

April to June 2006
Issued July 2006



Programme Complaints Appeals to the Governors

The Board of Governors is responsible for overseeing the running of the BBC, to ensure that the BBC serves the public interest. We do this in a range of ways, such as setting key objectives and approving strategy and policy. Most importantly for this bulletin, we are responsible for monitoring the effectiveness of complaints handling by the BBC, including hearing appeals from complainants who are not happy with the responses they have received from management to serious programme complaints.

The Governors' Programme Complaints Committee is a subcommittee of five members drawn from the full Board of Governors. For a full account of our remit, please see the last page of this bulletin.

Foreword by the Chairman of the Governors' Programme Complaints Committee

It is the job of the Governors' Programme Complaints Committee (GPCC) to ensure that complaints are properly handled by the BBC. This includes taking appeals from people who are not satisfied with management's response to serious editorial complaints. We review the programme or online content against the BBC's editorial values and guidelines, and make a judgement on whether or not the content concerned has breached the standards set out.

This quarter, we partly upheld one complaint, about a television trail for digital television: the 'Faces' trail. See page 18.

We also endorsed an ECU finding on a first-party complaint about misrepresentation (*Late Edition*), and have asked for additional action by management. See page 20.



Richard Tait
Chairman of the Governors' Programme Complaints Committee

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Summary of findings (April–June 2006)

Top Gear

BBC Two, 13 November 2005

a) The programme

Top Gear is a magazine programme presented by Jeremy Clarkson, James May and Richard Hammond. It covers motoring news and reviews the latest car models.

b) The complaint

The item concerned the Tokyo Motor Show. Richard Hammond picked up on the news that in order to emphasise that the Mini Estate is “quintessentially British”, the makers had stocked it with teaspoons and teabags. Jeremy Clarkson then commented: “We should do a car that’s quintessentially German ... giving it trafficators that imitate a Nazi salute ... and a satnav that only goes to Poland.” He concluded by commenting: “Und ein fanbelt that lasts a thousand years!”

The complainant argued that:

- Clarkson’s comments were “poisonous rubbish”.
- His comments were a “racist slur” on Germany that perpetuated the stereotype of Germany as a “land of aggressors”.
- Racism against other nationalities would not be tolerated.
- It could not be dismissed as a bit of fun.

The Head of the Editorial Complaints Unit did not uphold the complaint and the complainant appealed to the Governors’ Programme Complaints Committee.

c) Relevant Editorial Guidelines (post July 2005)

Harm & Offence

Introduction

The BBC aims to reflect the world as it is, including all aspects of the human experience and the realities of the natural world. In doing so, we balance our right to broadcast and publish innovative and challenging content appropriate to each of our services with our responsibility to protect the vulnerable.

When we broadcast or publish challenging material which risks offending some of our audience we must always be able to demonstrate a clear editorial purpose. Such material may include, but is not limited to, offensive language, humiliation, sexual violence and discriminatory treatment. We must be sensitive to audience expectations, particularly in relation to the protection of children, as well as clearly signposting the material.

Audience expectations

We should judge the suitability of content for our audiences, including children, in relation to the expectations of the likely audience at a particular time on a particular day, and in relation to the nature of the service as well as the nature of the content. We should ask ourselves the following questions:

- *What is the likely composition of the audience, including the likely number and age range of children in the audience taking into account school time, weekends and holidays? We should be aware that school holidays are different in different parts of the UK.*
- *Does the talent, slot, genre or service carry pre-existing expectations which may be challenged by the content?*
- *Is harm or offence likely to be caused by misleading the audience or in the inclusion of difficult or challenging material?*
- *Has any difficult or challenging content been clearly signposted?*
- *Are there any special sensitivities surrounding the slot, for example religious festivals, and anniversaries of major events?*
- *What is the likely “pull-through audience”, i.e. what is the nature of the preceding content and what kind of audience is it likely to attract?*

Portrayal

We aim to reflect fully and fairly all of the United Kingdom’s people and cultures in our services. Content may reflect the prejudice and disadvantage which exist in our society but we should not perpetuate it. We should avoid offensive or stereotypical assumptions and people should only be described in terms of their disability, age, sexual orientation and so on when clearly editorially justified.

d) Transcript

RICHARD HAMMOND: *Well, they’ve finally got round and done it. A Mini, new version ... a Mini Estate! (laughter)*

JAMES MAY: *Marvellous.*

RH: *Which isn’t quite as exciting as we’d have, but what do you reckon they’ve done? It’s a German car, a French engine of course, but they decided to make it British. They wanted to give it something quintessentially British, so what do you think they’ve given it that just says...*

JEREMY CLARKSON: *A blow-up Queen? (laughter)*

RH: *No.*

JM: *Edward Fox?*

RH: *No.*

JC: *A Beefeater?*

RH: *No.*

VOICE FROM AUDIENCE: *(indistinct)*

RH: *A what?*

VOICE: *A hearse!*

JC: *A hearse?*

RH: *No. (shows photograph) What they’ve done is fit it with teaspoons and teabags. (laughter) That’s it!*

JM: *That sort of thing really annoys me.*

JC: *We should do a car that’s quintessentially German.*

RH: *Just replace the spoons with little sausages. (laughter)*

JC: *No, no. Give it trafficators that go like this. (lifts left arm and then right arm to the side imitating Nazi salute) (laughter) A satnav that only goes to Poland. (holds up his hands as if holding steering wheel going off to the left) (laughter) (In mock German accent) Und ein fan belt that lasts a thousand years! (laughter)*

RH: *No, I don’t think so.*

e) The Committee's decision

The Committee considered the complaint against the relevant editorial guidelines, taking into account all the material relating to the case.

