

## **Executive Overview of Editorial Breaches of Audience Trust, July 2007**

### **A Report from the Executive Board to the BBC Trust**

#### **1. Introduction**

In May the Director General provided a report to the BBC Trust on breaches of audience trust through the misuse of telephony, including the running of an unfair competition and the faking of a competition winner. It is now necessary to update that report in the light of some new incidents of audience deception which have only recently come to light involving TMI (a live children's programme), Sport Relief main programme, Comic Relief '07, Children in Need (Scotland), The Liz Kershaw Show (on digital radio network 6Music), and White Label (a music programme on the BBC World Service).

In addition, there has been a further incident involving the misuse of footage from A Year with the Queen at a BBC One press launch. Although this incident has important differences – in particular, there is no evidence of any conscious deception on the part of anyone inside the BBC – it also demonstrates the urgent need to take a series of actions to ensure that the public's trust in our output can be fully restored.

BBC editorial guidelines clearly state, "we should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences". There is now a growing body of evidence suggesting that further emphasis needs to be given to this aspect of our editorial values, and that specific additional training is required to reinforce this.

#### **2. Further Investigation**

In March 2007, after the Blue Peter deceit case came to light, BBC management launched an internal review aimed at detecting any further editorial breaches. It is now apparent that that audit which focussed on issues around premium rate telephony did not succeed in bringing to light the further cases of which we are now aware. A fresh trawl has therefore been carried out reviewing all output since January 2005 to identify any possible additional incidents in which the audience may have been misled.

With the assistance of the relevant individual directors, the message and its urgency were clearly conveyed across the BBC's production base and to our independent suppliers. The deadline for returning information was 5pm Monday (16th July). Details are contained here of those emerging incidents into which full preliminary investigations have already been conducted. The Executive Board has been briefed on other issues which have come to light through the review, and further details of these will be provided for the BBC Trust at its meeting on Wednesday. The exercise has also highlighted some broader issues around audience interactions, particularly in relation to competitions, which are potentially misleading. Whilst all reasonable steps have been taken to surface problems, it is impossible to rule out that there are

other incidents which have still not been declared, for example where there is ignorance of historic events or deliberate concealment.

### **3. Summary of Incidents Investigated to Date**

#### **3.1 TMI (tx 16 September 2006, BBC Two and CBBC)**

TMI is a live children's magazine programme, broadcast on Saturday morning and produced in-house by the BBC Children's Entertainment team. The programme ran a number of competitions which made use of the dedicated CBBC premium rate phone line, with a fixed call charge of 10p. We are investigating why this incident was not notified during the initial March audit in spite of it seemingly being known to the individual charged with completing that report.

Problems arose in relation to the first edition of the programme and the first use of a competition called "Birthday Bingo" in which viewers called in if their birthday matched a date shown on screen and could then compete for prizes. On this occasion phoned lines opened and entrants left their details. A researcher listened to them and randomly selected a child to call back. She checked the child's details and sought parental permission. The child was then put through to the studio gallery. Somewhere in that process contact was lost with the child and repeated attempts to call back failed. The series producer was informed and, when told there was no back up caller, he told the researcher to go on the line to the studio. The researcher played the game on air with the presenters, posing as a child, answering a question about the programme guests and winning a prize which was subsequently reused in the same competition the following week.

Some changes were made by the programme team following this experience to allow more time to find a prospective winner and to ensure a standby contestant was always identified. The incident appears not to have been referred up to more senior managers and only came to their attention through a recent conversation with an independent programme maker.

Initial investigations, in addition to exposing this sequence of events, suggest that:

The decisions taken within the programme team meant that the audience was led to believe that a member of the audience was involved in and had won a competition open to the public, whereas the caller was in fact a member of the production team.

No legal or editorial policy advice was sought in relation to running the competition, despite a requirement to do so.

Practical problems arose in running the competition which were rectified subsequently but could have been averted altogether with additional planning and advice in advance.

This incident was neither referred up at the time, nor was it identified subsequently when a specific request was made into any issues of concern relating to the use of premium rate telephony.

