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# 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 sub-committee of five members drawn from the full Board of Governors. For a full account of our remit, please see the back page of this bulletin.

# Foreword by the Chairman of the Governors' Programme Complaints Committee

The Governors' Programme Complaints Committee considers appeals from people who have made a serious complaint to BBC management and are not happy with the response they have received. It is important that complainants have this right of appeal, and it means their concerns will be heard by the highest authority in the BBC.

Between January and March 2004, the GPCC came to findings on seven appeals: six concerned matters of fairness and accuracy, and one concerned matters of taste and decency. Of these appeals, two were upheld in full and one in part.

Reviewing the appeals taken in this quarter, it is notable that three of the appeals raised concerns about impartiality. The Charter, which sets out the terms under which the BBC is constituted, requires that programmes should treat controversial subjects with "due accuracy and impartiality". It is the responsibility of the Board of Governors to ensure that the Corporation complies with this requirement.

Over the past 18 months, the full Board has enhanced its oversight of impartiality across the BBC's output. It now receives quarterly reporting on impartiality, and also commissions two independent reviews of editorial output each year to look at the BBC's handling of specific controversial subjects. This is in addition to receiving reporting on the BBC's overall editorial compliance twice a year.

In this context, the role of the GPCC in taking appeals is also important. It allows individuals to raise their concerns about bias with the Governors, where they are not satisfied with the response from BBC management. The Committee will continue to exercise this oversight, and to uphold appeals where it considers that the BBC misjudged its handling of issues. The Committee notifies programme executives, divisional management and the Controller, Editorial Policy of its upheld findings, and requires that the complaint and the finding are taken into account in the framing of future programming.



Sir Robert Smith

Chairman of the Governors' Programme Complaints Committee

# Summary of appeals

## Matters of fairness and accuracy

### **Car Wars**

BBC One, 18 March 2003

The complaint was made by an individual shown in the episode of *Car Wars* on 18 March 2003, who maintained he had not given permission for the footage to be used.

The individual concerned had been filmed being stopped by the police having committed a moving traffic violation. The complainant maintained that, having filmed the incident, the cameraman approached him to ask permission to use the footage. He claimed that he declined permission. Contrary to his wishes, the footage was then used with no attempt to mask his identity or vehicle registration.

In responding, the Head of Programme Complaints explained that he had been faced with a conflict of evidence, as the cameraman maintained that he had got the individual's agreement to use the footage.

In coming to his finding, the Head of Programme Complaints had therefore viewed the untransmitted footage of the incident, including the exchange between the individual concerned and the cameraman. This footage had been taken by a camera mounted inside the police car, so the speech was not audible. The Head of Programme Complaints judged, however, that there was nothing in the complainant's expression or gestures which indicated dissent from what the cameraman was proposing – rather the reverse in fact. The encounter ended with the complainant gesturing towards the police car, as if to indicate that the cameraman should speak to the officer inside. This was followed by footage in which the cameraman said to the policeman: "Can I just get a note of his name and address? He said it was OK to use it."

The Head of Programme Complaints concluded that the untransmitted footage indicated that the cameraman believed the individual concerned had agreed to the use of the material and that, if his intention was to refuse permission, this had not been made clear.

The Head of Programme Complaints also noted that the complainant was filmed in a public place after having committed a traffic violation, which meant that the requirement for permission was debatable.

On this basis, the complaint was not upheld. The Head of Programme Complaints said, however, that he had discussed Mr Martin's complaint with the Executive Producer, Richard Klein, and was sure that he would want to take it into account in the forthcoming repeat of the programme.

The individual concerned later complained that in the repeat of the series the incident had been shown, with inadequate steps taken to mask his identity.

The complainant appealed to the Governors' Programme Complaints Committee.

### *The Committee's decision*

In considering the appeal, the Committee viewed the programme and the untransmitted footage cited by the Head of Programme Complaints, and reviewed the correspondence relating to this appeal.

In coming to its finding, the Committee noted that the *Car Wars* production team had issued explicit instructions to all cameramen involved in the filming to seek the consent of the person being filmed. The Committee also observed that it had been presented with two conflicting accounts of events, and that it was

not possible to identify which was the true account. It took the view, however, that the onus was on the programme to provide evidence of permission, either on film or in writing, in line with its own requirements. In the absence of such proof, the Committee upheld the appeal, and required that this sequence be removed from the programme.

The appeal was upheld.

## **Dan Cruickshank on the Road to Armageddon**

BBC Two, 7 June 2003

In writing to the Head of Programme Complaints, the complainant maintained that this programme had been “a terrible piece of anti-Israeli propaganda”.

