



# **BBC Complaints Framework and Procedures**

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<b>BBC Complaints Framework and Procedures</b>	<b>i</b>
<b>Introduction</b>	<b>4</b>
<b>1 BBC Complaints Framework</b>	<b>6</b>
<i>What is a complaint? .....</i>	<i>6</i>
<i>Principles.....</i>	<i>6</i>
<i>Procedures .....</i>	<i>8</i>
<b>2 Editorial Complaints Procedure</b>	<b>9</b>
<i>What is an editorial complaint?.....</i>	<i>9</i>
<i>Editorial Complaints process.....</i>	<i>9</i>
<i>How to complain.....</i>	<i>10</i>
<i>Complaints that the BBC may not investigate .....</i>	<i>11</i>
<i>Stage 1a: What happens first when I make a complaint?.....</i>	<i>12</i>
<i>Stage 1b: If I'm not satisfied with the reply, what can I do next? .....</i>	<i>15</i>
<i>Stage 2: the Executive Complaints Unit (ECU).....</i>	<i>16</i>
<i>Investigations by the ECU .....</i>	<i>16</i>
<i>Complaining to Ofcom.....</i>	<i>18</i>
<b>3 General Complaints Procedure</b>	<b>20</b>
<i>What is a General Complaint?.....</i>	<i>20</i>
<i>General Complaints Process.....</i>	<i>20</i>
<i>How to complain.....</i>	<i>21</i>
<i>Where the BBC may not investigate.....</i>	<i>21</i>
<i>What your complaint should include .....</i>	<i>22</i>
<i>The BBC's response at Stage 1a .....</i>	<i>23</i>

<i>Stage 1b: If I'm not satisfied with the reply, what can I do next? .....</i>	<i>24</i>
<i>Stage 2: the Executive Complaints Unit (ECU).....</i>	<i>25</i>
<i>Referring a Complaint to Ofcom .....</i>	<i>25</i>
<b>4      <b>Television Licensing Complaints</b></b>	<b>26</b>
<i>What is a TV Licensing Complaint?.....</i>	<i>26</i>
<i>TV Licensing Complaints Process – Overview .....</i>	<i>27</i>
<i>How to Complain .....</i>	<i>28</i>
<i>What your Complaint should include .....</i>	<i>28</i>
<i>Stage 1a: What happens first when I make a complaint? .....</i>	<i>29</i>
<i>Stage 1b: If I'm not satisfied with the reply, what can I do next? .....</i>	<i>30</i>
<i>Stage 2: If I'm still not satisfied with the reply, what can I do next? ...</i>	<i>30</i>
<i>Referring a complaint to the Ombudsman .....</i>	<i>31</i>
<i>Referring a complaint to the ECU.....</i>	<i>31</i>
<i>Where the BBC may not investigate.....</i>	<i>33</i>
<b>5      <b>Complaints about the Allocation of Party Election, Party Political and Referendum Campaign Broadcasts</b></b>	<b>34</b>
<i>What is a Party Election, Party Political or Referendum Campaign Broadcasts Allocation Complaint? .....</i>	<i>34</i>
<i>The Complaints Process – Overview.....</i>	<i>35</i>
<i>Stage 1: Making a complaint about PPBs, PEBs or RCBs .....</i>	<i>36</i>
<i>Stage 2: Appeals against Stage 1 Determinations .....</i>	<i>37</i>
<i>How to Complain .....</i>	<i>38</i>
<i>Where the BBC may not investigate.....</i>	<i>38</i>
<i>Stage 3: Referring a complaint to Ofcom.....</i>	<i>39</i>

<b>6</b>	<b>Regulatory Complaints</b>	<b>40</b>
	<i>What is a Regulatory Complaint? .....</i>	<i>40</i>
	<i>Regulatory Complaints Process .....</i>	<i>43</i>
	<i>What your complaint should include .....</i>	<i>44</i>
	<i>The BBC's Response .....</i>	<i>45</i>
	<i>Where the BBC may not investigate.....</i>	<i>46</i>
	<i>Referring a Complaint to Ofcom .....</i>	<i>46</i>
<b>7</b>	<b>Annex A - Complaints which fall outside the scope of the framework</b>	<b>48</b>
	<i>Complaints where there is recourse to the law.....</i>	<i>48</i>
	<i>Complaints made to other bodies with regulatory or law enforcement powers .....</i>	<i>48</i>
	<i>Human resources complaints .....</i>	<i>48</i>
<b>8</b>	<b>Annex B - Misuse of the complaints procedures</b>	<b>50</b>

# Introduction

Every year the BBC receives over one million comments, appreciations or enquiries about our programmes, some 3,000 a day. Over 250,000 of these can be complaints. We greatly value this feedback about our work and use it to help make our services better.

We aim to resolve complaints about the BBC fairly, quickly and satisfactorily. We are required by the BBC Charter to have a complaints framework that provides “transparent, accessible, effective, timely and proportionate methods” of making sure that the BBC is meeting its obligations and fixing problems<sup>1</sup>. We take this requirement very seriously. This document sets out our approach and the procedures for different types of complaints so that everyone who wants to make a complaint (whether as an individual or on behalf of an organisation) knows exactly what to expect.

Sections 2 to 6 of this document explain the procedures for different types of complaint to the BBC – editorial complaints, general complaints, complaints about TV Licensing, complaints about Party Political Broadcasts and regulatory complaints. Each of the procedures is slightly different, but they are all designed with the same important principles in mind. These are explained in more detail in section 1 below. In summary they are:

- In almost all cases, complaints should be made first to the BBC.
- The process should be easy to understand, accessible and take a reasonable time;

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<sup>1</sup> 56(3) BBC Charter, 2016, <https://www.gov.uk/government/publications/bbc-charter-and-framework-agreement>

- The process should be proportionate, balancing the cost to licence fee payers with the need to give people who complain a proper hearing;
- Where we agree that the BBC is at fault, we will say so and take action to correct it;
- Everybody who complains should know what they can expect from the BBC and how to appeal if they want to.

Above all, the BBC will try to resolve your complaint satisfactorily. Where we agree that the BBC has got something wrong, this could mean changing the way we do something, issuing an apology, publishing a correction or clarification, or simply providing you with a considered reply. If, after you have gone through all the stages possible within the BBC, you are not satisfied with our response, there may be a right of appeal to our regulator, Ofcom, or, in the case of complaints about TV Licensing, to an independent ombudsman. However, our aim is that such an appeal should not usually be necessary once the BBC has done everything it can to try to resolve the complaint itself.

The BBC Board is responsible for the oversight of the complaints framework and procedures. The Board will be briefed at regular intervals about the performance of the complaints framework and any serious editorial breaches.

# 1 BBC Complaints Framework

The BBC's Royal Charter and the Agreement with the Secretary of State require the BBC to set and publish a framework for handling and resolving complaints, having consulted Ofcom<sup>2</sup> and the public. This document sets out that framework. It explains what the BBC regards as being a complaint, states the principles which govern the handling of complaints, and lists the procedures which will apply to different kinds of complaint. It also sets out (in Annex A) which complaints fall outside the scope of this framework and (in Annex B) our response to misuse of the complaints procedures.

## What is a complaint?

The BBC receives comments about many issues but generally considers a complaint to be a criticism which has been made in the expectation of a reply and which looks for an acknowledgement of fault or a change in the way the BBC does things.

## Principles

Our aim is, in all cases, to resolve complaints about the BBC as satisfactorily and quickly as is reasonably possible. To do that, we have set out 5 different complaints procedures (see page 7) to ensure that complaints are dealt with by the right person in the BBC within an appropriate amount of time. We take complaints seriously and will reply to every relevant complaint, as long as there is no misuse of the system (see Annex A and Annex B). Where we agree that the BBC is at fault, we will admit it and provide a remedy which could include making a change in the way BBC does things, issuing an apology or publishing a correction or clarification. If complainants have gone through every stage of the relevant complaints procedure within the BBC but are still not satisfied with the response, they may be able to appeal to our regulator, Ofcom.

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<sup>2</sup> Consultation with Ofcom is required only on those procedures that related to complaints in the areas where Ofcom regulates the BBC.