### **3.2 Sport Relief (tx 15 July 2006, BBC One)**

The final Sport Relief programme comprised a mix of live performances, films and competitions designed to give a final push to the fundraising campaign. Comic Relief, the BBC's charity partner in Sport Relief, was heavily involved in the programme which was run by a combined team from BBC Sport and BBC Entertainment employing a number of freelance staff who had worked across similar programmes in the past. Competitions including the one detailed below were designed to help stimulate donations, and used a local rate instead of a premium rate number.

A number of elements of Sport Relief were interrogated as part of the March audit, including this programme. We are investigating why the member of BBC staff who reported on behalf of Sport Relief that there were no issues failed to disclose this incident in spite of seemingly being aware of it. This investigation includes looking into whether this staff member believed that the incident did not require reporting since it had not involved the use of premium rate telephony and since the staff member considered that no member of the audience had lost out. Comic Relief also did not mention the incident although they were similarly asked for information in March, and a number of members of staff were aware of what had happened.

Again, problems arose in relation to the first use of a competition format which encouraged the public to call in and donate to back the winner of a celebrity Mastermind-style competition. There appeared to be no calls coming in from the public, and therefore the production team activated a contingency plan, discussed the previous week, in which a member of the production team was put on air to pose as the competition winner drawn from public calls, to chat to the celebrities and to take the prize (which was subsequently returned to Comic Relief in the course of the evening).

Investigation suggests that,

The production team took decisions which meant that the audience was led to believe that a member of the public was involved in and won a competition open to the public, whereas the caller was in fact a member of the production team.

This action in misleading the public was planned in advance (albeit as a contingency plan) – it was discussed at a meeting in the previous week. The physical infrastructure of the competition made it impossible that one of ten lines could be selected randomly, and therefore the statement to the audience that 10 lines were on standby was misleading.

Some calls from the public were in fact coming into the complex telephony system in place – possibly as many as 400 – and therefore it is likely that there were members of the public who could have competed.

Warnings about the tight turnaround time allowed for the competition had been received but ignored.

No advice had been sought from the BBC's legal team, despite a recommendation from Editorial Policy to do so.

This incident was not referred up either on the night or subsequently, despite around 10 to 15 people being aware of it. Its seriousness as a breach of audience trust appears not to have been recognised.

A decision was taken at the time of the March audit that this incident should not be declared.

### **3.3 Comic Relief '07, Children in Need (Scotland), The Liz Kershaw Show and White Label**

Four further serious editorial incidents have emerged in the last 24 hours, which we believe need to be highlighted specifically to the Trust. The details of these incidents will be provided at the meeting with the Trust.

### **3.4 A Year with the Queen/ BBC One Autumn Season Launch, 11 July 2007**

The BBC One Autumn Season launch to the press featured a film of highlights from the schedule. These included A Year with the Queen, an insight into the life of the monarch made for BBC One by RDF Media, an independent production company. The sequence shown and subsequently distributed as part of the promotional film appeared to show the Queen storming out of a session with the photographer Annie Leibovitz. This was also how the BBC One Controller described the sequence in his introduction. It has subsequently emerged that the footage had been edited together out of sequence to create this impression, which did not represent the reality.

The BBC first became aware of this at around 6.45pm on the evening of 11 July. An agreement was reached with the Palace to defer any statement or apology until the following morning, and a full apology was subsequently issued at 12 noon on 12 July.

Details of the events which led to the manipulated sequence being shown by the BBC in a public arena are still emerging. It has become clear that the edited pictures were supplied in the order shown by RDF Media, and that the editorial dialogue around the programme as a whole had suggested that such an incident had been filmed. RDF Media has apologised unreservedly to the BBC and condemned the actions of its employees to manipulate the chronology of the footage. It is also clear that there was inadequate liaison between the BBC and the Palace in advance of the season launch, and that there are elements of editorial control over publicity materials which need strengthening.