In particular, he complained that:

- The programme should not have been shown on the Jewish Sabbath as it was of obvious interest to Jews and the timing prevented “immediate” complaints from Orthodox Jews.
- The presenter, Professor Cruickshank, “used his interest in art and culture to espouse one-sided political attacks on Israelis”. The complainant cited the example of the account of the siege of the Church of the Nativity in Bethlehem, which misinterpreted events. Professor Cruickshank accused Israeli soldiers of “firing on people huddling in fear of their lives”, but made no mention of the “armed terrorists who used this religious monument to shoot at Israeli soldiers”. Nor did he mention the desecration of the inside of the church by the terrorists.
- Without foundation, Professor Cruickshank accused the Israelis of destroying a historic site at Nablus, formerly a 2,000-year-old trading centre of the Arab world.
- The programme ignored the destruction of the ancient Synagogues in the Jewish Quarter of the Old City in Jerusalem by the Jordanians between 1949 and 1967.
- The programme showed no destruction of Muslim holy sites, and yet Professor Cruickshank made repeated comments that careful excavations by Israelis were the “deliberate destruction of Palestinian culture”.
- The presenter made “numerous attempts” to confuse Muslim culture with “Palestinian culture”. The complainant noted that Palestine was not created until after 1918, and therefore references to “1,500 years of continued occupation by Palestinians” were misplaced.
- The presenter made his sympathies to the Palestinian people clear, and had made up his mind which side he supported.
- In his summing up, Professor Cruickshank accused Israel of “obliterating Palestinian history and memory” while, in reality, the opposite was true. The presenter had, in this way, rewritten history by deliberately distorting the facts.

In his finding, the Head of Programme Complaints upheld the complaint in part. In summary, the finding held that:

- The programme concerned the risk that architectural treasures and historic sites could be damaged or destroyed as a result of conflict just beginning in Iraq.
- It was important to distinguish between the desecration of places of worship as a separate issue from the damage or destruction of historically important buildings, regardless of their association with any particular culture, people or religion. In essence, the programme largely concerned the risk to physical structures, and was not about deliberate insults to religious feeling.
- On the matter of scheduling: this matter did not fall within the PCU remit.
- On the sequence about the Church of the Nativity: this provided a factual account of the siege which provided a true reflection of events. However, the script line “the building came under direct fire from the Israeli army” came just before a sequence showing an Israeli tank firing a pyrotechnic which was no more powerful than a firework. This gave the impression that the Israeli army had fired a tank shell at the building, which it had not. This element of the complaint was therefore upheld.

- On Nablus: in assessing the supporting evidence for this sequence, the Head of Programme Complaints cited Israeli government press releases, Israel Defense Forces (IDF) press releases, eye-witness accounts, news reports, two independent investigations by UNESCO and also by an architectural expert, Robert Bevan. He concluded that there was “ample evidence” that the Israeli army caused considerable damage to the ancient centre of Nablus.
- On the Old City of Jerusalem and the “Muslim holy sites”: the programme did not contain any allegation that the Israeli government was destroying “Muslim holy sites”.
- On the references to Muslim culture and Palestinian culture: it was simply factual to state that Palestinians claim the right to the land through 1,500 years of continuous occupation – and there was nothing said about the validity of that claim.
- On the Palestinian driver and headscarf: the BBC seeks to use local drivers wherever it goes, as they know the territory. By and large, Israeli drivers refuse to go to the Palestinian areas, saying they are dangerous. Security experts had also suggested that the journalists and programme makers wear headscarves and, bearing in mind the number of journalists who have been killed working in the West Bank, it seemed sensible to have followed this advice.
- On the 1994 Hebron massacre: the figure of 70 dead was incorrect, and this aspect of the complaint was upheld.
- On Joseph’s Tomb: as Israeli military operations had been continuing until recently in the northern part of the West Bank, it was not unreasonable to assume that revenge was one of the motives for the more recent attacks on the tomb.
- In conclusion, the programme impartially and accurately portrayed the risk to heritage from the continuing violence in the Middle East (apart from the two points mentioned above).

The complainant appealed to the Governors’ Programme Complaints Committee.

#### *The Committee’s decision*

Having watched the programme and reviewed the correspondence relating to this appeal, the Committee also met with members of the programme production team – Basil Comely (Editor, Specialist Factual), Heidi Perry (Producer) and David Vincent (Assistant Producer) – to discuss the issues raised by this appeal.

The Committee was satisfied that, overall, the documentary had been appropriately framed. It was satisfied by assurances from Basil Comely that all commentary and observations by the presenter had been subject to careful discussion, both before and after filming, and that the production team were acutely aware of the sensitivities in approaching this subject area in this region of the world.

In considering the elements of this complaint, the Committee identified three specific instances in which the programme had fallen short of the BBC’s editorial standards:

- The programme failed to provide a clear delineation of the time-frame of reports of damage to historic sites. It thus lacked an explicit rationale for excluding instances of destruction to sites such as the Jewish Quarter prior to 1967.
- Supposition about the land acquisition policies of Israeli settlers fell outside the frame of reference for the programme, and outside the presenter’s field of expertise.
- The presenter’s observation that Palestinian actions at Joseph’s Tomb were “understandable” had given the impression of partiality when contrasted, for example, with comments relating to IDF actions in Nablus.

The Committee upheld these aspects of the complaint.

In exercising due diligence, the Committee identified one further instance in which the programme had fallen short of the BBC’s editorial standards. This instance was not specified by the complainant, but the Committee asked that it be noted in the finding.

The instance concerned Professor Cruickshank's comments following his account of the destruction of a historic site in Nablus. The Committee took the view that, having raised the question of whether Palestinian history had been targeted by the IDF, the programme should have obtained a response to this question from the Israeli authorities.