Article 56(3) of the BBC Charter<sup>3</sup> requires the complaints framework “to provide transparent, accessible, effective, timely and proportionate methods of securing that the BBC complies with its obligations and that remedies are provided which are proportionate and related to any alleged non-compliance”. The BBC aims to apply the principles of transparency, accessibility, effectiveness, timeliness and proportionality to its handling of all complaints. In particular, the BBC’s complaints procedures seek to:

- be readily available and easy to understand, giving clear guidance on how the process works;
- give information on how complainants can expect to be treated (including, for example, the timescales within which the BBC aims to respond);
- require the BBC to give an explanation for any decision about a complaint;
- ensure that the process is proportionate and cost-effective, balancing the interests of all licence fee payers with the expectations of individual complainants and the BBC (this includes empowering staff to manage difficult behaviour by complainants);
- require the BBC to respond as promptly and straightforwardly as is practicable;
- make reasonable provision for access by people with disabilities;
- provide for the BBC to acknowledge fault and apply a remedy where appropriate; and
- notify complainants of Ofcom’s function of considering complaints in those areas where it regulates the BBC.

Article 56(3) also says that the framework must set out that Ofcom will normally consider a complaint in an area it regulates only after the complaint has been in the first instance resolved by the BBC.

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<sup>3</sup> BBC Charter, 2016, <https://www.gov.uk/government/publications/bbc-charter-and-framework-agreement>



This framework and the procedures below reflect that requirement by directing most complaints to the BBC first<sup>4</sup>.

Ofcom has set and published its own procedures for the handling and resolution of complaints about the BBC that are referred to it. Ofcom will only consider complaints about those aspects of the BBC's activities that it regulates.

## **Procedures**

There are 5 procedures, containing the steps to be followed in making and determining each particular kind of complaint. These are:

- i) editorial complaints (see Section 2);
- ii) general complaints (see Section 3);
- iii) television licensing complaints (see Section 4);
- iv) complaints about party election, party political and referendum campaign broadcasts (see Section 5);
- v) regulatory complaints (see Section 6).

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<sup>4</sup> Complaints under the Ofcom Fairness remit are an exception. These are complaints about unfair treatment in programmes or infringement of privacy in programmes and in connection with obtaining material included in programmes, made by or on behalf of the victims of the unfair treatment or infringement of privacy in question. They can also be made to the BBC in the first instance, but they cannot be pursued simultaneously with Ofcom and the BBC. Ofcom's fairness and privacy complaints procedures are at: [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0003/100101/Procedures-for-the-consideration-and-adjudication-of-Fairness-and-Privacy-complaints.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0003/100101/Procedures-for-the-consideration-and-adjudication-of-Fairness-and-Privacy-complaints.pdf)

## 2 Editorial Complaints Procedure

### What is an editorial complaint?

An editorial complaint is one which suggests that a particular item broadcast or published on the BBC's services has fallen below the standards expressed in the BBC's Editorial Guidelines<sup>5</sup> - standards such as observing due accuracy and impartiality and avoiding unwarranted offence. Opinions may vary about BBC output, but that does not mean there has been a breach of editorial standards. Complaints which raise issues of editorial standards but are not about particular items are dealt with under the General Complaints Procedure – see section 3. This document sets out the procedure that will normally apply if you make an editorial complaint to the BBC - though the BBC may apply a fast-tracked procedure in appropriate circumstances. Complaints about BBC content before it has been broadcast or published will be dealt with under the General Complaints Procedure.

The Charter and Agreement give Ofcom regulatory responsibility for BBC content standards under the rules of its Broadcasting Code<sup>6</sup>. The Code applies to the BBC's UK public broadcasting services and also applies, as relevant, to BBC's on-demand programme services, such as *BBC iPlayer*.

### Editorial Complaints process

An editorial complaint may proceed through the following stages:

**Stage 1a** – initial response.

**Stage 1b** – if the complaint progresses further, a response from or on behalf of a BBC manager or a member of the editorial team.

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<sup>5</sup> The Editorial Guidelines can be seen at: [www.bbc.co.uk/guidelines/editorialguidelines](http://www.bbc.co.uk/guidelines/editorialguidelines)

<sup>6</sup> See <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code>

**Stage 2** – if the complaint progresses further, a response from the Executive Complaints Unit (ECU)<sup>7</sup>.

If you are dissatisfied with the response you have received at a lower stage you can ask for it to be considered at the next stage. Details of how to do this are below.

We will do everything we reasonably can to respond to editorial complaints within the BBC and expect the large majority of them to be resolved satisfactorily at stages 1a or 1b. However, if, having gone through stages 1a and 1b, you are dissatisfied with the BBC's final response at Stage 2, we will tell you how to contact Ofcom, which can investigate editorial complaints in the areas covered by the Ofcom Broadcasting Code<sup>8</sup>. If Ofcom finds that the BBC has failed to comply with the Code in its UK public broadcasting and on demand programme services, they may direct the BBC to take steps to remedy the failure or prevent a recurrence. It is also open to Ofcom to impose a financial sanction on the BBC for serious or repeated breaches of the Code, up to and including a fine of £250,000. First-party complaints of unfair treatment and unwarranted infringement of privacy can be put to Ofcom in the first instance, but otherwise Ofcom will not normally consider complaints unless they have been considered by the BBC first.<sup>9</sup> See Ofcom's procedures for further details.<sup>10</sup>

## How to complain

The BBC wants its complaints process to be accessible and will do whatever is reasonably possible to make it open to all. Complaints should be made centrally:

- via the BBC website <http://www.bbc.co.uk/complaints/>

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<sup>7</sup> The ECU is tasked with considering complaints impartially and independently of the interests of the programme makers/content providers.

<sup>8</sup> <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code>.

<sup>9</sup> In exceptional circumstances Ofcom may intervene at an earlier stage to resolve a complaint which has not yet been resolved by the BBC. See Ofcom's complaints procedures (link below) for further details.

<sup>10</sup> <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/procedures>

- by telephoning BBC Audience Services on 03700 100 222<sup>11</sup>,
- by text phone on 03700 100 212; or
- by writing to the BBC at BBC Complaints, PO Box 1922, Darlington, DL3 0UR.

If you do not complain centrally we cannot guarantee that your complaint will reach the right people or that you'll receive a reply when you write in. If you call we will summarise your complaint and notify the relevant department. You will not normally receive a response in writing unless you complain in writing. If you require assistance with any of these methods of contact, the BBC will be happy to help where possible. If you complain in writing in the Welsh language, you will receive a written reply in Welsh.

### **Complaints that the BBC may not investigate**

Your complaint may not be investigated if it is deemed to be trivial, misconceived, hypothetical, repetitious or otherwise vexatious.

We expect everyone involved in making or handling a complaint to treat each other with respect and not use gratuitously abusive or offensive language. If a complaint contains such language, the BBC may invite you to reword your complaint before investigating it. If you do not reword your complaint, the BBC may not investigate it.

If the BBC decides not to investigate your complaint for one or more of the reasons set out above, it will explain to you why. You can then ask the ECU to review that decision (see Annex B for more information about how we deal with misuse of the complaints process). If the ECU upholds the decision, there is no provision for further appeal within the BBC, but it will be open to you to approach Ofcom if you believe your complaint has identified a breach of Ofcom's code.

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<sup>11</sup> 24 hours, charged as 01/02 geographic numbers.

## Stage 1a: What happens first when I make a complaint?

### Timing

**You should make your complaint within 30 working days of the date on which the content was broadcast or published** on [bbc.co.uk](http://bbc.co.uk) or a BBC social media site). Complaints about BBC iPlayer and BBC Sounds should be made within 30 working days of the content ceasing to be available. If you contact the BBC after that time, please explain why your complaint is late. Exceptionally, the BBC may still consider your complaint, but only if it decides there was a good reason for the delay.

If you make a first-party complaint of unfair treatment or infringement of privacy about content currently published on a BBC website there is no time limit, but the BBC may decline to consider it if it is no longer practicable and cost-effective to investigate it and adjudicate upon it fairly.

Otherwise **if you make a complaint about content currently published on a BBC website you should make it within 30 working days of the date when it first appeared online**. The BBC may consider complaints received beyond that deadline but only if it is satisfied that there was a good reason for the delay, that the matter complained about was serious, as judged against the BBC's editorial standards, and that it is practicable and cost-effective to investigate it and adjudicate upon it fairly.

If the BBC decides not to investigate your complaint because it is late, you can ask the ECU to review that decision.