The Committee gave careful consideration to the context of the item and in particular the expectation of the audience watching the programme. The Committee agreed that there was a real potential to offend, but felt the audience would have understood the purpose of Jeremy Clarkson's remarks and accepted his comments as an established element of his television persona. The Committee believed that the majority of the *Top Gear* audience would have been aware that Jeremy Clarkson often uses the most exaggerated stereotypes to support or defend his opinions and would not have taken his comments seriously.

The Committee agreed that comments about the Nazis and the Second World War could certainly cause more concern than many other subjects. However, the Committee did not believe that, when looking at the audience as a whole, they would have felt that the comments were anything more than Jeremy Clarkson using outrageous behaviour to amuse his audience, and that the remarks would not have led to anyone entertaining new or different feelings or concerns about Germans or Germany. The Committee concluded that, although it recognised that offence might have been caused to some people, there was sufficient editorial purpose for including the material – its purpose was to entertain, not to offend – and the item did not breach guidelines with regard to portrayal or overall audience expectation.

Finding: not upheld

Sunday AM

BBC One, 30 October 2005

a) The programme

Sunday AM is BBC One's flagship Sunday politics programme, presented by Andrew Marr.

b) The complaint

On 30 October, the programme covered remarks made by the Iranian President, Mahmoud Ahmadinejad, about Israel prior to Andrew Marr interviewing Dr John Reid, Secretary of State for Defence.

Andrew Marr said: "It was remarks by Iran's new President that he wanted to wipe Israel off the face of the map which have really raised the temperature."

The complainant argued that this had been incorrectly translated, and what the President had actually said was: "As the Imam [Khomeini] said, Israel must be wiped off the map." He based this on Al Jazeera's translation of the speech. The complainant argued that Marr's version was problematic because:

- It is more emotive to say "off the face of the map".
- It would be taken to mean that the Iranian President wants to carry out this act himself.
- It carries the impression that this will be done by force.

The complainant argued that this was exacerbated by the fact that the programme then included Tony Blair's reaction to President Ahmadinejad's comments, without pointing out that

Mr Blair himself misrepresented the Iranian President's position. Mr Blair too, claimed the complainant, incorrectly stated that the President had said Iran wants to wipe out Israel itself.

Mr Blair said: "I have never come across a situation of the president of a country saying they want to wipe out, not that they have got a problem with, or an issue with, but want to wipe out another country. This is unacceptable. And their attitude towards Israel, their attitude towards terrorism, their attitude on the nuclear weapons issue, it isn't acceptable..."

Further, off the back of Mr Blair's comments, the complainant felt that Marr should have pointed out that Iran says it is only developing a capacity for nuclear energy and has no plans to develop nuclear weapons.

The complainant also raised concerns about the handling of his complaint at stages 1 and 2.

The Head of Editorial Complaints Unit did not uphold the complaint and the complainant appealed to GPCC.

c) Relevant Editorial Guidelines (post July 2005)

ACCURACY

Introduction

The BBC's commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation.

For the BBC accuracy is more important than speed and it is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered.

We aim to achieve accuracy by:

- *the accurate gathering of material using first hand sources wherever possible.*
- *checking and cross checking the facts.*
- *validating the authenticity of documentary evidence and digital material.*
- *corroborating claims and allegations made by contributors wherever possible.*

IMPARTIALITY

Introduction

Impartiality lies at the heart of the BBC's commitment to its audiences. It applies across all of our services and output, whatever the format, from radio news bulletins via our web sites to our commercial magazines and includes a commitment to reflecting a diversity of opinion.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK and throughout the world to support fair and informed debate. It specifies that we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of political or industrial controversy. It also states that the BBC is forbidden from expressing an opinion on current affairs or matters of public policy other than broadcasting.

Special considerations apply during the campaign periods for elections.

d) The Committee's decision

The Committee considered the complaint against the relevant editorial guidelines, taking into account all the material relating to the case.

The Committee accepted that there were a lot of questions asked of it by the complainant but felt satisfied that the complaint could be considered in three parts.

Accuracy

Did Andrew Marr accurately reflect the statement made by President Ahmadinejad of Iran?

The Committee carefully considered the wording of the translation of the speech from a number of sources, including translations from BBC Monitoring and from the Middle East Research Institute in Washington. The Committee also reflected on how the speech had been translated in British newspapers and on Al Jazeera Online.

The Committee noted the inherent problem with accuracy in translations. It noted that all the translations varied to a greater or lesser degree, and it was difficult to decide which, if any, was the most accurate. None of the various translations provided any evidence for the charge that Andrew Marr had misrepresented what the Iranian President had said. The Committee also felt that whether Andrew Marr added the specific words "off [the face of] the map" or not, the significance of these additional words did not have the effect that the complainant argued they did.

Impartiality

Was Andrew Marr's wording unnecessarily emotive and therefore showing partiality?

