and beyond what was appropriate in this context.

Further action

Independently of the Unit’s investigation, the management of CBBC made clear to the presenters and programme team that acceptable limits had been exceeded, and that any elements of improvisation must remain appropriate to the target audience.

Jeremy Hardy Speaks to the Nation

BBC Radio 4, 9 September 2004

The complaint

A large number of people complained that Jeremy Hardy, in the course of one of his comic monologues, suggested shooting BNP voters in the back of the head, and that this was inappropriate.

Finding

Jeremy Hardy was seeking to satirise those on the left who, as he put it, “always have to be positive about humankind and it’s just so tiresome”. However, the singling out of a particular group as a target for the violent alternative he humorously proposed was inappropriate.

Further action

The Commissioning Editor for Radio 4 reminded the producer of the particular care needed in relation to comedy which proceeds from a particular political viewpoint, and the producer has discussed the issue with Jeremy Hardy.

They Think It’s All Over

BBC One, 23 September 2004

The complaint

A viewer complained that humour which included the physical mimicking of sight loss, prompted by the photograph of a footballer who has glaucoma, was offensive.

Finding

There is a very well-established expectation among viewers that the programme's humour will be robust, even when dealing with sensitive topics. However, to the extent that the target of the humour in this instance was the disability itself, it went beyond acceptable boundaries.

Further action

It was agreed that the Commissioning Editor would be briefed by the Editorial Policy Unit on changing attitudes towards humour directed at such conditions, and that he would then brief the independent production company concerned.

Jeremy Vine

BBC Radio 2, 23 September 2004

Jonathan Ross

BBC Radio 2, 24 September 2004

The complaint

A listener complained that an interview by Jeremy Vine with a guest who had no qualms about paying for sex and a reference by Jonathan Ross' co-presenter to a tattooed penis were inappropriate for times when children might be listening.

Finding

The tone of the interview in the first programme was inappropriate, as was some of the language used. The reference complained of in the second programme also went beyond appropriate limits.

Further action

The management of Radio 2 has reminded the presenters and the production teams of the particular considerations which apply to programmes broadcast when substantial numbers of children may be listening.

Bad language

What Not to Wear

BBC One (Scotland), 18 October 2004

The complaint

Two viewers complained that the word "shag" went beyond their expectations, even bearing in mind the presenters' well-known outspokenness, and should not have been used in a programme transmitted at 7pm.

Finding

The series had originally been commissioned for after the watershed, and was re-edited in the light of its earlier placings. Because of an oversight, the word "shag" escaped the re-editing. In the context, it was inappropriate.

Further action

Independently of the Unit's investigation, the word was edited out before the programme's transmission south of the border later in the week.

The Blue Planet

BBC One, 24 October 2004

The complaint

A viewer complained that this Sunday afternoon repeat of a natural history programme contained strong language, rendering it inappropriate for viewing by his children.

Finding

The words complained of came in the brief film at the end of the episode, showing how it had been made, and were used by members of the production team talking about the rigours of filming in the Arctic. They were not so strong as to be indefensible in all contexts on a Sunday afternoon, but many parents would expect to be able to let their children watch a David Attenborough wildlife documentary without the risk of encountering strong language, and the language was inappropriate in this particular context.

Further action

The relevant scheduling and compliance managers have been made aware of the finding, and the programme will not be repeated in daytime in its current form without the permission of the Director of Television. If scheduled in a daytime context similar to the one which gave rise to the complaint, it will be appropriately edited.

Sensitivity and portrayal

The Jon Gaunt Show

BBC Radio WM, 3 January, 1 May, 5 June and 26 June 2004

The complaint

In a series of complaints, a listener called attention to occasions on which Jon Gaunt had made controversial and, in his view, unacceptably disparaging comments about unemployed people.

Finding

Jon Gaunt is known to audiences for his direct and abrasive style, and callers to the programme engage with similar robustness. In the context of such well-established audience expectations, there is considerable latitude for the trenchant expression of controversial opinions when it serves to promote debate. On the occasions identified by the listener, however, the comments on unemployed people served no such purpose, and there was an element of disparagement which, in the absence of contrary views, went beyond acceptable limits.

Further action

The management of Radio WM have reminded Jon Gaunt and his producer of the importance of balancing any opinionated comments within a single edition of the programme, and it has made clear that some of the terms of disparagement which the listener objected to are not to be used in future.

Olympics Today

BBC One, 19 August 2004

The complaint

Commenting on a dispute over medals in one of the equestrian events, the presenter had referred to what "history would teach us" about situations where the USA, the UK and France combined against Germany. Three viewers complained that the apparent allusion to the two world wars was unacceptable.

Finding

The remark was made off the cuff in a live programme and was ill-judged.

Further action

The error was recognised immediately by the programme team, and was pointed out to the presenter as soon as the broadcast had ended.

The 99p Challenge

BBC Radio 4, 1 September 2004

The complaint

Two listeners objected to the use of the word "Pikey", a derogatory term for a Gypsy, and to other comments that they took to be disparaging of Gypsies.

Finding

"Pikey" is now also used to describe a follower of a certain kind of urban youth style, and that was the intended meaning. But the offensiveness attaching to the longer-established meaning is still such that even innocently intended uses of the term are likely to be out of place, as in this instance. However, the other comments in the programme were based on fact, not offensive stereotypes.

Further action

Producers were reminded of the offensiveness attaching to the term, despite its acquisition of a new meaning.

Offence to religious feeling

Chris Moyles

BBC Radio 1, 1 September 2004

The complaint

Two listeners objected to the use of the name of Christ in a remark which made a sexual suggestion to a female member of the breakfast crew.

Finding

The use of the name of Christ in that context was unacceptable.

Further action

Independently of the Unit's investigation, the management of Radio 1 had taken the matter up with Chris Moyles and his team.

The Heaven and Earth Show

BBC One, 3 October 2004

The complaint

A viewer complained that a guest in a discussion on censorship had made an offensive comment about Muslims, which had passed without sufficient challenge by the presenter.

Finding

The presenter said to the guest "really and truly, we have a lot of Muslim viewers who'll take huge offence at that remark", which was sufficient challenge, but the remark itself was unacceptable, as the guest herself later acknowledged.

Further action

The guest apologised in writing to the Executive Producer for the offence caused.

Other matters

Where I Live (Leeds): Thermo Auricular Therapy

bbc.co.uk, 22 September 2004

The complaint

A visitor to the site (who had also complained to BBC Leeds) complained that it gave a misleading view of the therapy in question, and failed to give information about its known risks.

Finding

Despite changes made in response to the complaint to BBC Leeds, the site was at fault in not alerting readers to the warnings issued by some medical authorities.

Further action

The site was amended to include such warnings.

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 (7% in this quarter) which require longer or more complex investigation. During the period 1 October–31 December 2004, 66% of replies were sent within their target time.

This bulletin is also available online at bbc.co.uk/info.

For further printed copies, please write to:

Head of Editorial Complaints
BBC Media Centre
Media Village
201 Wood Lane
London W12 7TQ