### Where to direct complaints

All editorial complaints should be made to BBC Audience Services<sup>12</sup>, as set out under 'How to Complain' above.

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<sup>12</sup> There are two exceptions. First, complaints about commercial BBC services, such as complaints about the content of a BBC DVD or a BBC programme shown on a channel other than a BBC service, should be directed to BBC Studios in the first instance; contact details can be found on their website at <https://www.bbcstudios.com/contact/contact-us>. Second, complaints about S4C content shown

**If you do not direct your complaint through one of the options listed, the BBC cannot guarantee that your complaint will be replied to<sup>13</sup>.**

### **What your complaint should include**

Your complaint should include:

- the name/title of the broadcast or published item you are complaining about;
- the date and time of the broadcast or (where possible) publication;
- the channel or service on which it was broadcast, or the web address at which it can be accessed;
- the nature of the complaint (giving reasons why you are dissatisfied with the BBC) and (where possible) the particular parts of the programme or publication you are complaining about;
- your name and contact details (anonymous complaints will not normally be considered);
- whether (and if so, when) you have submitted a first-party complaint to an outside authority (e.g. Ofcom).

The inclusion of these details (or as many of them as possible) is very important. A failure to provide them may mean that the BBC is not able to look into your complaint.

If you make your complaint in writing it should not exceed 1,000 words, and it may be necessary to send this by post, not via the web form. In exceptional circumstances, longer complaints may be entertained. In that case, however, you should also identify the reasons why your complaint exceeds 1,000 words and provide a one-page summary of your complaint.

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iPlayer should be made to S4C (the Welsh language television channel): see [http://www.s4c.co.uk/e\\_complaints.shtml](http://www.s4c.co.uk/e_complaints.shtml) or [http://www.s4c.co.uk/c\\_complaints.shtml](http://www.s4c.co.uk/c_complaints.shtml).

<sup>13</sup> If you call us, we will summarise your complaint and notify the relevant department. You will not normally receive a response in writing unless you complain in writing.

Your complaint should be limited to a single item broadcast or published by the BBC unless it is the same complaint about more than one item. This is because if a complaint is about two unconnected items (for example, offensive language in a comedy programme and bias in a news programme), there would need to be two separate investigations.

Your complaint should include all the points about the item that you wish to be considered, as the BBC may not consider new or different points after Stage 1a of the Procedure has concluded.

### **The BBC's response at Stage 1a**

The BBC aims to reply within 10 working days of receipt of your complaint though some complaints may take longer than others to investigate.<sup>14</sup>

If the BBC receives a number of complaints about the same issue, it may:

- compile a summary of all the main points raised;
- consider them together;
- send the same response to everyone<sup>15</sup> and/or publish it on the BBC's complaints website.

### **These steps may be applied by the BBC at each stage of the Procedure.**

If the BBC believes it has made a mistake, in appropriate circumstances the BBC may:

- apologise individually to the complainant;
- publish a public response, correction or apology online at [www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints); and/or
- broadcast an on-air correction or apology.

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<sup>14</sup> If you make your complaint by telephone, the BBC will summarise and notify it to the relevant department but will not normally follow up the telephone conversation with an individual written response.

<sup>15</sup> Such responses may not address points the BBC judges to be minor or insubstantial.

The BBC monitors and reports in public on the complaints it has received and learns from them to improve its programmes and services.<sup>16</sup>

The BBC's response will direct you to information about how to take your complaint further if you are not satisfied with the reply.

### **Stage 1b: If I'm not satisfied with the reply, what can I do next?**

If you are dissatisfied with the reply at Stage 1a, please write back to BBC Audience Services, as set out in under 'Where to direct complaints' above, **within 20 working days** of the date on which you received the response at Stage 1a. If you write after that time, please explain why your complaint is late. Exceptionally, the BBC may still consider your complaint, if it decides there was a good reason for the delay. If the BBC decides not to consider your complaint because it is late, you can ask the Executive Complaints Unit to review that decision.

Your complaint should clearly and concisely set out why you remain dissatisfied. It should -

- not exceed 1,000 words. In exceptional circumstances, longer complaints may be entertained. These should be sent in writing by post, not via the web form, identifying the reasons your complaint exceeds 1,000 words and providing a one-page summary of your complaint;
- include any reference number provided;
- include the points that you raised at Stage 1a that you want the BBC to reconsider. The BBC will not consider new points unless, exceptionally, it is necessary to do so in the interests of fairness.

If the BBC receives a number of complaints about the same issue, it may apply the steps as set out under the BBC's response at Stage 1a above.

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<sup>16</sup> See <http://www.bbc.co.uk/complaints/>



The BBC will investigate your complaint and aims to reply within 20 working days of receipt of your complaint though some complaints take longer than others to investigate.

## **Stage 2: the Executive Complaints Unit (ECU)**

If you are dissatisfied with the reply at Stage 1b, the BBC will tell you how to take your complaint to the ECU.

### **Investigations by the ECU**

You must contact the ECU **within 20 working days** of the date on which you received the response at Stage 1b. If you write after that time, please explain in your letter why your complaint is late. Exceptionally, the ECU may still consider your complaint, if it decides there was a good reason for the delay. The ECU cannot consider editorial complaints which have not been through Stage 1 of the BBC's process.

Your complaint should clearly and concisely set out why you remain dissatisfied. It should:

- not exceed 1,000 words. In exceptional circumstances, longer complaints may be entertained. In that case, however, you should also identify the reasons why your complaint exceeds 1,000 words and provide a one-page summary of your complaint;
- include the points that you raised at Stage 1b that you want the ECU to reconsider;
- the ECU will not consider new points unless, exceptionally, it is necessary to do so in the interests of fairness.

It is particularly important that you include the above points as they will be the main basis on which the ECU will investigate your complaint. The ECU may also investigate elements of the complaint which, in its judgment, have not been adequately dealt with.

If the ECU receives a number of complaints about the same issue, it may apply the steps as set out under the BBC's response at Stage 1a above.

The ECU will acknowledge your complaint within 5 working days of receiving it.

The ECU will investigate your complaint and aim to reply within 20 working days of receiving it, though some complaints take longer than others to investigate. A target of 35 working days applies to those complaints that require longer or more complex investigation.

When the ECU investigates your complaint, the people responsible for the content you are complaining about (which may include people outside the BBC, such as independent programme-makers) will usually have the opportunity to see the complaint and respond to the ECU about it.

Having investigated your complaint, the BBC then decides whether there has been a breach of the BBC's editorial standards. If there has, the ECU will uphold your complaint, in whole or in part – or, if it believes that enough was done to address the breach of editorial standards before it received your complaint, it may decide that it has been resolved.

The ECU's finding will normally be the BBC's final response to your complaint, except for first-party complaints of unfair treatment and infringement of privacy, where you will be invited to comment on the finding. In such cases, the ECU will consider your comments so long as they are received within 10 working days of the date on which the finding was sent to you. If you wish to comment but are unable to do so within that time limit, please give the ECU your reasons for requesting an extension. The finding will include information about how to contact Ofcom if you wish to take your concerns further.

The BBC will publish a fortnightly report which includes appropriately reasoned versions of upheld, partly upheld and resolved findings. There may also be occasions when it includes not upheld findings. In the case of upheld and partially upheld findings, it will include a note of the action taken as a result of the finding. The BBC may withhold information for reasons of privacy or confidentiality, or which it is otherwise under a legal obligation not to disclose.

**Please note that the ECU will consider complaints in relation to the standards set out in the BBC's Editorial Guidelines, but Ofcom will consider them in relation to the Ofcom Broadcasting Code<sup>17</sup>. The Guidelines reflect the Ofcom Code but go beyond it in some respects. Most complaints investigated under the Editorial Complaints Procedure are likely to fall within Ofcom's remit, but the decision about whether or not they do rests with Ofcom. Further details on Ofcom's complaints procedure are published on its website<sup>18</sup>.**

### **Complaining to Ofcom**

The Charter and Agreement provide that Ofcom regulates the content of the BBC's UK Public Services<sup>19</sup> according to the provisions of the Ofcom Broadcast Code, and may consider complaints about matters within the scope of the Code. With one exception (see below), however, complaints must normally be made to the BBC in the first instance.