The Committee felt that Andrew Marr's additional use of the word "face" – "[Israel] should be wiped off the face of the map" – did not misrepresent or unnecessarily give extra emotion to the Iranian President's speech. The Committee felt that the language used by the Iranian President was highly emotive by its nature and had been recognised as such in the international condemnation of what he had said. Andrew Marr had done nothing more than highlight this in his introduction. The Committee was also clear that neither the language nor the tone used by Andrew Marr could be considered as showing bias.

Fairness

Did Andrew Marr put forward the Iranian position and was it reasonable to include comments by Tony Blair?

The Committee gave careful consideration to this point, but were satisfied that neither Andrew Marr nor the programme unfairly represented the Iranian position. The Committee felt that it was important to look at Andrew Marr's introductory piece within the context of the programme. The Committee felt that Andrew Marr had encapsulated the tone of the Iranian President's view – which had been widely reported on BBC News when the speech had been made earlier that week – and was developing that story as the introduction to an interview with the Defence Secretary, Dr John Reid. It felt that the introductory script and the inclusion of the footage of Tony Blair talking as President of the European Community provided balance and a platform for a much wider discussion with Dr Reid.

The Committee concluded that it was satisfied that, on all elements of the complaint, editorial guidelines had not been breached.

Finding: not upheld.

e) Handling of the complaint

The Committee felt that the length of time it took for Stage 1 of the complaints process to respond to the initial complaint was too long. However, the Committee accepted that the delay was not intentional and that BBC Information had acted in good faith in trying to direct the complainant to the appropriate area for a response.

Celebrity Mastermind

BBC One, 30 December 2005

a) The programme

This was a celebrity edition of the *Mastermind* quiz programme presented by John Humphrys.

b) The complaint

The complainant alleged that the programme inaccurately described one of the contestants, Peter Tatchell, as a “human rights campaigner”. The complainant maintained that this was “grossly partisan” and contrary to the Charter on the grounds that:

- “Human rights campaigner” is not an objective term – it is complimentary and an act of approbation and therefore a political statement.
- The actions taken by Mr Tatchell to promote his views are not those of a human rights campaigner. Rather, Mr Tatchell is a “publicity-seeking agitator”, who used force to stop the last Archbishop of Canterbury from delivering a sermon on Easter Sunday. Violence and censorship are anathema to true human rights campaigners.

The Head of Editorial Complaints Unit did not uphold the complaint and the complainant appealed to the GPCC.

c) Relevant Editorial Guidelines (post July 2005)

ACCURACY

Introduction

The BBC’s commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language.

THE BBC’S EDITORIAL VALUES

Impartiality & diversity of opinion

We strive to be fair and open minded and reflect all significant strands of opinion by exploring the range and conflict of views. We will be objective and even handed in our approach to a subject. We will provide professional judgments where appropriate, but we will never promote a particular view on controversial matters of public policy or political or industrial controversy.

d) The Committee’s decision

The Committee considered the complaint against the relevant editorial guidelines, taking into account all the material relating to the case.

The Committee noted that Peter Tatchell has been described and regarded as a human rights campaigner across the external media in both tabloid and broadsheet newspapers. Having looked

at the chronology of Peter Tatchell's activities, the Committee concluded that he has been involved in various aspects of human rights campaigning, including gay rights, since the 1970s.

In accepting Peter Tatchell as a human rights campaigner, neither the programme nor the GPCC was giving an opinion on his campaign objectives or tactics, but accepting his own description of his own occupation, which in turn would be recognised and accepted by a very large proportion of the audience.

Finding: not upheld.

Today

Radio 4, 21 April 2005

a) The programme

Today is the flagship news programme on BBC Radio 4 (6–9am, Monday–Saturday).

b) The complaint

The Immigration Minister Des Brown had been invited on to the programme to respond to the question of how many failed asylum seekers there were in the country. The interview followed the previous evening's *Newsnight* in which Jeremy Paxman had repeatedly asked the Prime Minister for the number of failed asylum seekers still in the UK.

The complainant alleged that the interview lacked balance. He argued that:

- It concentrated on trying to establish the number of failed asylum seekers in the UK, but failed to extend this discussion to other groups: for example, Australian illegal immigrants who had stayed longer than their visas allowed.
- The complainant believed that the BBC was concentrating on a vulnerable group who could suffer from "hostile and erroneous" reporting of the issue.
- The programme did not question Des Brown's conflation of illegal immigration with abuse of asylum.

Finally, he felt the assumption behind the interview was that "failed asylum seekers are a problem", rather than the asylum system itself.

The complainant was also concerned at how the complaint was handled at stages 1 and 2.

The complaint was not upheld by the Editorial Complaints Unit and the complainant appealed to the GPCC.

c) Relevant Producers' Guidelines (pre July 2005)

IMPARTIALITY & ACCURACY – OUR JOURNALISTIC VALUES

Truth and Accuracy

We will always strive to establish the truth of what has happened as best we can.

We aim for the highest possible levels of accuracy and precision of language. Our journalism will be well sourced, based on sound evidence, and thoroughly tested. It will rely on fact rather than opinion, and be set in context. We will be honest and open about what we don't know and avoid unfounded speculation.

Serving the Public Interest

We seek to report stories of significance, striving to make them interesting and relevant to all our audiences. We will be vigorous in trying to drive to the heart of the story, and well informed when explaining it. Our specialist expertise will bring authority and understanding to the complex world in which we live. We will be robust, but fair and open-minded, in asking searching questions of those who hold public office and in reporting that which it is in the public interest to reveal. Our news and current affairs journalism will never campaign, but pursue journalistically valid issues and stories, without giving undue prominence to any one agenda. We will provide a comprehensive forum for public debate at all levels.