In its view, these four instances represented individual lapses in judgement, and did not support the complaint that the programme in its totality had been biased against Israel.

The following account outlines the Committee's detailed consideration of this complaint.

### Scheduling

In considering the complaint about the scheduling of the programme, the Committee took the view that the Head of Programme Complaints should have ensured that the complainant received a response to this element of his complaint, rather than simply discounting the issue as falling outside the remit of the Programme Complaints Unit.

In considering the matter of the scheduling, the Committee noted that the BBC had a long tradition of scheduling programmes dealing with controversial religious issues on the Christian Sabbath. It noted further that individuals who were not able to watch on the Jewish Sabbath could record the programme for viewing afterwards.

The Committee recognised the sensitivities concerned in this issue. However it concluded that, on balance, the scheduling of the programme on a Saturday had been acceptable, and that it was unreasonable to expect such decisions necessarily to accommodate the preferences of special interest groups.

### The Church of the Nativity

The Committee then considered the section of the documentary dealing with the siege of the Church of the Nativity.

It questioned the basis on which the presenter had framed his depiction of events. Basil Comely explained that, while at the site, the production team had talked extensively to the clergy, including members of the clergy who had been in the church throughout the siege. He believed that this had provided an account of events with "as objective a point of view as possible".

This research had provided evidence of people huddling in the area indicated by the presenter. The programme team had also discussed with the clergy the issue of the church being used as a latrine, although this was not reflected in the programme. The clergy had found this very disturbing, but recognised that it was not a deliberate act of desecration but happened because of the lack of facilities.

The Committee also considered the complainant's assertion that no mention was made of the armed terrorists who used this religious monument to shoot at Israeli soldiers. It noted references by Professor Cruickshank to "gunmen", innocent civilians and clergy who were inside the church, and his references to the Israeli claim that all the Palestinians inside were armed militants. The Committee noted further that the Israel Defense Forces log of the events across the 37 days made no mention of the Palestinians inside the church, shooting at Israeli soldiers.

The Committee was satisfied that the depiction of events had been appropriately framed and corroborated by the programme's research.

## Nablus

The Committee considered the complaint that the programme had accused the Israelis of destroying a historic site in Nablus, without providing evidence to support that claim.

Basil Comely outlined the basis on which Professor Cruickshank had made his observations about the presence of 16th- or 17th-century buildings including a soap factory and an Arabian merchants' hall on this site. This had included evidence from old maps and photographs; Professor Cruickshank's own observation, as an architectural historian, of the remaining foundations at the site; accounts of local architectural historians; and particularly accounts of a previous UNESCO project to restore the site.

The Committee was satisfied that the presenter's assertions had been appropriately corroborated by the programme's research.

## Jewish Quarter, Jerusalem

The Committee then discussed the basis on which sites were selected for inclusion in the programme, given the complaint that the programme ignored the destruction of the ancient Synagogues in the Jewish Quarter of the Old City in Jerusalem by the Jordanians between 1949 and 1967.

Basil Comely held that the programme looked at events after 1967. He maintained that it had been necessary to condense and simplify the scope of the programme, rather than going into the detail of the acts of destruction on both sides in the period 1949–1967.

The Committee took the view, however, that audiences would have been confused about the period being covered by the programme. It noted that the presentation announcement said the programme would "examine the impact of centuries of conflict on its ancient heritage". The presenter then introduced the programme by talking about the current risk to architectural treasures from the war which had just started in Iraq. In the following description of sites and events, the Committee considered that the programme was unclear about precisely when the variety of events had occurred.

The Committee judged that the programme had failed to provide a clear delineation of the time-frame of reports of damage to historic sites, and thus an explicit rationale for excluding instances of destruction to historical sites prior to 1967. On this basis it upheld this element of the complaint.

## "Deliberate destruction" of Palestinian culture

The Committee then discussed the complaint that Professor Cruickshank made repeated comments that careful excavations by Israelis were "the deliberate destruction of Palestinian culture".

The Committee noted that Professor Cruickshank had not, in fact, used this expression. It went on to review the various observations made about archaeological excavations in the programme.

The Committee discussed the following sequences:

- Professor Cruickshank's reference to the "controversial" decision to dig a tunnel under the Muslim quarter of Jerusalem, at the Western Wall of the Temple Mount, to expose a wall sacred to the Jews.
- The references, at the site of an Islamic palace next to Temple Mount, to excavations which had removed the Islamic layer to reveal remains from the earlier Jewish period. Professor Cruickshank then commented: "So the Islamic memory, history, physical evidence here has been removed ... and this is the problem ... they can't coexist."

The Committee took the view that these instances did not constitute accusations of the deliberate destruction of Palestinian culture.

The Committee went on to discuss the reference to Jewish extremists in the 1980s and 1990s trying to blow up the Dome of the Rock, and the observation that there were still those who wanted to see it obliterated to make way for the rebuilding of King Solomon's Temple. This was followed by an interview with Joe Zias, a Jewish anthropologist. He said it was common for Jewish extremists to attack archaeologists working on historical sites, and that these were attacks made by Orthodox Jews in an attempt to "validate" their existence as a Jew. The Committee considered that these observations had been appropriately corroborated by Joe Zias, who had worked for the Israeli Antiquities Authority for 25 years.