Normally Ofcom will consider relevant complaints only if the complainant is dissatisfied with the outcome of the BBC process; if, in light of the outcome, the complainant considers that Ofcom should impose a sanction; or if the BBC has failed to reach a conclusion within the time period set in these procedures. In exceptional circumstances, Ofcom may intervene at an earlier stage.

The exception applies to complaints under Ofcom's remit for Fairness and Privacy<sup>20</sup>, which may be made to Ofcom in the first instance. Alternatively, they may be made to the BBC (which will not affect the complainant's right to approach Ofcom if dissatisfied

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<sup>17</sup> Except in the case of online material, where Ofcom must consider and give an opinion on the material concerned (as distinct from reaching a formal finding), and must do so in relation to the BBC's Editorial Guidelines.

<sup>18</sup>[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0002/100100/Procedures-for-investigating-breaches-of-content-standards-on-BBC-broadcasting-services-and-BBC-on-demand-programme-services.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0002/100100/Procedures-for-investigating-breaches-of-content-standards-on-BBC-broadcasting-services-and-BBC-on-demand-programme-services.pdf).

<sup>19</sup> These do not include the World Service. They do include the BBC's on-demand services such as *BBC iPlayer*.

<sup>20</sup> Which must be made by, or on behalf of, those who believe they have been unfairly treated in a programme or that their privacy has been unwarrantably infringed in the making or broadcasting of a programme.

with the outcome), but they may not be pursued with the BBC and Ofcom simultaneously. When a Fairness and Privacy complaint has been entertained by Ofcom, the BBC will respond only via Ofcom's process.

### **3 General Complaints Procedure**

#### **What is a General Complaint?**

We would normally consider a General Complaint to be a criticism which has been made in the expectation of a reply and which looks for an acknowledgement of fault or a change in the way the BBC does things, but which is not about a particular item broadcast or published by the BBC. This can cover many types of complaint. We would expect any such complaint to be made to the BBC in the first instance. Most general complaints will fall outside Ofcom's remit, but in some circumstances, you may be able to take your complaint to Ofcom if you are unhappy with the BBC's response.

This procedure applies to all such complaints except:

- i) editorial complaints;
- ii) television licensing complaints;
- iii) complaints about party election, party political and referendum campaign broadcasts;
- iv) regulatory complaints.

These types of complaints have their own procedures which can be found at Sections 2, 4, 5 and 6 of this document respectively.

#### **General Complaints Process**

The general complaints process consists of two stages, as set out under the Editorial Complaints Process (Section 2, page 9). We will do everything we reasonably can to resolve general complaints within the BBC and expect the large majority of them to be addressed satisfactorily at the first stage. However, if you have gone through both stages and are not satisfied, you may, subject to the conditions set out at under 'Referring a Complaint to Ofcom' below, go to Ofcom.

## **How to complain**

The BBC wants its complaints process to be accessible and will do whatever is reasonably possible to make it open to all. Complaints can be made:

- via the BBC website - <http://www.bbc.co.uk/complaints>;
- by telephoning BBC Audience Services on 03700 100 222<sup>21</sup>;
- by text phone on 03700 100 212; or
- by writing to the BBC at BBC Complaints, PO Box 1922, Darlington, DL3 0UR.

If you require assistance with any of these methods of contact, the BBC will be happy to help where possible. If you complain in writing in the Welsh language, you will receive a written reply in Welsh. If you do not complain centrally we cannot guarantee that your complaint will reach the right people or that you'll receive a reply when you write in. If you call, we will summarise your complaint and notify the relevant department. You will not normally receive a response in writing unless you complain in writing.

## **Where the BBC may not investigate**

Your complaint may not be investigated if it is deemed to be trivial, misconceived, hypothetical, repetitious or otherwise vexatious.

We expect everyone involved in making or handling a complaint to treat each other with respect and not use gratuitously abusive or offensive language. If a complaint contains such language, the BBC may invite you to reword your complaint before investigating it. If you do not reword your complaint, the BBC may not investigate it.

If the BBC decides not to investigate your complaint for one or more of the reasons set out above, it will explain to you why. You can then ask the ECU to review that decision (see Annex B for more information about how we deal with misuse of the complaints

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<sup>21</sup> 24 hours, charged as 01/02 geographic numbers. If you call us, we will summarise your complaint and notify the relevant department. You will not normally receive a response in writing unless you complain in writing.

process). If the ECU upholds the decision, there is no provision for further appeal within the BBC, but it will be open to you to approach Ofcom if you believe your complaint has identified a breach of Ofcom's code.

### **What your complaint should include**

General complaints range from matters of editorial standards which do not relate to individual items published or broadcast by the BBC<sup>22</sup> to matters concerning those overall obligations of the BBC which fall outside Ofcom's scope. These could be:

- a general duty on the BBC as set out in articles 8 to 19 of the Charter;
- a breach of the BBC's Mission or Public Purposes;
- a general obligation on the BBC as set out in articles 61 to 70 of the Framework Agreement;
- any published BBC Policy (for example, in relation to the BBC's policy on the distribution of its services).

Your complaint should contain sufficient information to enable it to be investigated, including details of the incident or issue which you are complaining about, the reasons why you are dissatisfied, and any supporting documentation. For complaints about the BBC's overall obligations, you should specify which obligation you believe has been breached.

The inclusion of these details (or as many of them as possible) is very important.

A failure to provide them may mean that the BBC is not able to look into your complaint.

Your complaint should be made within 30 working days of the date on which the matter you are complaining about arose, and should not exceed 1,000 words. In exceptional circumstances, longer

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<sup>22</sup> Complaints about editorial standards which do relate to individual items are covered by the Editorial Complaints Procedure.

complaints may be entertained. In that case please send your complaint by post, not via the web form, identifying the reasons why your complaint exceeds 1,000 words and provide a one page summary of your complaint.

### **The BBC's response at Stage 1a**

The BBC aims to reply within 10 working days of receipt of your complaint though some complaints may take longer than others to investigate.<sup>23</sup>

If the BBC receives a number of complaints about the same issue, it may:

- compile a summary of the main points raised<sup>24</sup>;
- consider them together across the full range of issues identified;
- send the same response to everyone and/or publish it on the BBC's complaints website.

### **These steps may be applied by the BBC at each stage of the Procedure.**

If the BBC believes it has made a mistake, in appropriate circumstances the BBC may:

- apologise individually to the complainant;
- publish a public response, correction or apology online at [www.bbc.co.uk/complaints](http://www.bbc.co.uk/complaints); and/or
- broadcast an on-air correction or apology.

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<sup>23</sup> If you make your complaint by telephone, the BBC will summarise and notify it to the relevant department but will not normally follow up the telephone conversation with an individual written response.

<sup>24</sup> Such responses may not address points the BBC judges to be minor or insubstantial.



The BBC monitors and reports in public on the complaints it has received and learns from them to improve its programmes and services.<sup>25</sup>

The BBC's response will direct you to information about how to take your complaint further if you are not satisfied with the reply.

### **Stage 1b: If I'm not satisfied with the reply, what can I do next?**

If you are dissatisfied with the reply at Stage 1a, please write back to BBC Audience Services, as set out in under 'How to complain' above, **within 20 working days** of the date on which you received the response at Stage 1a. If you write after that time, please explain why your complaint is late. Exceptionally, the BBC may still consider your complaint, if it decides there was a good reason for the delay. If the BBC decides not to consider your complaint because it is late, you can ask the Executive Complaints Unit to review that decision.

Your complaint should clearly and concisely set out why you remain dissatisfied. It should -

- not exceed 1,000 words. In exceptional circumstances, longer complaints may be entertained. In that case, however, you should also identify the reasons your complaint exceeds 1,000 words and provide a one-page summary of your complaint;
- include any reference number provided;
- include the points that you raised at Stage 1a that you want the BBC to reconsider. The BBC will not consider new points unless, exceptionally, it is necessary to do so in the interests of fairness.

If the BBC receives a number of complaints about the same issue, it may apply the steps as set out under the BBC's response at Stage 1a above.

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<sup>25</sup> See <http://www.bbc.co.uk/complaints/>.

The BBC will investigate your complaint and aims to reply within 20 working days of receipt of your complaint though some complaints take longer than others to investigate.

## **Stage 2: the Executive Complaints Unit (ECU)**

The BBC will tell you how to contact the ECU if you are dissatisfied with the response. The ECU cannot consider general complaints which have not been through stage 1 of the BBC's process.

The ECU will acknowledge your complaint within 5 working days of receiving it.