Impartiality and Diversity of Opinion

We report the facts first. Understand and explain their context. Provide professional judgments where appropriate, but never promote our own personal opinions. Openness and independence of mind is at the heart of practicing accuracy and impartiality. We will strive to be fair and open minded by reflecting all significant strands of opinion, and by exploring the range and conflict of views. Testing a wide range of views with the evidence is essential if we are to give our audiences the greatest possible opportunity to decide for themselves on the issues of the day.

Independence

The BBC is independent of both state and partisan interest and will strive to be an independent monitor of powerful institutions and individuals. We will make our journalistic judgments for sound editorial reasons, not as the result of improper political or commercial pressure, or personal prejudice.

d) The Committee's decision

The Committee considered the complaint against the relevant editorial guidelines, taking into account all the material relating to the case.

The Committee considered the various concerns expressed by the complainant together. Having considered the interview as a whole – including John Humphrys' discussion with David Davis as well as with Des Brown – they concluded that the *Today* programme had a legitimate editorial reason to pursue the same issue that *Newsnight* had covered the previous evening. Given that the interview took place in the middle of the General Election campaign, and that the asylum debate was current, together with the fact that Tony Blair had not provided a figure on failed asylum seekers still in the UK, *Today* had good editorial grounds to raise the issue again the following morning. The Committee concluded it was not a breach of the guidelines regarding impartiality to track this continuing argument, and the programme was justified in not broadening the discussion on this occasion to include all illegal immigrants.

The Committee did not believe that this item would have caused further suffering to asylum seekers given the justifiable reason for the debate, the tone of the item and the manner in which it was discussed. The Committee did not agree with the complainant that the programme was suggesting that asylum seekers were a problem. The Committee felt that the particular issue under discussion was the Government's inability to supply a figure of failed asylum seekers, nothing more.

The Committee felt that the concern about the conflation of the figures of failed asylum seekers and illegal immigrants was not addressed in the initial discussion between John Humphrys and Des Brown, but was clarified by David Davis later in the piece.

The Committee did agree, however, that the mistake by John Humphrys in calling failed asylum seekers "illegal asylum seekers" was unfortunate. It did not believe this was intentional, but the kind of mistake that can happen occasionally in live programming. However, the Committee was concerned that it took so long for the BBC to admit that John Humphrys had made a mistake and to apologise for the error.

The Committee concluded that there was no breach of guidelines with the choice of item or its contents. It was satisfied that the issue regarding the mistaken use of the term “illegal asylum seekers” had already been resolved by the BBC’s apology.

Finding: not upheld.

Love Soup

BBC One, 4 October 2005

a) The programme

Love Soup is a “romantic comedy drama”. The web page states:
Tamsin Greig and Michael Landes star as Alice and Gil, a perfectly matched couple. Just one thing is holding back their relationship – they’ve never met...

b) The complaint

The complaint was concerned with the use of the word “wank” in the episode of 4 October. The complainant said there was no warning from the announcer that such language would be used in the programme. He argued the audience could not be expecting strong language, given that this was a new series. He argued that research shows that “wank” is regarded as the “fourth severest swearword” by the public.

The Editorial Complaints Unit did not uphold the complaint and the complainant appealed to the GPCC.

c) Relevant Editorial Guidelines (post July 2005)

HARM & OFFENCE

Watershed

After 21.00 the post-Watershed transition to more adult material should not be abrupt and should reflect the nature of the channel and viewer expectations. The strongest material should appear later in the schedule. If sudden changes of tone are unavoidable they should be clearly signposted, for example, giving clear information about scenes of a sexual nature, violence or the use of offensive language.

Language

Offensive language is one of the most frequent causes of complaint. It can be a particular source of offence in sub-titles or online.

Judgements about its use are difficult because they depend on tone and context. There is no consensus about words that are acceptable, when, and by whom. Different words cause different degrees of offence in different parts of the world. So a person’s age, sex, education, employment, belief, nationality, and where they live, all impact on whether or not they might be offended.

We must not include offensive language before the Watershed or on radio when children are particularly likely to be in our audience, or in online content likely to appeal to a high proportion of children, unless it is justified by the context and then its frequent use must be avoided.

We must make careful judgements about the use of the MOST offensive language post-Watershed and ensure it is clearly signposted.

Any proposal to use the most offensive language [words that fall into this category listed – for details go to bbc.co.uk/guidelines/editorialguidelines] must be referred to and approved by a senior editorial figure or for Independents by the commissioning editor and the relevant output controller for television, radio, online and any other service. Chief Adviser Editorial Policy may also be consulted.

Language that causes most offence includes:

- *sexual swearwords*
- *terms of racist abuse*
- *terms of sexual and sexist abuse or abuse referring to sexuality*
- *pejorative terms relating to illness or disabilities*
- *casual or derogatory use of holy names or religious words and especially in combination with other offensive language.*

d) The Committee's decision

The Committee considered the complaint against the relevant editorial guidelines, taking into account all the material relating to the case.