The Committee then discussed Professor Cruickshank's comments following his account of the destruction of the historic site in Nablus. These observations related to IDF actions, and were not encompassed by the complaint about references to archaeological excavations. The Committee considered nevertheless that, in exercising due diligence, these comments should be considered within the allegations concerning "deliberate destruction".

After describing IDF actions in Nablus, Professor Cruickshank asked: "What on earth could be the point of knocking a gigantic hole like this in the heart of an historic city? Unbelievable. Either the Israeli army had been looking for terrorists or it was the historic buildings themselves that were the target, attacked in order to sever the link between the Palestinians and their land." A local historian then reiterated the question of whether the Israeli forces were looking for terrorists or targeting the Palestinian cultural heritage. Professor Cruickshank concluded: "It seemed Palestinian history had been specifically targeted. I needed to get an Israeli response."

The Committee questioned why, having put forward this proposition, the programme did not then include an Israeli response. The production team described its attempts to secure an interview with the IDF and with other Israeli authorities. It noted that the IDF had eventually provided a written response which stated that it could not verify that the damage identified by Professor Cruickshank had taken place. Further strenuous efforts had failed to identify a credible authority to comment on the motivation of the IDF actions in Nablus.

In the absence of a response from the Israelis, Basil Comely held it was legitimate for the programme to pose the question. He observed that, as damage had occurred in Nablus, the viewer was left to decide on the motivation.

The Committee took the view, however, that having raised such a serious proposition, the programme should have obtained an Israeli response. It judged that failure to do so fell short of the BBC's editorial requirements on impartiality.

### **References to Palestinian culture**

The Committee noted the complainant's allegation that the programme confused Muslim with Palestinian culture. It considered that the response by the Head of Programme Complaints had been appropriately framed.

### **Use of Palestinian drivers and wearing headscarves**

The Committee noted the complaint relating to the use of Palestinian drivers, and the wearing of a headscarf by Professor Cruickshank. It considered that the response by the Head of Programme Complaints had been appropriately framed.

It also understood from the production team that Israeli drivers had been employed within Israel, and that the team had worn kippot when advised that this was appropriate at certain sites.

## References to Israeli settlers

The Committee discussed Professor Cruickshank's comments in Hebron that Israeli settlers were "more likely" to throw stones than the Palestinians. Heidi Perry explained that this comment was warranted, given the clear explanation by Professor Cruickshank that the Palestinians residents were under a 24-hour curfew in Hebron.

The Committee was also satisfied that Professor Cruickshank's reference to the settlers on the road to the Monastery of Saint George as "highly aggressive" had been justified. It understood that the men at the roadblock had been intimidating, and it was a fair comment on the situation he faced.

The Committee then considered Professor Cruickshank's observations when driving away from the road block about the Israeli settlers' policy of land acquisition:

"I suppose what's going on is that roadblock has been removed so that settlers, with their army escort, can come down this road, which is essentially a Palestinian road, into the West Bank and sort of claim it. Everything here seems to be to do with, you know, possessing objects by physically claiming things and putting down markers, and I guess when these guys come up and down this road – the Israeli settlers – they will quite simply claim it as their road, and that's the way things go. That's how the land is acquired."

The Committee noted that this comment had been clearly signposted as supposition. It did not consider, however, that such speculation lay within the frame of reference of a programme about historical sites, or within Professor Cruickshank's field of expertise. It concluded that the observation had been inappropriate, and this aspect of the complaint was upheld.

## References to damage to Joseph's Tomb

The Committee considered the complaint that Professor Cruickshank had "justified" the damage to Joseph's Tomb – a holy site to Jews – as the understandable result of Palestinian anger at their treatment by the Israelis.

The Committee noted that Professor Cruickshank said:

"Just three months ago, the tomb itself was the subject for a Palestinian attack, the thirst for revenge outweighing Muslim veneration. Well, this is pretty shocking, isn't it? This is the tomb – the tomb chamber – utterly smashed. Here is the tomb, and evidence of fire, and generally ghastly vandalism. I am amazed by this actually. I understand the anger that can provoke such an attack but ... we are now getting into very serious trouble here. This is now indication of a new turn in this violence. Here we see the full ghastly manifestations of religious warfare really. Certainly the Palestinians feel the intensity of the Israeli attack upon their mosques, their culture, up the road in Nablus. This is a desperate and very sad response. Golly."

In response to the Committee's questions, Basil Comely explained that at this point in the programme Professor Cruickshank was considering for the first time the "tit for tat" element in damage to historical sites. He said the comments also reflected the presenter's emotional response to the destruction of an ancient site, rather than a scripted and considered reflection on the issues concerned.

The Committee concluded, however, that it had been inappropriate for the presenter to evince sympathy in this way and that his comments had given the impression of partiality when contrasted, for example, with comments relating to IDF actions in Nablus. It took the view that this instance had fallen short of the requirements in relation to impartiality, and it upheld this element of the complaint.