The ECU will investigate your complaint and aim to reply within 20 working days of receiving it, though some complaints take longer than others to investigate. A target of 35 working days applies to those complaints that require longer or more complex investigation.

If the BBC accepts your complaint, it may require remedial action to be taken.

## **Referring a Complaint to Ofcom**

Most general complaints will fall outside Ofcom's remit. However, if you believe your complaint is one which Ofcom can consider, you may be able to refer it to Ofcom if:

- you are not satisfied with the resolution of a complaint by the BBC;
- you consider, following the resolution of a complaint by the BBC, that the imposition by Ofcom of a sanction, where available, against the BBC may be appropriate; or
- the BBC has failed to resolve a complaint within the time periods set in this procedure.

Further details of the types of complaint Ofcom will consider and the procedures it will apply depending on the type of complaint can be found on the [Ofcom website](#).

## 4 Television Licensing Complaints

The Charter and Agreement gives the BBC Board responsibility for ensuring that “*arrangements for the collection of the licence fee are efficient, appropriate and proportionate*”. The Television Licensing (TV Licensing) complaints procedure helps the Board to discharge this responsibility. An independent Ombudsman (through the Ombudsman Services<sup>26</sup>) is appointed to provide a right of appeal for some types of TV Licensing complaints.

### What is a TV Licensing Complaint?

A TV Licensing complaint is one which suggests that the standards of customer service provided by TV Licensing, in the handling and management of specific interactions with TV Licensing, have fallen below reasonable levels of customer expectation and TV Licensing’s commitment to customer service – as described on the TV Licensing website: [www.tvlicensing.co.uk/about/our-commitment-to-you-AB5](http://www.tvlicensing.co.uk/about/our-commitment-to-you-AB5)

Complaints may also be raised about the legal framework within which licence fee collection operates. Where the BBC has discretion in the operation of this framework (for example, in setting TV Licensing policies) complaints will be dealt with through this TV Licensing complaints procedure. Where the BBC has no discretion in the operation of this framework (for example, in the level of the licence fee), the BBC will endeavour to provide relevant information, but the matter will be treated as an enquiry rather than as a complaint within this complaints procedure.

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<sup>26</sup> Ombudsman Services is a national private sector ombudsman scheme which independently resolves complaints between consumers and companies that are signed up to their scheme. The service is free for consumers. Ombudsman Services provides services across both regulated and non-regulated businesses. Further information can be found at <https://www.ombudsman-services.org/>

## TV Licensing Complaints Process – Overview

A TV Licensing complaint may proceed through the following stages:

**Stage 1a** – initial response from the TV Licensing Customer Relations team.

**Stage 1b** – if the complaint progresses further, a response from the TV Licensing Operations Director (Operations Director).

**Stage 2** – if the complaint progresses further, a response from the BBC’s Head of Revenue Management.

If you are dissatisfied with the response you have received at a lower stage you can ask for it to be considered at the next stage. Details of how to do this are below and are given at each response.

We will do everything we reasonably can to respond to TV Licensing complaints within TV Licensing and the BBC and expect the large majority of them to be resolved satisfactorily at stages 1a or 1b. However, if, having gone through stages 1a and 1b, you are dissatisfied with the BBC’s response at Stage 2, we will tell you how to progress your complaint:

- For complaints relating to TV Licensing customer service, complaints may be referred to the Ombudsman Services (the Ombudsman). If the Ombudsman finds that TV Licensing has not met the required standards and has not made sufficient redress they may direct the BBC to take steps to remedy the failure. The Ombudsman will not normally consider complaints unless they have been considered by the BBC first. See the Ombudsman procedures for further details.<sup>27</sup>
- For complaints relating to BBC Policies governing the framework within which TV Licensing operates, complaints may be referred to the Executive Complaints Unit (ECU).

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<sup>27</sup> <https://www.ombudsman-services.org/>

- For complaints relating to matters where an alternative regulatory body exists (for example, the Information Commissioner's Office), complaints may be referred there.

## **How to Complain**

The BBC wants the TV Licensing complaints process to be accessible and will do whatever is reasonably possible to make it open to all. Complaints should be made centrally:

- via the TV Licensing website, using the Contact Us form - <https://www.tvlicensing.co.uk/cs/contact-us/index.app>
- by writing to TV Licensing at Customer Relations, TV Licensing, Darlington, DL98 1TL
- by telephoning TV Licensing on 0300 790 6165<sup>28</sup>;
- by email to [customer-relations@tvlicensing.co.uk](mailto:customer-relations@tvlicensing.co.uk)

If you require assistance with any of these methods of contact, TV Licensing will be happy to help where possible. If you complain in writing in the Welsh language, you will receive a written reply in Welsh.

If you do not complain centrally we cannot guarantee that your complaint will reach the right people or that you'll receive a reply when you write in.

## **What your Complaint should include**

### **Your complaint should include:**

- your name and address and your licence number where applicable;
- the nature of the complaint, giving reasons why you are dissatisfied with the service from TV Licensing. Where

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<sup>28</sup> Charged as 01/02 geographic numbers. If you call us, we will summarise your complaint and pass to TV Licensing Customer Relations. You will normally receive a response in writing unless you have specified that you need an alternative arrangement.

possible, if the complaint relates to contacts with the TV Licensing contact centres or visiting officers, the dates on which these contacts were made;

- any reference number you may have been provided with at an earlier stage of the complaint or any related complaint.

### **Stage 1a: What happens first when I make a complaint?**

You should make your complaint as soon as it is reasonably possible for you to do so following your identification of a basis for complaint. There are no time limits within which a complaint can be made to TV Licensing but any extended delay in making a complaint may mean that it is not proportionate or cost-effective for TV Licensing to conduct a full investigation or that TV Licensing may no longer hold the records needed.

You should provide the information set out under 'What your Complaint should include' above. The inclusion of these details (or as many of them as possible) is very important. A failure to provide them may mean that TV Licensing is not able to look into your complaint.

Your complaint should include all the points that you wish TV Licensing to consider. New or different points raised after Stage 1a has been completed may be treated as a separate complaint.

### **TV Licensing's response at Stage 1a**

TV Licensing aims to reply within 10 working days of receipt of your complaint though some complaints may take longer than others to investigate.

If TV Licensing believes it has made a mistake TV Licensing may:

- apologise;
- rectify matters and, where appropriate, make improvements.

TV Licensing monitors the complaints it receives, reporting on them to the BBC Board and learning from them to improve its customer service.

TV Licensing's response will tell you how to take your complaint further if you are not satisfied with the reply.

### **Stage 1b: If I'm not satisfied with the reply, what can I do next?**

If you are dissatisfied with TV Licensing's reply at Stage 1a, you may write to the Operations Director for further consideration of your complaint.

There is no time limit within which a referral of a complaint can be made to the Operations Director but any extended delay may mean that it is not proportionate or cost effective for TV Licensing to conduct a further investigation, or TV Licensing may no longer hold the records needed.

Your complaint should clearly and concisely set out why you remain dissatisfied. It should include any reference number previously provided and describe the points that you raised at Stage 1a that you want the Operations Director to reconsider.

The Operations Director will investigate your complaint and aims to reply within 10 working days of receipt of your complaint.

### **Stage 2: If I'm still not satisfied with the reply, what can I do next?**

If you are dissatisfied with the reply at Stage 1b, the Operations Director will tell you how to take your complaint to the Head of Revenue Management.

You should contact the Head of Revenue Management **within 20 working days** of the date on which you received the response at Stage 1b. If you write after that time, please explain in your letter why your complaint is late. Exceptionally, the Head of Revenue Management may still consider your complaint, if there was a good reason for the delay.

Your complaint should clearly and concisely set out why you remain dissatisfied. It should include any reference number previously provided and describe the points that you raised at Stages 1a and 1b that you want the Head of Revenue Management to reconsider.

The Head of Revenue Management will investigate your complaint and aims to reply within 20 working days of receiving it, though some complaints take longer than others to investigate. A target of 35 working days applies to those complaints that require longer or more complex investigation.

If the Head of Revenue Management believes that a mistake has been made, the Head of Revenue Management on behalf of the BBC may:

- apologise;
- rectify matters and/or, where appropriate, direct TV Licensing to rectify matters or make improvements.