The Committee accepted that the word in question, “wank”, was neither actually spoken nor shown on screen, but was heavily implied within the dialogue and by the reactions of the characters. The Committee recognised that some of the audience could be offended by this implied usage. However, the Committee noted that the programme was post-watershed and was therefore considered adult programming. The Committee also noted that “wank” is not considered one of the most seriously offensive words according to BBC Editorial Guidelines – for example, its use does not require referral and approval by a senior editorial figure. The Committee felt its implied use within the context of the drama was justified.

The Committee also considered whether signposting of the content was required and agreed that the decision not to include a warning before the start of the programme was justified: the word was not considered to be one of the most offensive, it was placed within adult programming (post-watershed), and its use had only been implied.

The Committee therefore concluded that there had been no breach of guidelines on the use of language or signposting.

Finding: not upheld.

Doctor Who

BBC One, 26 March–18 June 2005

a) The programme

Doctor Who was the new 2005 series of the science fiction drama following the adventures of the title character. This was the first series after a break of 16 years and starred Christopher Eccleston and Billy Piper.

b) The complaint

The complaint fell into three main categories: references to Michael Jackson which the complainant found offensive; political content; and use of bad language. The complaints are summarised briefly below.

Reference to a living person

- The complainant was offended by the reference to Michael Jackson in relation to the “skin woman” who had undergone too much plastic surgery (episode 2).
- He felt this was derogatory and bullying, and was neither necessary, reasonable nor appropriate.
- He noted that the original series of *Doctor Who* did not resort to such humour.

Political content

- The complainant argued that the writer was using the new series as a political platform. In particular, he noted references to the controversy over “WMD” and the 45 minutes claim through “massive weapons of destruction” and references to “45 seconds”.
- He referred to comments made by the writers in various interviews.

Bad/sexual language

- The complainant was offended by the use of language including “fart”, “God” and “oh, boll...”. He also alleged the use of “bitch”.
- He argued that bad language is intrusive, detracts from where the emphasis should be, and reduces the pleasure of viewing.
- *Doctor Who* is a programme with no history of bad language, and therefore breaks with convention by introducing it.
- He was not persuaded by BBC arguments that they had received few complaints.

c) Relevant Producers’ Guidelines (pre July 2005)

BBC EDITORIAL VALUES

Impartiality

Due impartiality lies at the heart of the BBC.

IMPARTIALITY AND ACCURACY

General

The BBC applies due impartiality to all its broadcasting and services, both to domestic and international audiences.

In achieving due impartiality the term “due” is to be interpreted as meaning adequate or appropriate to the nature of the subject and the type of programme. There are generally more than two sides to any issue and impartiality in factual programmes may not be achieved simply by mathematical balance in which each view is complemented by an equal and opposing one.

Drama, Arts, Music and Entertainment Programmes

All these areas need to offer artists, writers and entertainers generous scope for individual expression.

Programme executives in drama, arts and entertainment have a responsibility to ensure that the BBC reflects the widest possible range of talent and perspective internationally, nationally and regionally. This is a matter for regular review in the programme areas.

BBC EDITORIAL VALUES

Respect for Standards of Taste and Decency

Programme makers should be aware of and respect their audiences' often diverse views on what will and will not cause offence. The right to challenge audience expectations in creative and surprising ways must be safeguarded but audiences should not be needlessly offended by what we broadcast and publish. It is vital to consider the expectations that audiences have of particular programmes, service and time slots.

TASTE AND DECENCY

General

The BBC is required in the Agreement associated with its Charter not to broadcast programmes which "include anything which offends against good taste or decency or is likely to encourage or incite to crime or lead to disorder, or be offensive to public feeling".

The right to challenge audience expectations in surprising and innovative ways, when circumstances justify, must also be safeguarded. Comedy, drama, and the arts will sometimes seek to question existing assumptions about taste. Programmes which question these assumptions should seek to tell the truth about the human experience, including its darker side, but should not set out to demean, brutalise or celebrate cruelty.

Parents with children in the home are likely to be particularly concerned about what appears on television. This applies especially when families are watching before the Watershed. Most people expect to be given clear signals about what they will see and hear, especially when new series or formats appear.

An item which might be interpreted by some viewers or listeners as being in bad taste should only be broadcast after careful consideration, not carelessly or by mistake. It must be justified by its purpose, and by the overall quality of the programme.

Context is everything: scheduling can be vital to audiences accepting difficult material. It is vital to consider the expectations that audiences have of particular programmes and timeslots.

Language

Strong language is a subject of deep concern to many people and is one of the most frequent causes of complaint. Offence is more likely to be caused if audiences are taken by surprise when strong language occurs without warning, is contrary to the expectations of the programme's audience or feels gratuitous. In the right context strong language may cause little offence and in some situations it may be wholly justified in the interests of authenticity.

It is more difficult to make judgements about the use of strong language in a pre-Watershed family serial or soap opera, seen or heard by large audiences composed of people from different ages and backgrounds. Strong language might sometimes be used, for example when characters are experiencing great stress. This must be justified by the expectations created for both individual characters and the series as a whole.

d) The Committee's decision

The Committee considered the complaint against the relevant editorial guidelines, taking into account all the material relating to the case.

The Committee looked at the episodes that were specific to the complainant's comment but also considered the complaint within the context of the series as a whole.

The Committee noted that the new series was not just a remake of the old but was a completely new version of the popular science fiction series. Its remit was as a contemporary family drama-entertainment, of relevance to today's audience. This had been well signposted in trails and pre-transmission publicity.