### **3.5 Newsnight (tx 26 June 2007, BBC Two)**

There has also been some press coverage of reordering of footage in a Newsnight film about Gordon Brown, which shifted the sequencing of separate encounters between the reporter (an independent film maker) and a press officer. Investigation began the day following transmission led by Newsnight's Editor who established that the events had been edited out of sequence. The issue has subsequently been escalated to the Director, News

and Current Affairs and Controller, Editorial Policy. The Director of News felt that there may have been some unfairness to the press officer involved, and that viewers would have been given a (misleading) impression that the film followed a linear chronology. However, both agreed that the reordering had not changed the overall substance of the film. The concerns raised by this incident have already been shared across BBC News, and explained to the public via the Editor's Blog. This issue was raised and is currently being handled through the BBC's complaints processes.

#### **4. Proposed Management Actions**

The actions outlined below reflect the need agreed by the BBC's Executive Board for swift and decisive interventions to reflect the gravity of these editorial issues, the worrying indications they give about gaps in our processes and the concerns that they raise about the culture in parts of our operations. They also reflect a wide range of discussions with both Executive Board members and Trustees in advance of formal meetings.

Some more specific actions are already in train around telephony. Those incidents which have emerged more recently (and are summarised above in section 3) also raise some further specific concerns which will be directly addressed. At the pan-BBC level however, high-profile action is clearly required and we therefore propose the following:

**1. Communication with all BBC staff and content suppliers to emphasise the seriousness of these issues, the vital importance of maintaining trust with our audiences, and to make clear that going forward there will be no tolerance for any further serious incidents of audience deception.** An unprecedented all-staff ringmain conference by the Director General will take place following the report to the BBC Trust. This will be followed by communications with all staff setting out the absolute requirement for honesty and fair dealing, and for complete adherence to the BBC's editorial guidelines. Every single production team within the BBC will be asked to meet within the next week to discuss these issues and to review its own actions and processes.

**2. The suspension of all phone-related and interactive competitions across the BBC until sufficient steps have been implemented to ensure that competitions are run fairly.**

**3. The launch of the most extensive programme of mandatory training the BBC has ever undertaken for all those working across BBC content.** Production staff working in or with the BBC (on whatever employment arrangements) will be required to complete compulsory modules focussing on issues of honesty, audience trust, fairness and accuracy by 31st March 2008. We are also developing complementary division-specific training programmes to address particular needs in different parts of the BBC, which are likely to include further training in interactivity, telephony and competitions and looking at our training for leaders and managers.

**4. A full independent inquiry into the incident involving BBC One and the Queen**, including the roles of both the BBC and RDF Media. The report prepared will be presented to the Trust in the Autumn, and its findings published.

**5. All publicity materials – press releases, tapes, trails etc – to be subject to formal editorial compliance** in line with the editorial guidelines and signed off by the responsible editor or producer.

**6. Immediate suspension of all new commissions from RDF** while the enquiry into the Queen incident is ongoing and pending assurances from them about the steps they are taking to ensure that there is no repetition of any similar incident. We will also ensure additional editorial supervision of all ongoing projects with RDF Media.

**7. Revision of the standard contracts both for BBC staff and BBC suppliers with changes made where necessary to ensure that the responsibility for upholding the BBC's editorial standards and the consequences of breaching those standards are clearly understood.**

8. Where initial investigations into incidents identified suggest that individuals may have been directly responsible for the decisions or actions either to breach audience trust or deliberately to conceal a breach of trust in which they were involved, **individuals will be directed not to report for duty pending further instructions.**

**9. Continuing work to deliver the actions around telephony to which we committed in May.**

**10. Discussions with ITV, Channel 4, Five and all other leading UK broadcasters around a joint approach to addressing issues of training and editorial standards across the industry.**

These actions are in the context of the possible disclosure in future of further incidents in which the audience may have been misled and which are not yet in the public arena, including any which have still to emerge as part of the further review of BBC output. Further action may be required in relation to these incidents too. The Trust will no doubt wish to consider any additional action which it considers necessary, but the Executive Board will provide a further update to the Trust in September and December on progress in its implementation of the work outlined above.