The response from the Head of Revenue Management will include information on what to do if you wish to take your concerns further. The next step will vary depending on the nature of the complaint, as described under 'What is a TV Licensing Complaint?' above.

### **Referring a complaint to the Ombudsman**

The Ombudsman provides an independent point of appeal for TV Licensing complaints relating to customer service as described under 'What is a TV Licensing Complaint?' above.

The Ombudsman will consider relevant complaints only if the complainant is dissatisfied with the outcome of the BBC process as described under 'How to Complain' above.

### **Referring a complaint to the ECU**

The ECU can only consider complaints about BBC policies governing the framework within which TV Licensing operates (which cannot be considered by the Ombudsman). You must contact the ECU **within 20 working days** of the date on which you received the response at Stage 2. If you write after that time, please explain in your letter why your complaint is late. Exceptionally, the ECU may still consider your complaint, if it decides there was a good reason for the delay.

Your complaint should clearly and concisely set out why you remain dissatisfied. It should:



- not exceed 1,000 words. In exceptional circumstances, longer complaints may be entertained. In that case, however, you should also identify the reasons why your complaint exceeds 1,000 words and provide a one-page summary of your complaint;
- include any reference number provided, and the date and details of your final correspondence to and from the BBC;
- include the points that you raised at Stage 2 that you want the ECU to reconsider. The ECU will not consider new points raised at this stage.

It is particularly important that you include the above points as they will be the main basis on which the ECU will decide whether to consider your complaint and (if it does) will also form the basis of its investigation.

The ECU will acknowledge your complaint within 5 working days of receiving it.

The ECU will investigate your complaint and aim to reply within 20 working days of receiving it, though some complaints take longer than others to investigate. A target of 35 working days applies to those complaints that require longer or more complex investigation.

The findings of complaints considered by the ECU will be presented annually to the Board as part of their regular review of licence fee collection arrangements. The Board will consider the findings in the context of their obligation under the Charter to ensure that *“arrangements for the collection of the licence fee are efficient, appropriate and proportionate”*<sup>29</sup> and make any directions to the Executive to review arrangements as appropriate.

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<sup>29</sup> Article 20 7(b)

## **Where the BBC may not investigate**

Your complaint may not be investigated if it is deemed to be hypothetical, repetitious or otherwise vexatious or if it has already been investigated previously.

We expect everyone involved in making or handling a complaint to treat each other with respect and not use gratuitously abusive or offensive language. If a complaint contains such language, the BBC may invite you to reword your complaint before investigating it. If you do not reword your complaint, the BBC may not investigate it.

If the BBC decides not to investigate your complaint for one or more of the reasons set out above, it will explain to you why. You can then ask the ECU to review that decision (see Annex B for more information about how we deal with misuse of the complaints process).

## 5 Complaints about the Allocation of Party Election, Party Political and Referendum Campaign Broadcasts

### What is a Party Election, Party Political or Referendum Campaign Broadcasts Allocation Complaint?

The BBC is required to include Party Political (including Party Election) Broadcasts and Referendum Campaign Broadcasts - referred to in this document as PPBs, PEBs and RCBs respectively - in some or all of its UK Public Broadcasting Services, as determined by Ofcom, which will also set out the basis on which they should be included<sup>30</sup><sup>31</sup>.

Only political parties which have been designated by the Electoral Commission as 'registered political parties' are eligible for PPBs and PEBs<sup>32</sup>.

Only those permitted participants, which have been designated by the Electoral Commission as 'designated organisations', in relation to a referendum campaign, are eligible for RCBs<sup>33</sup>.

The BBC has responsibility for applying Ofcom's Rules on Party Political and Referendum Broadcasts<sup>34</sup> to identify which registered political parties will be afforded a PPB or a PEB, and the length and frequency of PPBs, PEBs and RCBs (referred to as the PPB, PEB or RCB allocation).

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<sup>30</sup> These obligations imposed on the BBC in respect of PPBs (including PEBs) and RCBs are "*specified requirements*" for the purposes of Ofcom regulation (see article 49 of the BBC Charter and clause 59 of the Framework Agreement).

<sup>31</sup> In setting the policy with respect to such broadcasts, [Ofcom and the BBC] must take account of any views expressed by the Electoral Commission: see Schedule 3 paragraph 5 (4) of the Framework Agreement and section 11(3) of, and paragraph 4(6) of Schedule 12 to, the Political Parties, Elections and Referendums Act 2000. The Political Parties, Elections and Referendums Act 2000 (PPERA) is available at the following URL: <http://www.legislation.gov.uk/ukpga/2000/41/contents>

<sup>32</sup> PERA, section 37

<sup>33</sup> PERA, sections 108 and 127

<sup>34</sup> See [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0014/16250/ppbrules.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0014/16250/ppbrules.pdf)

The BBC will apply Ofcom's Rules on Party Political and Referendum Broadcasts<sup>35</sup> to determine allocations:

- in the case of PPBs and PEBs the BBC applies the Rules in order to determine which registered political party will be afforded one or more broadcasts and how many;
- in the case of RCBs the BBC applies the Rules in order to determine how many broadcasts will be afforded to the designated organisations;
- the BBC determines the length, frequency and scheduling of the broadcasts.

### **The Complaints Process – Overview**

The process set out here is designed to be used by an adversely affected entity or individual regarding the BBC's allocation decision (subject to the requirements for bringing a complaint or appeal). Generally such entities will be registered political parties (including their candidates) in respect of PPBs and PEBs and by permitted participants, in relation to RCBs, as they are directly affected by such allocations.

Complaints regarding allocation should be directed to the BBC in the first instance. There is a 2 stage process:

- (i) Initial complaints to the Chief, Adviser Politics
- (ii) Appeal to the Director of Editorial Policy and Standards

If the complainant remains dissatisfied, the BBC's decision can be referred to Ofcom (stage 3)<sup>36</sup>. Complaints may also be referred to Ofcom if the complainant considers that Ofcom should impose a sanction; or if the BBC has failed to reach a conclusion within the time period set in these procedures. In exceptional circumstances Ofcom may intervene at an earlier stage.

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<sup>35</sup> See [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0014/16250/ppbrules.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0014/16250/ppbrules.pdf)

<sup>36</sup> See Ofcom's complaints framework

## **Stage 1: Making a complaint about PPBs, PEBs or RCBs**

Initial complaints should be directed to the Chief Adviser, Politics. The response will be provided in a reasonable timeframe taking into account where relevant an election period or a referendum period, which may mean a short timeframe is required. (For contact details see 5.5 below).

Your complaint should be in writing and submitted by email, if possible. A certain level of detail is required to enable complaints to be determined. To enable the Chief Adviser, Politics to consider your complaint, you should include the following information:

- full details of your complaint (giving reasons why you are dissatisfied with the BBC); and
- any relevant supporting evidence. Specifically, in the case of PPBs or PEBs if claims about the level of electoral support are relevant to your appeal, you should include supporting evidence.

You will receive a written response acknowledging receipt of your complaint which will explain the process and relevant timescales. In the first instance, the BBC's Chief Adviser, Politics will consider your complaint. You may be contacted at this stage with queries or an initial view on your complaint. Additional information may be required from you.

Following the determination of your complaint, the Chief Adviser, Politics will provide you with a written response setting out the reasons for the finding and advising you about how to appeal.

### **Timeframes for complaints**

Complaints about PPB allocation (excluding PEBs) should be made to the BBC within 10 working days of the day that political parties are informed of their allocations.

Generally, an intention to complain with regard to the proposed PEB allocation will need to be notified to the BBC within a

reasonable timeframe prior to the close of nominations.<sup>37</sup> Once nominations have closed, a short timeframe may apply for submission of complaints.

Similarly, an intention to complain with regard to RCB allocation will need to be notified to the BBC within a reasonable timeframe prior to the Electoral Commission announcing the designated organisations. Once the designated organisations are announced, a short timeframe may apply.

The BBC will endeavour to expedite complaints and appeals regarding PEB or RCB allocations where appropriate.

## **Stage 2: Appeals against Stage 1 Determinations**

Any appeal against the response of the Chief Adviser, Politics should be made to the Director of Editorial Policy and Standards, including any new relevant evidence.

As with stage 1, your complaint should be in writing and submitted by email, if possible. (For contact details see 'How to Complain' below).