Reference to a living person

Episode 2: *The End of the World*

bbc.co.uk billing for the episode:

The Doctor takes Rose on her first voyage through time, to the year Five Billion. The Sun is about to expand, and swallow the Earth. But amongst the alien races gathering to watch on Platform One, a murderer is at work. Who is controlling the mysterious and deadly Spiders?

The complaint referred to a comment by Rose: "I'm off for a quick word with Michael Jackson." Rose was referring to a character (Lady Cassandra) whose form was as a gossamer-thin skin stretched over a screen.

The Committee felt that Michael Jackson's life had been well documented and discussed in a wide variety of programmes. It was not unreasonable to refer to such a well-known figure in modern culture. It did not consider the remark to be offensive. It accepted that some of the audience might not have liked the comment, but that it was the nature of comedy that people have different views on what is and is not funny.

The Committee felt that, in conclusion, the remark was acceptable as it was in keeping with the contemporary style of the series. It did not breach the expectations of an early evening family audience or required editorial standards.

Political content

Episodes 4: *Aliens of London*

bbc.co.uk billing:

The Doctor takes Rose home. But when a spaceship crash-lands in the Thames, London is closed off, and the whole world goes on Red Alert. While the Doctor investigates the alien survivor, Rose discovers that her home is no longer a safe haven. Who are the Slitheen?

The Committee carefully considered the complainant's concerns about political bias, in particular the reference to "massive weapons of destruction – capable of being deployed in 45 seconds" (episode 4). It felt the reference did not in itself attribute a particular view or political leaning. It was an example of how the writer had used a contemporary issue to convey a dramatic storyline. The Committee felt that bias was not achieved by use of the phrase alone and that for the comment to be a breach of guidelines a clear association to a political opinion would have had to have been made.

The Committee also noted that the editorial guidelines made allowance for individual expression. The Committee felt that this was particularly the case with *Doctor Who*, where modern themes and issues were part of the narrative of the series.

The Committee were satisfied that, having considered the specific complaints made against the series, as well as looking at the series as a whole, the programme was not being used inappropriately by the writers to promote any particular view or opinion. They felt that the writers had successfully contextualised challenging issues and references to topical events that did not result in a breach of editorial guidelines.

Bad/sexual language

Episodes 2: *The End of the World*, Episode 4: *Aliens of London* (see above)

Episode 5: *World War Three*

bbc.co.uk billing:

With the Doctor, Rose and Harriet Jones trapped inside Downing Street, the world edges towards Interplanetary War.

The Committee considered the language contained within these episodes and its suitability for a family audience. The Committee noted that the programmes did not use the strongest of bad language. The Committee was also satisfied that on investigation the actual dialogue did not use “bitch” but “bitchy”. In episode 2, in an argument with Lady Cassandra, the character with gossamer-thin skin, Rose comments: “It’s better to die than live like you, a bitchy trampoline.” It considered “bitchy” less strong than “bitch” would have been. Furthermore, context was crucial to the use of the word, and the Committee considered that because the tone of the dialogue was humorous, there was significantly less potential for most of the audience to have been offended by the remark.

The Committee were also satisfied that the use of the word “fart” or “farting” was not considered serious bad language by the vast majority of the audience. The Committee noted that the word has been used within context on children’s BBC programmes and does not feature in research of words that may cause serious offence.

The Committee then went on to consider the use of “Oh boll...” in episode 5, when the aliens were just about to be obliterated while sitting in the Cabinet Room of 10 Downing Street. The Committee believed this style of editing used a well-established comedic device of the timed interruption, where a word is implied but suitably cut off before being expressed.

In conclusion, the Committee felt that on all three points the programme had demonstrated that the use of language was relatively mild, and would have been consistent with most of the audience’s expectations. As such, the use of language did not breach the guidelines.

Finding: not upheld.

‘Faces’ trail for digital television

BBC One and BBC Two, 5 November–9 December 2005

a) The item

This complaint concerned the ‘Faces’ broadcast trail for a digital television campaign designed to promote the Corporation’s extra channels to the audience. It was originally due to be transmitted between 5 November and 23 December 2005, although it ended in on 9 December. It was shown across BBC One and BBC Two in daytime and peak. Over 1,000 complaints were received by the BBC.

b) The complaint

The complainant was offended by the trail, arguing that it violated standards of taste and decency. In summary, he made the following main points:

- It was shown without any advance warning.
- The concept of constituent parts of a head breaking apart and flying off in all directions was repulsive to a large proportion of the population.