## Professor Cruickshank's concluding comments

Finally the Committee considered the complaint that the concluding comments in the programme had accused Israel of "obliterating Palestinian history and memory".

The Committee noted that Professor Cruickshank said:

“Armageddon ... the fear of a sudden and cataclysmic end to the world has haunted mankind for thousands of years. Here I have seen what happens when history is attacked, when history and memory become the target. When one people’s history is obliterated for another version of history to triumph. If history is not respected, all moral restraints vanish. Truth is vanquished. This is the painful modern parable offered by this ancient Holy Land.”

The Committee took the view that this constituted a generalised statement about the risks involved in conflicts where historical artefacts were targeted. It reflected the regret of the programme’s author, as an architectural historian, at the damage occurring in such situations, and was an appropriate conclusion to the programme. This element of the appeal was not upheld.

The appeal was upheld in relation to three specific instances.

## **War coverage**

BBC Radio Five Live, 23 March 2003

The complaint to the Head of Programme Complaints concerned a reference to Israeli policy in the Gaza Strip as “pillage”. The complainant maintained that this reference was propaganda being used in response to Israel’s legitimate self-defence against terrorism.

In his reply, the Head of Programme Complaints outlined the context for the reference to the word “pillaged”. This had occurred during the phone-in section of the programme whose coverage of the war in Iraq embraced the wider political implications for the Middle East. Questions had been posed about the possibility of Iraq striking against Israel, and the way America would react should such a strike prompt a military response. The presenter asked: “...would [the US] try to rein in Israel if it were attacked and went off into some of the refugee camps and pillaged in the way that has been witnessed before?”

The Head of Programme Complaints observed that this was not a direct reference to Israel’s policy in Gaza. He accepted that “pillaged” was not the best choice of words, but judged that this was an acceptable description of previous retaliation by Israel.

He noted that the programme had also included references to such Israeli retaliation coming about in response to a major terrorism attack by the Palestinians. In this way, the programme did allude to the kind of provocation Israel has faced in the past.

The Head of Programme Complaints concluded, on this basis, that the reference did not represent a breach of the guidelines.

The complainant subsequently challenged the finding on the basis of the formal definition of “pillage”, and appealed to the Governors’ Programme Complaints Committee.

### *The Committee’s decision*

In considering this appeal, the Committee listened to the programme concerned and reviewed the correspondence relating to this complaint.

The Committee noted that the formal definition of “pillage” was “to rob (a town or a village) of (booty or spoils) especially during a war”. It considered that the response by the Head of Programme Complaints had been inappropriate, particularly in its acceptance of words being used in their “looser sense”.

The Committee held that the BBC's reputation for accuracy depended in particular on its precise and unambiguous use of language. It regarded the use of the term "pillage" in this context as inappropriate.

The appeal was upheld.

## **Inside Out**

BBC Two (Yorkshire and Lincolnshire), 6 and 13 January 2003

The complaint to the Head of Programme Complaints maintained that reporting in the above programmes about the "boot camp" Casa by the Sea was biased and represented a threat to the safety of British children.

In two short films, *Inside Out* told the story of a mother and daughter, Sarah and Suzie El Madawi. It told how the teenager was so rebellious that her mother was willing to find a draconian solution, which meant sending her to a "boot camp" in Mexico called Casa by the Sea.

In particular, the complainant maintained that:

- Casa by the Sea was one of an integrated group of companies under the umbrella of the World Wide Association of Specialty Programs and Schools (commonly known as WWASP). He went on to detail allegations about a range of inhumane practices, bullying and abuse, including brainwashing, practised at WWASP facilities. In contrast, the overall impression given by the programmes was that, although the regime at Casa was strict, the camp was a "life-enriching therapeutic experience".
- The only allusion to WWASP made in the programme was a brief glimpse at the website, while no reference was made to any of the serious allegations made against either Casa by the Sea or any other WWASP facilities.
- Although this was a "personal view programme", it failed to challenge appropriately the impression given of the conditions in the camp and the treatment of the children, given that the programme makers "knew, or should have known" about the allegations concerning the facility. In particular the complainant was concerned that the teenager, Suzie, might have been brainwashed herself, and so her account should not have been taken at face value.
- Most UK parents would not have been aware of the existence of such a facility, and might have been tempted to use it as a result of the items.

The Head of Programme Complaints did not uphold the complaint on the grounds that:

- The purpose of the programme was to provide an account of one particular case, and the parental dilemma faced by the mother Sarah El Madawi. In summary, this was that she felt her daughter would be lost to her, and would be dragged into homelessness, drugs and even prostitution, unless drastic action were taken.
- The programme left viewers in no doubt about the toughness of the regime at Casa by the Sea, with enforced silence, dreary punishments and relentless schooling and physical punishment.
- The programme producer, Lucy Hester, had been aware of the allegations relating to this type of camp, and she and the crew were on the alert during the period they spent at Casa by the Sea. At the end of five days' filming, she had heard nothing about physical mistreatment perpetrated against the girls. Indeed, she was impressed by the attitude, confidence and niceness of the girls; by the affection between them and the "monitor mothers"; and by the testimonies of parents who attended the certification ceremony.
- It was difficult to refute the allegation that the girl's account could not be relied on because of the brainwashing. The Head of Programme Complaints was, however, satisfied that the producer had not been brainwashed and had given him a balanced account of conditions at Casa by the Sea. This account did not substantiate the concerns raised by the complainant in relation to the facility or the treatment of the girls.