To enable the Director to consider your stage 2 appeal, you should include the following information:

- full details of your complaint including details of your correspondence with the Executive at stage 1 of your complaint in no more than 1000 words. In exceptional circumstances, longer complaints may be entertained. In that case, however, you should also identify the reasons why your complaint exceeds 1,000 words and provide a one-page summary of your complaint.

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<sup>37</sup> PEBs are provisionally allocated upon the calling of the election. They are subject to confirmation of achieving requisite candidate qualification shortly after the close of nominations when it is clear how many candidates have been fielded. They are then made final.

- the reasons you are dissatisfied with the response of the Chief Adviser, Politics; and
- any relevant supporting evidence. Specifically, in the case of PPBs or PEBs, if claims about the level of electoral support are relevant to your appeal, you should include supporting evidence.

You will receive a written response acknowledging receipt of your appeal which will explain the process and relevant timescales. The Director will consider your complaint and you may be contacted at this stage with queries or an initial view on your complaint. Additional information may be required from you.

Following the determination of your appeal, the Director of Editorial Policy and Standards will provide you with a written response setting out the reasons for its finding.

This response will also be provided in a reasonable timeframe. In the case of PEBs or RCBs the election period or referendum period respectively will be taking into account, which may mean a short timeframe is required.

### **How to Complain**

All Stage 1 and Stage 2 correspondence should be directed to the Chief Adviser, Politics. The BBC wants its complaints process to be accessible and will do whatever is reasonably possible to make it open to all. Complaints can be made to Chief Adviser Politics, BBC Editorial Policy by

- Email: [ric.bailey@bbc.co.uk](mailto:ric.bailey@bbc.co.uk)
- Post: Room BC2 A1 Broadcast Centre, 201 Wood Lane London W12 7TQ Phone: 020 8008 1805

If you complain in writing in the Welsh language, you will receive a written reply in Welsh.

### **Where the BBC may not investigate**

Your complaint may not be investigated if it is deemed to be trivial, misconceived, hypothetical, repetitious or otherwise vexatious.

We expect everyone involved in making or handling a complaint to treat each other with respect and not use gratuitously abusive or offensive language. If a complaint contains such language, the BBC may invite you to reword your complaint before investigating it. If you do not reword your complaint, the BBC may not investigate it. If the BBC decides not to investigate your complaint for one or more of the reasons set out above, it will explain to you why. (See Annex B for more information about how we deal with misuse of the complaints process).

### **Stage 3: Referring a complaint to Ofcom**

If you remain dissatisfied with the determination of your complaint at stage 2, you may complain to Ofcom. Ofcom will normally consider a complaint only after the complaint has been investigated by the BBC at Stage 1 and Stage 2 as set out above.

Ofcom's complaints procedures are here:

<https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/procedures>.

Ofcom's Party Political and Referendum Broadcast disputes procedures are here:

[www.ofcom.org.uk/\\_data/assets/pdf\\_file/0009/16011/pprb-disputes.pdf](http://www.ofcom.org.uk/_data/assets/pdf_file/0009/16011/pprb-disputes.pdf).



## 6 Regulatory Complaints

### What is a Regulatory Complaint?

We would consider a Regulatory Complaint to be a complaint that the BBC has breached either:

- (i) a competition requirement; or
- (ii) a relevant requirement.

A **competition requirement** is any requirement placed on the BBC by Ofcom to regulate the impact of the BBC's activities on competition. It includes:

- requirements which Ofcom considers appropriate to protect fair and effective competition in relation to the UK Public Services. These may include provisions which relate to the distribution of the UK Public Services and/or requirements which relate to the commissioning of programmes or material to be included in the UK Public Services; Ofcom has set these out in the Operating Framework for the BBC's UK Public Services – <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/bbc-operating-framework>;
- requirements which Ofcom considers appropriate to ensure that the BBC's commercial activities do not, as a result of their relationship with UK Public Services, trading activities, or non-service activities, distort the market or gain an unfair competitive advantage; Ofcom has set these out in the Operating Framework for the BBC's Commercial Activities – [https://www.ofcom.org.uk/data/assets/pdf\\_file/0025/99412/bbc-commercial.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0025/99412/bbc-commercial.pdf);
- requirements which Ofcom consider appropriate to protect fair and effective competition in relation to non-service activities and trading activities; and see – <https://www.ofcom.org.uk/consultations-and-statements/ofcom-and-the-bbc/the-operating-framework>;

- the requirement whereby, in relation to UK Public Services, the BBC must ensure there is genuine competition between BBC producers and external producers (whether independent or not) on a fair, reasonable, non-discriminatory and transparent basis for the right to make relevant television, radio programmes and relevant online material, and that the BBC must evaluate any such bids on a fair, reasonable, non-discriminatory and transparent basis.

A **relevant requirement** is a specified regulatory requirement placed on the BBC by the Charter, the Framework Agreement or Ofcom's Operating Framework<sup>38</sup> not covered by a more specific Ofcom enforcement procedure. These requirements include:

- regulatory conditions imposed on the BBC by Ofcom in its Operating Licence for the UK Public Services; The Operating Licence is published by Ofcom – [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0017/107072/bbc-operating-licence.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0017/107072/bbc-operating-licence.pdf);
- the requirement to comply with quotas for the broadcasting of independent productions under the 2003 Act and under Schedule 3 of the Agreement;
- the specific requirements of Schedule 3, paragraph 7(1) of the Agreement in relation to television programmes, radio programmes and online material;
- the requirement to comply with a code drawn up by Ofcom giving guidance as to (a) the extent to which the UK Public Services should promote the understanding and enjoyment by persons who are hearing impaired, visually impaired or dual sensory impaired of programmes; and (b) the means by which such understanding and enjoyment should be promoted; and
- the requirement on the BBC to comply with a direction made by Ofcom or an undertaking offered by the BBC under Article

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<sup>38</sup> A specified requirement is defined in Clause 59 of the Agreement. Full details of the specified regulatory requirements imposed by Ofcom can be found in [Ofcom's complaints procedures](#)

49(2) of the Charter for the purposes of remedying a failure by the BBC to comply with any specified requirement.

Any such complaint should normally<sup>39</sup> be made to the BBC in the first instance. In the circumstances set out in the section headed Referring a Complaint to Ofcom on page 42, you may be able to take your complaint to Ofcom if you are unhappy with the BBC's response.

This procedure does not apply to any of the following:

- (i) editorial complaints;
- (ii) general complaints;
- (iii) television licensing complaints; and
- (iv) complaints about party election, party political and referendum campaign broadcasts.

These types of complaints have their own procedures which can be found at Sections 2, 3, 4 and 5 of this document respectively

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<sup>39</sup> In exceptional circumstances Ofcom may consider complaints not made to the BBC in the first instance. Complainants in such cases should explain to Ofcom their reasons for not making the complaint to the BBC

## **Regulatory Complaints Process**

A regulatory complaint will initially be assessed by the Executive Complaints Unit within the BBC. The BBC's response will be issued by a senior BBC member of staff who has had no prior involvement in the subject-matter of the complaint. In preparing that response, further investigation may be undertaken by other BBC teams, such as the BBC Legal Division, as necessary. We will do everything we reasonably can to resolve regulatory complaints within the BBC and expect the large majority of them to be addressed satisfactorily at the first stage. However, if you are not satisfied, you may be able to refer your complaint to Ofcom, subject to the conditions set out on page 42.

### **How to complain**

The BBC wants its complaints process to be accessible and will do whatever is reasonably possible to make it open to all. Complaints can be made

- by email to [ecu@bbc.co.uk](mailto:ecu@bbc.co.uk)
- by writing to the BBC at Executive Complaints Unit, Room BC2B4, BBC Broadcast Centre, Media Village, 201 Wood Lane, London W12 7TQ

If a complaint is submitted via the General Complaints process set out in Section 3 but the BBC considers it contains a regulatory complaint, this will be forwarded to the ECU and handled under the procedures set out in this section. The BBC will not decline to consider a regulatory complaint on the grounds that it has not been submitted under the correct section of the Framework.

If you require assistance with any of these methods of contact, please contact the ECU by telephone on 44 303 0806145. If you complain in writing in the Welsh language, you will receive a written reply in Welsh. If you do not complain centrally we cannot guarantee that your complaint will reach the right people or that you'll receive a reply when you write in.

## What your complaint should include

Your complaint should contain sufficient detail to enable it to be investigated, including:

- full details of the complaint (including the reasons why you are dissatisfied with the BBC);
- any supporting documentation.