- The small heads looked like chunks of flesh, despite remaining intact.
- The sight of the large head, even before it exploded, was horrific and the grin on the face had a “disturbingly psychotic effect”.
- Care should be taken where illustrations of distortions to the human body are involved.

c) Relevant Editorial Guidelines (post July 2005)

HARM & OFFENCE

Harm and offence editorial principles

- *We will not broadcast material that might seriously impair the physical, mental or moral development of children.*
- *We observe the television Watershed to ensure material that might be unsuitable for children is appropriately scheduled.*
- *We signpost and label challenging material to ensure our audiences have enough information on which to judge whether content is suitable for themselves or their children.*
- *We keep in touch with the expectations of our audiences for all of our services.*

Audience expectations

We should judge the suitability of content for our audiences, including children, in relation to the expectations of the likely audience at a particular time on a particular day, and in relation to the nature of the service as well as the nature of the content. We should ask ourselves the following questions:

- *What is the likely composition of the audience, including the likely number and age range of children in the audience taking into account school time, weekends and holidays?*
- *Does the talent, slot, genre or service carry pre-existing expectations which may be challenged by the content?*
- *Is harm or offence likely to be caused by misleading the audience or in the inclusion of difficult or challenging material?*

Sign posts & content information

To ensure that our audiences are not taken by surprise, we must clearly sign post difficult content on all of our services using a combination of appropriate scheduling and content information which is simple, consistent, and factual. Whenever possible, this information should appear in press releases and other publicity, billings, Ceefax, trails, on air and online announcements, and electronic programme guides.

Scheduling of programme trails

Trails scheduled next to programmes targeted at children or when children are particularly likely to be watching should be suitable for that audience.

d) The Committee’s decision

The Committee considered the complaint against the relevant editorial guidelines, taking into account all the material relating to the case.

The Committee recognised the creative challenge inherent in producing a memorable message in less than a minute. In its deliberations, it drew a distinction between pre- and post-watershed.

It noted that the pre-transmission research had found that the trail would be disliked by some sections of the audience. It noted too that Editorial Policy had advised that the trail could be “predictably unsettling to sections of the audience (very young and older) because ‘playing’ with

the human face and image typically elicits a strong reaction in these segments". Editorial Policy did not, however, believe it breached the guidelines. The Committee also noted in particular the guideline: "Trails scheduled next to programmes targeted at children or when children are particularly likely to be watching should be suitable for that audience." The trails were scheduled next to programmes including *EastEnders*, *Neighbours* and *Strictly Come Dancing*, when there would be significant numbers of children watching. As such, the Committee felt the trail was unsuitable for broadcast pre-watershed.

The Committee agreed that the trail itself was potentially distasteful to any section of the audience and, as such, that broadcasting it at any time was likely to provoke complaints from significant numbers of the audience. However, it did not feel that it breached the guidelines for after the watershed. They felt the scheduling of the trail at that time was appropriate as the audience had a greater expectation of being challenged by programme content.

The Committee also commented on the BBC's explanation for the trail coming off air. It gave the impression that the trail had been withdrawn primarily because the marketing job had been done. It should have properly acknowledged the role of audience complaints in the decision to withdraw and apologised for the offence.

Finding: partly upheld.

Action

The Chairman on behalf of the Committee will write to the Director of Marketing, Communications & Audiences to request that in any statement to the audience the BBC should be open in acknowledging when it had made a mistake or misjudged the content of its output.

Late Edition

BBC Two/BBC Four, 30 June 2005

a) The programme

Late Edition is a late-night topical comedy talk show.

b) The complaint

The complaint concerned an item about phone masts. Originally, a trustee of the organisation Mast Sanity complained about the item. The complaint was made on behalf of the interviewee, Ingrid Dickenson, because Mast Sanity had recommended Ms Dickenson as an interviewee for the item. The Editorial Complaints Unit upheld the complaint about misrepresentation: the interviewee had been led to expect a serious item, but the transmitted item was presented as comic. The ECU ruled that the interviewee had not been misled from the start, and that there had been no initial jocular intention.

Further to this, the interviewee herself (Ingrid Dickenson) appealed to the GPCC. In particular, she felt that she had been misled from the start. She argued that she had asked for a programme tape but had not received one, and that this was deliberate. She also felt that insufficient action had been taken in relation to the complaint by the BBC and that the whole process had taken too long.

c) Relevant Producers' Guidelines (pre July 2005)

FAIRNESS AND STRAIGHT DEALING

Dealing with Contributors

From the start, programme makers should be as clear as they can be about the nature of the programme and its purpose

Contributors may be unfamiliar with broadcasting. Processes and assumptions that a professional may regard as obvious may not be shared by a layperson.

Whether they are public figures or ordinary citizens contributors ought to be able to assume that they will be dealt with in a fair way. They should not feel misled, deceived or misrepresented before, during or after the programme, unless there is a clear public interest, when dealing with criminal or anti social activity. Contributors have a right to know:

- *what a programme is about*
- *what kind of contribution they are expected to make – an interview or a part in a discussion, for example. If invited to take part in a debate or a discussion they should be told in advance about the range of views being represented, and wherever possible, who the other participants will be.*
- *whether their contribution will be live or recorded and whether it will be edited. They should not be given a guarantee that their contribution will be broadcast, but nor should we normally record a substantial contribution unless we expect to use it.*

The need for fairness applies equally to people asked for help or advice in the preparation of programmes. They should be told why they were contacted and what the programme is about.

Contributors to both factual and entertainment programmes should not be patronised or exploited, nor should we be seen to humiliate them.

There are separate guidelines covering issues of deception in comedy and light entertainment programmes.

Contributors should feel they have been treated decently by the BBC in all our dealings with them, throughout the production process. In programmes that deal with personal trauma or distress continuing contact with contributors may be appropriate to offer them help and reassurance up to the point of transmission and beyond.

Some contributors may ask to see a copy of the finished programme before it is broadcast. The BBC does not usually agree to this, for legal reasons and to maintain editorial independence. However, there may be circumstances under which it is appropriate to allow previews without surrendering editorial control. When we agree to give previews it should be made clear on what terms such a preview will be offered. It is best to do this in writing in advance. Editorial Policy can advise on individual cases.