The complainant appealed to the Governors' Programme Complaints Committee.

### *The Committee's decision*

The Committee took the view that the two items had been appropriately framed. It noted that the aim was to reflect the experience of the mother and the daughter, and not to provide a far-reaching investigation of the camp concerned. It considered that the items had given a fair reflection of the child's experiences.

It noted the complainant's concern that the programme had failed to alert other parents viewing the programme to the controversies surrounding such camps. It considered, however, that such information was available on the internet to parents who were taking an active interest in the camp. This had not, therefore, represented a serious breach of the programme's responsibilities.

The appeal was not upheld.

## **Broadcasting House**

BBC Radio 4, Sunday 18 May 2003

The complaint concerned an item in *Broadcasting House* about whether Britain should have more referenda. The complainant held that the item was anti-referendum, featuring four guests who were all against giving "consideration" to further referenda, and breached the BBC Producers' Guidelines on impartiality.

In particular, the complainant maintained that:

- The presenter, Eddie Mair, made selective comments that were implicitly pejorative towards referenda, and failed to bring in examples or arguments to counter the programme's "anti-referendum editorial line".
- The programme did not, for example, refer to a positive example of a referendum held in Milton Keynes about spending on local education, but instead talked in negative terms about a local referendum in Bristol.
- The item also gave a distorted picture of the role of the referendum in the Swiss democracy.
- One guest, Lord Norton, had recognised the programme's anti-referendum bias by saying: "I like how you've organised this programme, in an ascending order of scepticism."

The Head of Programme Complaints did not uphold the complaint on the grounds that the item had encompassed an appropriately wide range of views. The Head of Programme Complaints observed that:

- The item had begun by interviewing a spokesman for the Swiss Refugee Council about the Swiss system. This individual had talked about how the system of referenda could be exploited by political parties looking for support, but then went on to say that he could not imagine Switzerland without its direct democracy.
- This interview was followed by the studio discussion, which began with the speaker Diane Bunion. Ms Bunion talked about her direct experience of a referendum in Bristol, which she had considered a worthwhile exercise.
- A second studio guest, Brian Monteith, maintained it was right that there should be referenda on significant constitutional changes.
- The third guest, John Trickett, had pronounced himself sceptical about referenda on the whole, but thought they were appropriate on major changes "like going into Europe or joining the euro".
- The fourth guest, Lord Norton, was the only guest opposed to all referenda in principle.
- The presenter, Eddie Mair, had concluded the discussion by asking the four guests the referendum-style question: "Should Britain consider the greater use of referenda – yes or no?" Two of the guests (Lord Norton and John Trickett) said "no". The other two also said "no", but prefaced their answers with reservations about the question.

The complainant appealed to the Governors' Programme Complaints Committee. In his letter of appeal, he highlighted his concern about the BBC's pro-EU bias, which was "candidly admitted" by the former BBC

executive Will Wyatt in his recent memoirs. He also maintained that, given “the overwhelming opposition on the part of the democratic majority of British citizens on the questions of the euro and the EU constitution”, the BBC should be prepared to face complaints such as his head-on.

### *The Committee's decision*

Having listened to the item concerned, the Committee took the view that the discussion had been appropriately framed, and had included a range of views about referenda as outlined by the Head of Programme Complaints. In particular it noted that Diane Bunion, former leader of Bristol City Council, had supported the Bristol referendum. In the discussion, she had argued that it had presented an opportunity to ask people for their views. She said it had been politically useful, and she still believed it had been worth doing.

In relation to the framing of questions by the presenter, Eddie Mair, the Committee noted that he had made the following comments in the course of the discussion:

“Taking the constitutional issues, has nothing persuaded you that referenda are a good idea? ... where's the dreadful harm in giving the public a more direct say in the things that affect their lives?... Wouldn't it make politicians listen more to what people wanted? ... for all its imperfections, isn't the very fact that it involves all of us ... isn't that its key selling point, and we should embrace it? ... can you really argue against giving members of the public the right to tell politicians what to do? ... We know that political parties spend time and money on focus groups or opinion polls ... they are very anxious to know what people think ... why don't we get to know the results of more formal referenda to guide our politicians at least to let them know what we want? ...”

The Committee also considered that the presenter had been appropriately robust in challenging contributors who were making points against the principle of referenda. On these grounds, the Committee considered that Eddie Mair had conducted in the discussion in a fair and balanced way.

The Committee took the view that the decision to discuss the referendum in Bristol, rather than the one in Milton Keynes, was editorially justified, and noted that the item on Swiss referenda had been reasonably balanced, and did not agree with the characterisation of the report as grossly distorted.

Finally the Committee recognised that the item had, overall, been organised in “an ascending order of scepticism”, as Lord Norton observed. However it judged that, as the item had included a range of positive and negative views of referenda, this approach could not be said to undermine its impartiality.