For complaints about a breach of a **competition requirement**, please specify each requirement you consider has been breached by the BBC and why you consider the requirement has been breached.

In addition, please provide the following details:

- a) an explanation for the reasons for the complaint;
- b) details of relevant BBC products or services involved;
- c) relevant dates and incidents;
- d) a chronology of events;
- e) how you have been affected by the alleged breach; and
- f) the markets affected or potentially affected by the BBC's alleged breach including evidence of actual or potential effect on competition or consumers in those markets.

For complaints about a breach of a **relevant requirement**, please provide:

- a) which requirement you consider the BBC has breached;
- b) in what way the BBC has breached it;
- c) the date or time period within which the breach occurred;
- d) how you have been affected by the breach.

The inclusion of these details (or as many of them as possible) is very important. Once we have these details, we will also seek information from the relevant divisions within the BBC and, where necessary, from third parties to determine if a breach has occurred and if so, what action the BBC should take.

Please identify any material which is confidential and/or commercially sensitive which you would not wish to be shared more widely within the BBC and provide reasons. However, please be aware that it may be more difficult to investigate your complaint fully if we cannot discuss important evidence with the relevant BBC Divisions. In such cases, you may wish to provide a non-confidential

version of the complaint which could be shared with other BBC Divisions if necessary.

A failure to provide these details may mean that the BBC is not able to look into your complaint.

There is no word limit for regulatory complaints. However, if your complaint exceeds 1,000 words, please provide a one-page covering summary.

### **The BBC's Response**

The BBC will notify Ofcom when it receives any regulatory complaint which falls within Ofcom's remit appeal jurisdiction. See further details on page 42 on Referring Complaints to Ofcom.

The BBC aims initially to answer or acknowledge your complaint within 10 working days. The BBC may if necessary request further information to clarify what requirement/s you consider is being breached. We will also inform you of the time frame within which we expect to investigate and respond to your complaint. This deadline will normally be no more than 35 working days. If we need more time to investigate and send you a response, we will inform you and provide an updated deadline. In such cases, the updated deadline will be the "BBC deadline" for the purposes of escalating the complaint to Ofcom.

The BBC will send you a written response setting out whether it accepts your complaint or not and giving our reasons. When a complaint has been upheld or resolved, the ECU will publish a summary of the matter on the complaints page of [bbc.co.uk](http://bbc.co.uk) (unless it is inappropriate to do so for reasons of confidentiality or commercial sensitivity relating to your or the BBC's information). If you have identified confidential or commercially sensitive material during the complaints process, we will consult with you on the text of the summary prior to publication with a view to ensuring that there is no improper disclosure.

If the BBC accepts your complaint, it may require remedial action to be taken which will be set out in our response and published in the above summary.

The BBC will tell you how to contact Ofcom if you are dissatisfied with our response. See below on page 42 for further details.

### **Where the BBC may not investigate**

Your complaint may not be investigated if it is deemed to be trivial, misconceived, hypothetical, repetitious or otherwise vexatious. We expect everyone involved in making or handling a complaint to treat each other with respect and not use gratuitously abusive or offensive language. If a complaint contains such language, the BBC may invite you to reword your complaint before investigating it. If you do not reword your complaint, the BBC may not investigate it.

If the BBC decides not to investigate your complaint for one or more of the reasons set out above, it will explain to you why. (See Annex B for more information about how we deal with misuse of the complaints process).

### **Referring a Complaint to Ofcom**

You may be able to refer a complaint to Ofcom if:

- you are not satisfied with the resolution of a complaint by the BBC;
- you consider, following the resolution of a complaint by the BBC, that the imposition by Ofcom of a sanction, where available, against the BBC may be appropriate; or
- the BBC has failed to resolve a complaint within the time period set out.

Ofcom may in exceptional circumstances intervene at an earlier stage, including where a complaint has not in the first instance been referred to the BBC, and resolve a complaint which has not been resolved by the BBC. If you consider that there are exceptional circumstances which justify early intervention by Ofcom, you should clearly explain this in any complaint submission to Ofcom. Ofcom will decide on a case-by-case basis whether to consider such complaints.

Ofcom will only consider complaints in those areas where it regulates the BBC. Further details of the types of complaint Ofcom

will consider and the procedures it will apply to regulatory complaints can be found on the [Ofcom website](#) under the section headed Enforcement.

For breaches of competition requirements, please go to <https://www.ofcom.org.uk/consultations-and-statements/category-2/procedures-enforcement-bbc-competition-requirements>.

For breaches of relevant requirements, please go to [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0024/99420/bbc-agreement.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0024/99420/bbc-agreement.pdf).

Those documents also include details of where to direct such complaints to Ofcom.

For competition requirements, please use: [BBCCompetitionComplaints@ofcom.org.uk](mailto:BBCCompetitionComplaints@ofcom.org.uk).

For relevant requirements Ofcom requests that complaints are submitted via its complaint form, available at <https://www.ofcom.org.uk/tv-radio-and-on-demand/how-to-report-a-complaint>.

Alternatively, you can contact Ofcom at: Ofcom, Riverside House, 2a Southwark Bridge Road, London SE1 9HA, or telephone 0300 123 3333 or 020 7981 3040.



## **7 Annex A - Complaints which fall outside the scope of the framework**

### **Complaints where there is recourse to the law.**

If a complainant makes, or indicates an intention of making, a legal complaint against the BBC (including its employees and commercial subsidiaries) at the same time as making a complaint via the Complaints Framework, the BBC may decline to accept the complaint via the Complaints Framework or may stop the complaints handling procedure. The BBC may likewise decline to accept, or cease consideration of, a complaint whose subject matter is, or appears likely to be, the subject of legal action by another party. If a complainant resubmits a complaint to the BBC after a legal complaint has been responded to by the BBC's Legal Department or legal proceedings have concluded, the BBC will not generally reconsider any aspects of complaints that have already been considered or adjudicated upon (including but not limited to by a Court or tribunal).

### **Complaints made to other bodies with regulatory or law enforcement powers**

Complainants may have the opportunity to pursue their complaint via external authorities (for example, the Competition and Markets Authority). If a complainant makes a complaint to an external authority at the same time as making a complaint via the Complaints Framework, the BBC may decline to accept the complaint via the Complaints Framework or stop the complaints handling procedure. If a complainant resubmits a complaint to the BBC after it has been responded to by an external authority or an external investigation has concluded, the BBC will not generally reconsider any aspects of complaints that have already been considered or adjudicated upon.

### **Human resources complaints**

The BBC has appeals and grievance procedures for dealing with complaints relating to personnel issues (for example, employee and

job applicant grievances). Given the existence of these procedures, and the fact that the BBC is the employer of BBC staff, these complaints are not included within the scope of this Framework.

## **8 Annex B - Misuse of the complaints procedures**

The BBC takes complaints seriously, and seeks to respond fully and fairly to legitimate concerns about its performance. This is an important aspect of the BBC's accountability to the public.

As a result, the BBC devotes considerable resources to handling complaints, and in fairness to everyone – other complainants, BBC staff and the public at large who pay the licence fee – it is right that we should try to focus those resources on complaints that raise significant issues and substantial concerns.

Regrettably, experience has shown that a very small number of complainants misuse the system, bringing complaints that are trivial, or clearly have no basis in fact, or do not raise an issue that concerns the BBC's obligations under the Charter or the Framework Agreement, the Editorial Guidelines, or other policies and rules. Some complainants bring such complaints repeatedly, or persist with complaints that are clearly groundless. A tiny number use extreme or abusive language, either to staff or about others (e.g. using racist, sexist or insulting terms). These types of complaints can generate a disproportionate or unjustifiable level of disruption or diversion of resource.

We will always try to provide a courteous and reasoned reply to a legitimate complaint, but there comes a point when the BBC will cease corresponding with such complainants. We ask complainants to understand when the BBC has genuinely said all that it can or should say about a point they have raised, and refrain from pressing the point. We may need to “agree to differ” (subject to any rights they may have to take their case to Ofcom), and at that stage we will decline to correspond further. Likewise, in the case of people who repeatedly make complaints that clearly lack merit, while we will review and assess their complaints, we reserve the right (subject to giving them fair warning) not to respond at all and if necessary may need to use personal information to restrict access to the service.