Ofcom Broadcasting Code

Dealing fairly with contributors and obtaining informed consent

Where a person is invited to make a contribution to a programme they should normally, at an appropriate stage:

- *be told the nature and purpose of the programme, what the programme is about and be given a clear expectation of why they were asked to contribute and when (if known) and where it is likely to be first broadcast;*
- *be made aware of any significant changes to the programme as it develops which might reasonably affect their original consent to participate, and which might cause material unfairness.*

Deception, set-ups and 'wind-up' calls

Broadcasters or programme makers should not normally obtain or seek information, audio, pictures or an agreement to contribute through misrepresentation or deception.

Where there is no adequate public interest justification, for example some unsolicited wind-up calls or entertainment set-ups, consent should be obtained from the individual and /or organisation concerned before the material is broadcast.

d) The Committee's decision

The Committee considered:

- The complainant's appeal that she was unhappy with the Editorial Complaints Unit (ECU) response to the substantive complaint, feeling that the decision had not fully acknowledged her view that the programme had set her up from the outset.
- Whether further action was required to remedy any breaches of standards.
- The additional complaint that the production team had intentionally neglected to send out a pre-transmission copy of the programme to her and to inform her of the transmission date.

The Committee considered the complaint against the relevant editorial guidelines, taking into account all the material relating to the case.

The Committee agreed with the ECU's conclusion that the programme's failure to inform the complainant of the changed nature of the interview was in clear breach of the guidelines. It endorsed the ECU's decision to uphold that part of the complaint.

The Committee also considered the complainant's argument that she had been misled from the outset. It was clear there was no evidence that this was the case, and the Committee felt it was impossible to rule on the programme makers' original motivations for the item. However, the Committee made clear that the failure to alert the interviewee about the changed direction of the item was in its view serious.

The Committee then went on to consider the complainant's additional point regarding the programme's action in relation to the supply of a broadcast date and a pre-transmission tape. The Committee was unable to find any evidence to support the suggestion that the programme had intentionally neglected to supply a tape. It noted the guideline regarding the release of pre-transmission tapes to contributors, and also noted that tapes would not normally be released to contributors ahead of transmission. As such, it felt that programmes should be clear about this with contributors. On the complainant's further point regarding intentional neglect to inform her of the date of broadcast, the Committee accepted that from the information available the programme did forget to inform her of the date of broadcast, but that there was no evidence to suggest that this mistake was deliberate.

The Committee noted that the Editorial Complaints Unit had apologised to Mast Sanity on the BBC's behalf. It felt that Ms Dickenson herself was also owed a proper apology for the misrepresentation, and apologised to her on behalf of the BBC.

In response to the complainant's request to have the item removed from the master tape, the Committee will write to BBC management to request that the relevant item be edited out of the programme, and that there will be no repeat of it in that, or any other programme, in the future. The Committee will also request that BBC management look at the learning from this decision in order to set up any corrective measures to prevent a similar incident happening in the future.

Finding: the GPCC endorsed the ECU's earlier ruling.

Action

The Chairman on behalf of the Committee will write to the Deputy Director-General, Chairman of the Complaints Management Board, to request that all the learning from this complaint be considered and suitable corrective action taken. The Chairman will also write to the Director of Television to request that the item be edited out of the programme and not repeated again in any format.

Remit of the Governors' Programme Complaints Committee

The Governors' Programme Complaints Committee (GPCC) consists of five Governors of the BBC, who are responsible to the full Board of Governors for ensuring that complaints made by viewers and listeners are "given due consideration by and are properly handled by" the Corporation, as required under the Charter. The activities and conclusions of the GPCC are reported to the full Board of Governors. The Committee members are Richard Tait (Chairman), Deborah Bull, Professor Fabian Monds, Angela Sarkis and Professor Merfyn Jones.

In fulfilling this remit, the GPCC undertakes regular reviews of the BBC's processes and performance in relation to complaints handling. In particular, the GPCC provides for the independent oversight of the BBC's strategic approach to complaints handling, and for monitoring the effectiveness of its processes, to ensure that both serve the public interest and reflect best practice.

In line with the GPCC's responsibility for monitoring the effectiveness of complaints handling by BBC management, it is also the specific function of the GPCC to consider appeals against decisions and actions of the Editorial Complaints Unit (ECU) in dealing with serious editorial complaints, where complaints allege:

- that the complainant has suffered unfair treatment in a transmitted item
- that the complainant's privacy has been unjustifiably infringed, either in a programme or item as transmitted, or in the process of making the programme or item, or
- that there has otherwise been a failure adequately to observe the BBC's Editorial Guidelines

In order to give full consideration to an appeal, the GPCC may make any further enquiries of the complainant, or of those responsible for making the programme, which it considers necessary to determine the appeal fairly. The GPCC aims to reach a final decision on an appeal within 12 weeks of receiving the request.

The findings for all appeals are reported each quarter in this bulletin, *Programme Complaints: Appeals to the Governors*. The bulletin is available online at www.bbcgovernors.co.uk.

For a copy of the full remit of the GPCC, please write to:

The Secretary to the Governors' Programme Complaints Committee
BBC
Room 211
35 Marylebone High Street
London
W1U 4AA