The appeal was not upheld.

## **BBC News**

BBC Radio 4, Sunday 22 June 2003

The complaint to the Head of Programme Complaints concerned quotes about the estimates of the number of homosexual clergy in the Church of England by the newsreader and Robert Pigott, Religious Affairs Correspondent.

In introducing the item, the newsreader said:

“There are signs that the Archbishop of Canterbury, Rowan Williams, will resist attempts to reverse the appointment of the new Bishop of Reading, Canon Jeffrey John. Dr Williams seems to have run out of patience with what he sees as double standards in the Church, where many of the clergy are homosexual but are loath to admit it...”

Robert Pigott then stated: “It’s estimated that about a quarter of Anglican clergy are homosexual, although many don’t live with partners.”

The complainant maintained:

- The figure of 25% was totally untrue and had no foundation in fact.
- No source was cited for this figure, and it was not attributed to any particular researcher or organisation.
- The Religious Affairs Correspondent was therefore passing off opinion as fact.

The Head of Programme Complaints did not uphold the complaint on the grounds that:

- There were a number of research sources which estimated that between a half and a third of clergy were homosexual, and authoritative sources who referred to there being “many” homosexual clergy.
- The scripting had also been appropriate given the role of the correspondent not only to report facts, but to use their professional judgement and specialist knowledge to analyse and contextualise events.

The complainant appealed to the Governors’ Programme Complaints Committee.

### *The Committee’s decision*

The Committee noted that it was the role of specialist correspondents such as Robert Pigott to form professional, journalistic judgements on the basis of a wide variety of conversations and contacts in their field of expertise. It was satisfied that Robert Pigott had done this in the case of the estimate of the percentage of gay clergy, and that he had the appropriate authority and expertise to form this judgement.

The Committee observed that the use of the phrase “it is estimated that...” had been overly specific and gave the impression of mathematical analysis underlying the estimate. It concluded that, although this was unfortunate, it did not amount to a serious breach of the BBC’s editorial standards.

The appeal was not upheld.

# Matters of taste and decency

## Byker Grove

BBC One, Tuesday 11 November 2004

The complaint to the Head of Programme Complaints concerned a storyline on *Byker Grove* in which Leanne, a young Byker member, announced that she was pregnant.

The complainant maintained that such subject matter was totally inappropriate for children. He held that the BBC had a duty to ensure that children's programming was suitable, given that parents would not monitor what they were watching. He held further that children were vulnerable and impressionable, and the BBC had a duty in children's programmes to "show it as it should be" rather than "how society is".

The Head of Programme Complaints did not uphold the complaint on the grounds that:

- *Byker Grove* catered for older children, and had a firmly established reputation for contemporary realistic drama with storylines that mirrored the experience of older children and young teenagers.
- *Byker Grove* had a role in exploring issues (in this case, teenage pregnancy) about which this audience needed to be aware. It did this in consultation not only with children and young teenagers, but also with teachers and others who work with children. It acted as a useful springboard for discussion of the kind of issues which children may be facing for the first time. It could not play this valuable role if it did not tackle subjects which were relevant to that audience, or depicted behaviour and situations which teenagers did not recognise.
- The storyline about the relationship between Adam and Leanne was developed in a responsible way, using language that was direct and clear without being unduly explicit.
- In conclusion, he did not share the complainant's view that its treatment of this storyline was unsuitable or inappropriate to be shown on CBBC.

The complainant wrote to dispute the findings of the Head of Programme Complaints, including the observations that:

- The characterisation of Leanne as a responsible adult was not a realistic portrayal of typical teenage mothers.
- General children's television is not the forum for children's education, but for children's entertainment. The attempt to argue otherwise was just a "lame excuse".

The complainant then appealed to the Governors' Programme Complaints Committee.

### *The Committee's decision*

The Committee judged that there were two key issues to be addressed in its consideration of this complaint: whether teenage pregnancy was a proper subject for inclusion in *Byker Grove* and, if it was, whether it had been appropriately and sensitively handled. The Committee considered there was a reasonable expectation that audiences would be following the soap from week to week. It therefore reviewed the episode identified by the complainant in the context of the storyline across the series.

Having viewed the programme, the Committee was briefed on how the story of Leanne's pregnancy was developed through the series, and on social issues previously tackled by *Byker Grove*. It also met with Dorothy Prior (Controller, CBBC) to discuss the issues raised by this complaint.

The Committee noted first the audience profile for *Byker Grove*. It understood that CBBC overall was aimed at children up to 12 years old; that *Byker Grove* was targeted at the older end of the target audience; and that the programme also attracted a significant number of 13 to 15 year olds. As a result, the majority of the audience was aged between 10 and 15, although its audience included the 4 to 9 age group.

The Committee then considered the audience expectations for the series. It observed that there was a long-standing convention that the 5pm slot contained dramas of this sort (with *Grange Hill* running for 27 years prior to *Byker Grove*, which was in its 16th year). The series had an established role in addressing real-life issues in a way that did not patronise the audience, or trivialise the story. Topics covered in previous series had included racism, divorce, crime, joyriding, death and grief, disability, excessive drinking and drugs. The Committee was satisfied that the teenage pregnancy storyline identified by the complainant was in line with the expectations of both the child audience and parents.

The Committee also gave careful consideration to the educative role of the BBC in children's dramas such as *Byker Grove*. Dorothy Prior highlighted the following points:

- CBBC had a long tradition of tackling challenging and difficult issues through its drama and factual output in the most responsible and sensitive way possible. CBBC tried never to deal with controversial issues in a gratuitous way and, in the case of its dramas, strove to embed issues in convincing storylines.
- The BBC was probably the most experienced broadcaster in the world when it came to dealing with sensitive and controversial subject areas. In addition to being able to draw on its own knowledge and expertise, it had long-standing relationships with external bodies from which it could seek advice on any subject at any time.
- CBBC dramas aimed to make it clear that actions have consequences; that ethical behaviour and values matter; and that even children have responsibilities to their friends, family and society.
- In the case of the *Byker Grove* storyline under scrutiny, the team worked with the Ashlands Referral Unit, part of the Education Service in Newcastle, which looks after pregnant girls aged 12 years and over. The Unit's Co-ordinator, Barbara Peacock MBE, had testified to the fact that the production team had amended the storyline on the Unit's advice, to make it even more relevant and honest to the situation being portrayed. She was also of the view that the programme's message of practising safe sex was in line with Government targets to reduce the rate of teenage pregnancy.
- When addressing issues such as teenage pregnancy, the programme team worked closely with CBBC's On Air team to identify key story points where they could offer support. In this case, CBBC's On Air presenters gave out the helpline details at the end of the programme. In a couple of instances, the On Air team also carefully scripted specific introductions which reflected the nature of the forthcoming storyline. These were never as strong as "warnings" (which would be inappropriate for CBBC output) but served to alert viewers that what was to follow would have an impact.

The Committee was satisfied that CBBC fulfilled an important role in tackling serious, contemporary issues within its children's output in a responsible way. It recognised, in particular, the significant problem of teenage pregnancies in the UK, and that the drama framed in *Byker Grove* was appropriate as one way to address that issue.

Finally the Committee reviewed the framing of the storyline concerning Adam (the father) and Leanne (the mother). It noted that in real life and in the drama both were aged 16 (not 14 as suggested by the complainant).

The Committee understood that the episode identified by the complainant was the sixth programme featuring the pregnancy storyline. This episode included a scene where Adam was rehearsing for the amateur dramatic production of *Geordie Grease*, and (in the script) was confronted by his girlfriend announcing she was pregnant. Adam then saw the parallels between the script and his real-life situation, and panicked.

The Committee understood therefore that the episode identified by the complainant had not shown Leanne announcing she was pregnant, but represented a development of the ongoing storyline. Previous episodes had included:

- Leanne being deeply distressed on discovering she was pregnant, and telling Adam he was the father
- Leanne's trepidation at telling her parents, and her parents' furious and unsympathetic reaction to the news
- Adam's difficulty in accepting the situation and coming to terms with his responsibilities

- The problems the pregnancy caused in Leanne’s education – and her fears about the impact of having a baby on her education and social life

The Committee noted further that in the following episodes Adam was shown accepting his responsibility for the pregnancy and the baby, although the relationship with Leanne ultimately failed (which, according to the programme makers, reflected the vast majority of real-life situations).

On the basis of its considerations, the Committee came to the following conclusions on the specific issues raised in this complaint:

- That the subject of teenage pregnancy, though controversial, was an appropriate topic for *Byker Grove* to address. It also considered that the approach taken had been sensitive and responsible. In particular, the Committee was satisfied that there had been a clear and appropriate reflection of the many consequences resulting from Leanne’s pregnancy.
- The Committee did not consider that there was any evidence that the programme makers concerned were trying to “make a name” for themselves. The Committee accepted that there was a role for BBC children’s drama in tackling such controversial social and ethical issues, and that this instance built on the department’s established track record in doing just that.
- The Committee did not accept that *Byker Grove* had “normalised” sexual behaviour among young people. On the contrary, it took the view that the series had shown the many painful and distressing consequences of the pregnancy.
- In relation to the complainant’s assertion that the BBC should show society “as it should be”, the Committee noted that the BBC Producers’ Guidelines require that producers should “beware the danger of depicting a society that does not exist. The BBC is not in the business of social engineering.” The Committee took the view that the programme had properly observed this guideline.
- In relation to the complainant’s view that “the role of education in these matters is not that of the BBC during children’s general programming”, the Committee judged that BBC drama of this sort did indeed have a clear role in educating children and young people.

The appeal was not upheld.

# Remit of the Governors' Programme Complaints Committee

The Governors' Programme Complaints Committee (GPCC) consists of five Governors of the BBC, to whom the full Board of Governors have delegated responsibility 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.

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 is responsible 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 Programme Complaints Unit (PCU) or of the Directors of BBC Divisions 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 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* is also available on the BBC website at [www.bbc.co.uk/info](http://www.bbc.co.uk/info).

For a copy of the full remit of the GPCC or for copies of *Programme Complaints: Appeals to the Governors*, please write to:

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